

**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.	2020/N /94413/E
Site Address	Land adjacent to Pumping Station, Grove Farm, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PJ
Description	Prior notification for erection of agricultural building
Recommending Officer	Josh Kwok

DECISION – PRIOR APPROVAL NOT REQUIRED

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.

Paul Dowd

AUTHORISED OFFICER

Date: 02-Feb-2021

Officer Report

Site Description

The application site comprises three parcels of land, a farm track, and few buildings, bounded to the north by Range Dike, to the west by North Spring Wood and to the south by Storthes Hall Lane. It is partly screened from Storthes Hall Lane by a line of mature, protected trees and dry-stone walls. The vehicle access is on Storthes Hall Lane.

This section of Storthes Hall Lane is rural in character, comprising a mix of undeveloped green fields and a few farmhouses. The building density increases gradually towards to the junction of Storthes Hall Lane and Penistone Road. All buildings and land adjacent are washed over by the Green Belt. On the opposite side of Storthes Hall Lane is private residence known as The Mansion Storthes Hall, which is a Grade II listed building.

Description of Proposal

Prior notification is submitted under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the erection of an agricultural building. Details of this development are set out as follows.

- 31.8m wide x 18.4m deep x 7.3m high
- Facing materials to be masonry blocks, steel profile cladding and timber cladding
- Roofing materials to be fibre cement with Perspex rood lights

History of negotiations/amendments received

No further details or amendments were sought on this occasion.

Relevant Planning History

2017/93137 – Prior notification for erection of agricultural building (land at Storthes Hall Lane, Kirkburton) – Invalid

Representations

No publicity was required in this instance, as prior approval is not considered necessary for the reasons set out in this report.

Consultation Responses

No consultations were required for this application.

Procedural Matters and Policy Context

The above described proposal is 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 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 site is part of a parcel in excess of 1 hectare.
(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 listed has taken place.
(c) It would consist of, or include, the erection, extension or alteration of a dwelling;	Pass: No works are proposed to a dwelling.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	Pass: The proposed building would be for the storage of agricultural machinery, grass seed, fertilisers, sprays, hay bales, forage, and bagged animal feed. The design and internal layout of this building would be appropriate for agricultural purposes.
(e) The ground area 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 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;	Pass: No development has been undertaken pursuant to Part 6 of Schedule 2 of the GPDO. The footprint of the building concerned is less than 1000 square

	metres. It is not intended for accommodating livestock or any plant and machinery arising from engineering operations.
(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 building would be 7.3 metres in height.
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	Pass: the site would be beyond 25 metres of a classified or trunk 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;	Pass: the building is not within 400 metres of a protected building.
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	Pass: Not applicable.
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building.	Pass: It is not proposed that the building will be used for the storage of waste for either. Nonetheless, the building is not within 400m of a protected building.

Assessment

Paragraph (2) of Class A.2 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 Planning Authority should determine whether or not the proposal complies with the requirements and conditions of the Town

and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2. Part 6, Class A.

The GPDO states that the building must be reasonably necessary for the purposes of agriculture with the “unit”. In this case, whilst it is appreciated that a similar application was invalidated in 2017, the planning statement of the current application provides enough evidence to demonstrate that the building concerned relates to an existing farming business that is registered with the Rural Payment Agency. In addition, the applicant has a County Parish Holding number, which again implies that the site in question is registered with the relevant authority for keeping livestock.

As well as this, the planning statement shows the site is currently used for grazing beef cattle alongside a donkey and pony. There are also plans to expand the existing farming business through additional purchases of livestock. Based on the submitted information and taking account of the changes to Part 6 of Schedule 2 of the GPDO that have come into effect in 2018, officers are satisfied the building concerned has a strong connection with the existing agricultural unit that it could be permitted under Part 6, subject to it being reasonably necessary for the purposes of agriculture with this unit.

The site comprises 14.2 hectares of land; 12.1 hectares of which are agricultural grazing land and the remaining are mature woodland. The planning statement provides a list of agricultural machinery deemed necessary for the operation of the existing farming business. The total amount of secure storage space required are 335.1 square metres. Besides, the applicant seeks additional space for storing animal feed, which is to be provided by the lean-to section of the building concerned.

Noting the size of the application site and the information provided in the planning statement, it is considered that the applicant has provided enough evidence to demonstrate the new building is reasonably necessary for the purposes of agriculture with the existing agricultural unit. In this respect, the building falls to be considered permitted development under Class A of Part 6 of Schedule 2 of the GPDO, insofar as it is of an appropriate design, external appearance and siting.

Siting, design and external appearance

Given that the proposals are considered to benefit from permitted development rights, Class A of Part 6 of the GDPO, requires the Local Planning Authority to further assess the proposals in relation to the conditions of Part 6. As noted above, the main criteria to assess are the siting, design and external appearance of the building under A.2(i).

Siting

The building concerned is substantial in size and, given the openness of its immediate surroundings, is likely to attract a degree of prominence when viewed against the backdrop of the open countryside. However, the building is to be set on land that appears to be previously occupied by buildings or structures and served by an existing farm track. In this respect, its siting would reduce the need of any additional hardstanding areas on land, which is currently undeveloped, used for grazing of livestock.

The building would be recessed considerably from Storthes Hall Lane. Furthermore, due to the natural terrain and boundary treatments of the site, it would not appear overly dominating in the local street-scene. The fact this building is to be surrounded by open green fields would allow it to be read as an integral part of the existing farming business that is appropriate development in the Green Belt.

The siting of the proposed agricultural building is, therefore, considered acceptable.

Design and External Appearance

Whilst the building would be relatively high at 7.3 metres, this is to provide enough headroom for the storage of agricultural machinery and hay bales, which are to be stacked. The functional design including the two roller shutters to the front of this building would be suitable for this purpose. Accordingly, there are no issues in terms of the design of this building.

The building would be made of masonry blocks, steel profile and timber cladding, and fibre cement. These materials are widely used in the construction of agricultural buildings. They would give this building an appearance that would be in-keeping with the prevailing rural agricultural character of its immediate surroundings. Furthermore, the use of juniper green colour cladding would help reduce the visual contrast between the new building and the adjacent fields, thus would make it less prominent when viewed with the natural landscape. For these reasons, the design and external appearance of this development are appropriate.

Representations

No representations have been received.

Conclusion

It is concluded that the proposal complies with the provision of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended).

RECOMMENDATION – Approval of Details

Decision Authorisation – Delegated Powers

Application number – 2020/94413

I refer your submission for 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 not, therefore, required and the works described may be carried out.

I would draw your attention to the provisions of Schedule 2, Part 6, of the General Permitted Development (England) Order 2015 (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 2nd February 2026. Failing this, if you intend to carry out the works after this date, further notification will be required.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application Form	-	-	30-Dec-2020
Location Plan and Block Plan	200-02	-	30-Dec-2020
Proposed Plans and Elevations	200-01	-	30-Dec-2020
Agricultural and Planning Statement		-	30-Dec-2020

Report 02-Feb-2021 **Dated:**