

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning (General Permitted Development) (England)  
Order 2015 - Schedule 2, Part 6**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -  
NOTIFICATION OF AGRICULTURAL DEVELOPMENT**

|                      |                                                                     |
|----------------------|---------------------------------------------------------------------|
| Reference no.        | <b>2020/N /94215/W</b>                                              |
| Site Address         | <b>Crowther Laithe Farm, Marsden,<br/>Huddersfield, HD7 6JG</b>     |
| Description          | <b>Prior notification for erection of<br/>agricultural building</b> |
| Recommending Officer | <b>Laura Yeadon</b>                                                 |

**DECISION – PRIOR APPROVAL GRANTED**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Kevin Walton

***AUTHORISED OFFICER***

**Date: 01-Apr-2021**

## **Officer Report**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f94215>

### **Site Description**

Crowther Laithe Farm is a cluster of farm buildings which comprises a farm house, outbuilding, agricultural building and menage. The site is accessed from a private access off Carrs Road in Marsden.

### **Description of Proposal**

The buildings footprint would be 30 metres in length and 9 metres in depth with a height to eaves of 4 metres and an overall height of 6 metres to the ridge of the pitched roof.

It is proposed that the walls would be constructed from juniper green PVC coated steel sheets upon a 1.2 metre concrete blockwork wall.

It is proposed that the building would be located to the south of 1-3 Crowther Cottages.

The application form states that the building is to be used for:

*“A barn for storing farm equipment, machinery, animal fodder and forestry equipment.”*

Additional information has been provided by the applicant that confirms that the barn would also be used for lambing.

### **History of negotiations/amendments received**

Confirmation has been sought in terms of the size of the holding and the applicant has confirmed that the farm is approximately 26 acres with the individual field where the barn would be located being 7 acres. A Supporting Statement confirms this. Proposed elevations were also submitted. In addition, information in relation to how the farm operates has been sought.

### **Relevant Planning History**

2018/90095 Formation of riding arena  
*Withdrawn*

2014/91459 Variation of condition 5 (replacement doors and windows) on previous permission 2013.92769 for change of use and alterations from disused barn to residential dwelling  
*Withdrawn*

2013/92769 Change of use and alterations from disused barn to residential dwelling

*Conditional Full Permission*

2001/93774 Erection of extension and alterations to convert existing outbuilding to flat for ancillary accommodation

*Conditional Full Permission*

2000/92016 Agricultural notification for the prior approval of details for erection of agricultural building

*Details approved*

### **Procedural Matters and Policy Context**

The above described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015, Schedule 2, Part 6, Class A permits the following development:

**A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in an area of-**

- (a) works for the erection, extension or alteration of a building; or**
- (b) any excavation or engineering operations,**

**which are reasonably necessary for the purposes of agriculture within that unit**

A.1 outlines when development is not permitted.

- (a) The development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

**Pass:** The development would be located within a parcel of land of 7 acres (2.8 hectares with the site ownership being 26 acres (10.5 hectares)

- (b) It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A (a) begins;

**Pass:** None of the above have taken place

- (c) It would consist of, or include, the erection, extension or alteration of a dwelling;

**Pass:** No works are proposed to the dwelling

- (d) It would involve the provision of a building, structure or works not designed for agricultural purposes;

**Pass:** The building would be used for storing arm equipment, machinery, animal fodder and forestry equipment

- (e) The ground area which would be covered by –
- (i) Any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
  - (ii) Any building erected or extended or altered by virtue of Class A would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part

**Pass:** The footprint of the building would be 270 square metres

- (f) The height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

**Pass:** The building would not be within 3 kilometres of an aerodrome

- (g) The height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

**Pass:** The overall height of the building would be 6 metres

- (h) Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

**Pass:** The development would be within 25 metres of a metalled part of a trunk road or classified road

- (i) It would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

**Fail:** The building would be located within 400 metres of a protected building however additional information has been received that indicates the building would be used for lambing. Whilst the building may be principally designed for storage of equipment it is designed for a temporary use for lambing. While condition A.2 precludes the building being used for the keeping of livestock once erected within 400m of a protected building unless it is to be used for emergency accommodation, this exception does not apply in para A.1(i).

