



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/92422/E

To: James Whipp,
Martin Walsh Architectural
Firth Buildings
99-103 Leeds Road
Dewsbury
WF12 7BU

For: Stephen Wordsworth

**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 AND DEMOLITION OF EXISTING
BUILDING**

At: POG HALL FARM, PENISTONE ROAD, HIGH FLATTS, HUDDERSFIELD,
HD8 8XU

**In accordance with the plan(s) and applications submitted to the Council on 22-
Jul-2019, subject to the condition(s) specified hereunder:-**

1. The permission hereby granted shall expire on 23rd November 2024 (4 years from date of permission). On expiry of this period the agricultural building and all associated development shall be removed and the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme of works shall not be implemented until the Local Planning Authority has given its written approval. Works comprising the approved scheme shall be completed within six months of the date of the written approval.

Reason: The building is for a fledgling agricultural business and so a temporary permission is required in order for the applicant to demonstrate, to the local authority's satisfaction, that the agricultural business is viable and the need for the building can be demonstrated. A building of this scale would not normally be considered to be acceptable for a permanent period within the Green Belt, without it being genuinely required in connection with an agricultural enterprise and that the need has been demonstrated. This is in accordance with Policy LP54 of the Kirklees Local Plan and government guidance contained within Chapters 5, 6, 12 and 13 of the National Planning Policy Framework.

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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP10, LP21, LP24, LP32, LP52, LP53 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted information, the external walls of the building hereby approved shall be concrete blocks and olive green coloured powder coated steel sheets. The building shall be thereafter retained as such for the temporary period set out in condition 1.

Reason: In the interest of visual amenity and to protect the character of the Green Belt in accordance with Policies LP24 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. Notwithstanding the submitted information, the external roofing material of the building hereby approved shall be cement fibre sheets (grey colour). The building shall be thereafter retained as such, for the temporary period set out in condition 1.

Reason: In the interest of visual amenity and to protect the character of the Green Belt in accordance with Policies LP24 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The building hereby approved shall be for agricultural use only as defined by section 336 of the Town and Country Planning Act 1990 and retained as such thereafter for the temporary period set out in condition 1.

Reason: In order to retain the building in agricultural use, in the interests of the rural economy and the viability of the farm and to protect the openness of the Green Belt in accordance with Policy LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and,

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

7. Prior to the development being first brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

8. Before the installation of any external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:-

- a) The proposed hours of operation of the lighting
- a) The location and specification of all of the luminaires
- b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- c) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In order to control impact of light pollution on nearby residential properties and the openness and character of the Green Belt. In accordance with Policies LP24 and LP52 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework

9. Prior to the building being first brought into use the landscaping scheme shown in figure 7 of the landscape and visual appraisal document (June 2020) shall be planted and thereafter maintained together with the landscape mitigation measures (shown in the same diagram), for the lifetime of the development.

Reason: In the interests of visual amenity and the openness and character of the Green Belt. In accordance with Policies LP24, LP32 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone.

NOTE: Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours, Mondays to Fridays,

08.00 to 13.00 hours, Saturdays,

With no noisy activities on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 0001 rev P1		22.7.2019
Existing site plan	Dwg no. 0005 rev P1		22.7.2019
Proposed site plan	Dwg no. 0002 –S2_ rev P2		18.06.2020
Proposed plans and elevations	Dwg no. 0003_S2 rev P3		18.06.2020
Design & Access Statement	Doc name: SWCB- MWA-XX-XX-RP-A- 0001		22.7.2019
Letter from land agent dated 18.9.2019			19.9.2019
Plan of additional land – Cumberworth Lane	Dwg no. 0006 rev P1		05.11.2019
Plan of additional land – Denby Lane	Dwg no. 0007 rev P1		05.11.2019
Notes to accompany the application from the agent			21.1.2020
Supplementary information: Coal Mining risk assessment: (Haigh Huddleston & Associates, 10 July 2020).			13.07.2020
Supplementary information: Landscape and visual appraisal by Pegasus Group dated June 2020	Job no. P20-1084		18.06.2020
Supplementary information : Feed requirement details			18.06.2020

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 Authority has, 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. During assessment of the application negotiations have taken place to reduce the scale of the building and additional supporting information has been submitted together with a coal mining risk assessment.

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. Alternatively the forms and supporting guidance for submitting an application can be found online at 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 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:

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 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 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 amended), 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 so that we can work on continually improving our customer service. Thank you.

Dated: 24-Nov-2020

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2019/62/92422/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

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

E-mail: dc.admin@kirklees.gov.uk

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