

Planning

Investment and Regeneration Service
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RECORDED DELIVERY

Paul Ibberson,
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The Towers, 237, Wakefield Road
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HD8 0DH

Date: 19-Jun-2018
Our Ref: 2018/N /91694/E

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015
APPLICATION NO: 2018/N /91694/E
DEVELOPMENT: PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL
BUILDING
LOWER CHATTS FARM, 155, CLIFF HOLLINS LANE, EAST BIERLEY, BD12 7ET**

I refer to your submission of details relating to the above development.
The proposal as submitted is not acceptable to the Council, and approval of details of the works is formally withheld.

The reason for this is:

1. Part of the proposed agricultural building would be within 25 metres of a metalled part of a classified road, the C547, Cliff Hollins Lane, as defined by sub-paragraph (h) of paragraph A.1 of Part 6 of the General Permitted Development Order 2015 (amended 2018). As such the proposals would not benefit from the permitted development rights of the said order and a full application would be required.

NOTE: it is brought to the attention of the applicant that no assessment has been made in the application as to the requirement of the building for agricultural purposes. The applicant should refer to the Council's validation requirements for agricultural buildings (Section A33) before re-submitting a full application for the proposed development.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-checklist-guidance.pdf>

Plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan/site plan.	1828 A(10)-02	1	24/05/18
Grouped plans and elevations.	1828 A(10)-01	1	24/05/18

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application.

No discussions were necessary with the applicant or Agent during the course of the application.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

If you are aggrieved by the decision of the Local Planning Authority to withhold approval of details for the proposed development, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. Further information on the Planning Appeal process can be found online at the Planning Inspectorate's website <https://www.gov.uk/government/organisations/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully



Simon Taylor
Head of Strategic Investment