



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2018/62/91839/W**

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**To:** Russell Earnshaw,  
A+DP Architecture & Design Ltd  
The Old Police Station  
16, Bridge Lane  
Holmfirth  
HD9 7AN

**For:** C Duncan

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

ERECTION OF AGRICULTURAL BUILDING (WITHIN A CONSERVATION AREA)

**At:** LAND ADJ, 5, MAG BRIDGE, HONLEY, HOLMFIRTH, HD9 6NA

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**In accordance with the plan(s) and applications submitted to the Council on 05-Jun-2018, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy PLP24 (as modified) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. In accordance with the details shown on plan ref. '18055D – 01 P02', the hereby approved building shall be faced in powder coated profile steel sheet wall cladding, coloured RAL 8016, or similar, and powder coated profile steel sheet roof cladding, coloured RAL 8008, or similar.

**Reason:** To ensure an appropriate appearance for the rural setting, in the interest of visual amenity and maintaining the character of the Green Belt, to comply with Policies PLP24 (as modified) and PLP54 (as modified) of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

4. The hereby approved development shall be completed in accordance with the recommendations provided within the submitted Flood Risk Assessment. For the avoidance of doubt, this includes the proposed building erected upon a plinth, as shown on plan ref. '18055D – 01 P02'.

**Reason:** To mitigate the flood risk associated with the development, in the interest of appropriate flood management, to comply with Policy PLP27 (as modified) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Within two months of the hereby approved building being brought into use, the storage container currently positioned to the immediate west of the approved building, and adjacent to the access from Whitegate road, shall be removed from the site and the area returned to its previous state.

**Reason:** In the interest of enhancing the visual amenity of the area and preserving the openness and character of the Green Belt, through consolidating the equipment on site within the approved building, to comply with the aims and objectives of Policies PLP24 (as modified) and PLP54 (as modified) of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

6. The hereby approved development shall not be used for the accommodation of livestock, except in the following circumstances;

- that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
- in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

**Reason:** In the interest of preserving the residential amenity of neighbouring dwellings, as the building is within 30m of a neighbouring dwelling and no noise or odour mitigation measures have been provided, so as to comply with Policies PLP24 (as modified) and PLP52 (as modified) of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. The hereby approved development shall not be used for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

**Reason:** In the interest of preserving the residential amenity of neighbouring dwellings, as the building is within 30m of a neighbouring dwelling and no noise or odour mitigation measures have been provided, so as to comply with Policies PLP24 (as modified) and PLP52 (as modified) of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

**Note from the Environment Agency:** The applicant/occupants should phone Floodline on 0345 988 1188 to register for Floodline Warnings Direct. It is a free service that provides flood warnings direct by telephone, mobile, fax or pager. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Grouped Plans and Elevations	18055D – 01	P02	12.03.2019
Supporting Information	Design and Access Statement		05.06.2018
Supporting Information	Flood Risk Assessment		05.06.2018

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers sought clarification on the use of the building to ensure it was for appropriate agricultural use. This was provided.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

#### **Development within a Coal Mining Area**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as modified), or 6 months in any other case.
- 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://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

**Please note, only the applicant possesses the right of appeal.**

### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 26-Mar-2019

**Signed:**



**Karl Battersby**  
**Strategic Director Economy and Infrastructure**

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2018/62/91839/W .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93, Civic Centre III  
Off Market Street, Huddersfield  
HD1 2JR

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