- (j) It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

**Pass:** N/A

- (k) Any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system –

- (i) Would be used for the storing waste not produced by that boiler or system or for storing fuel not produced on land within that unit; or
- (ii) Is or would be within 400 metres of the curtilage of a protected building

**Pass:** The building is not proposed for the storing of fuel or waste

As such, the proposals comply with Class A of Part 6 of Schedule 2 of the General Permitted Development Order and as such is permitted development.

### **Assessment**

Paragraph (2) of class A requires the developer to apply in writing to the local planning authority for a determination as to whether the prior approval is required for siting, design and the external appearance of the building. As part of the assessment the local authority should determine whether or not the proposals comply with requirements and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 6, Class A.

Additional information has been received with regards to the operation of the unit at the request of the Local Planning Authority. This information explains that the 10 acres of land is forestry, 10 acres of land is grazing land and 6 acres of grazing land is for sheep. The information confirms that the barn is required for somewhere for the sheep to go during lambing and somewhere secure to store the farm equipment.

Given the above it is considered that a building is reasonably necessary for agriculture and forestry on that unit. The proposal would comply with the restrictions in Class A of Part 6 of the GDPO and as such would benefit from permitted development rights. However, it should be noted that the building is not permitted if it is to be used for the keeping of livestock whether temporary or not and also may not be reasonably necessary solely for agricultural purposes if forestry equipment is also being stored without the benefit of prior approval under Class E of Part 6.

An informal footnote is proposed to explain the building being built for the purposes of storing livestock and a mixed use for agriculture and forestry may not be able to take advantage of Class A of Part 6.

### **Siting, design and external appearance**

The main criteria to assess are the siting, design and external appearance of the building under sub paragraph 2 (i). As part of the application process, it was requested that external elevations were submitted.

#### **Siting**

The siting of the proposed building would be to the west of the existing farm house and to the south of Crowther Cottages. Due to the topography of the site and its surroundings the building would be visible from public vantage points. Notwithstanding this, a building for agricultural purposes is appropriate development within the Green Belt and therefore the harm to the openness from siting should not be afforded significant weight in the determination of the application.

### Design and appearance

With regard to the design, the building would be constructed from Juniper Green panels set upon a 1.2 metre blockwork wall with the roof being the same material. The building's footprint is to measure 30 metres x 9 metres with an eaves height of 4 metres and overall height of 6 metres. This is considered to be acceptable with regard to the appearance of an agricultural building and therefore considered to be acceptable.

### **Representations**

None received

### **RECOMMENDATION**

**Details approved**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2020/91661

I refer to your submission of details relative to agricultural development as described above.

I refer to your submission of details relative to agricultural development as described above. The proposal as submitted is acceptable and, subject to all works being carried out in accordance with the description contained in the notification, the Council will not require the submission of further details. Prior approval is therefore granted..

I would draw your attention to the provisions of Schedule 2, Part 6, of the General Permitted Development Order as amended, which requires that any works notified to the Council under these provisions must be carried out within a period of 5 years from the date on which the Local Planning Authority were notified. As such, the development proposed must be completed before 10<sup>th</sup> December 2025. Failing this, if you intend to carry out the works after this date, further notification will be required.

### **NOTE:**

Please note that a determination whether or not prior approval is required from the Local Planning Authority does not in any way confirm that the proposed building benefits from a permitted development granted by virtue of Article 3(1) and Class, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

In this case it was submitted that the building is to be used for the storage of farming and forestry equipment which would bring into question whether the building is reasonably necessary for agriculture alone. It was also submitted

that the building was to be used for lambing which would be contrary to paragraph A.1(i) of Part 6.

Under these circumstances full planning permission would likely be required from the Local Planning Authority for the erection of a mixed agriculture/forestry building.

Plans and specifications schedule:-

| <b>Plan Type</b>    | <b>Reference</b> | <b>Version</b> | <b>Date Received</b>          |
|---------------------|------------------|----------------|-------------------------------|
| Location plan       |                  |                | 8 <sup>th</sup> December 2020 |
| Site plan           |                  |                | 8 <sup>th</sup> December 2020 |
| Proposed block plan |                  |                | 8 <sup>th</sup> December 2020 |
| Proposed floor plan |                  |                | 8 <sup>th</sup> December 2020 |
| Email               |                  |                | 9 <sup>th</sup> March 2021    |
| Email               |                  |                | 11 <sup>th</sup> March 2021   |

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 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. The applicant was contacted and as requested, further information has been submitted which was considered as part of the application file.

**Report Dated:** 30<sup>th</sup> March 2021