



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/92279/E

To: Bradley Stankler,
Bradley Stankler Planning
Hilltop
Grange Court
Leeds
LS17 7TX

For: E Tipler

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

**SITING OF STATIC CARAVAN FOR AGRICULTURAL WORKER AND
LIVESTOCK BUILDING FOR TEMPORARY 3 YEAR PERIOD**

At: UPPER LANGLEY FARM FORMER, LANGLEY LANE, CLAYTON WEST,
HUDDERSFIELD, HD8 9HY

In accordance with the plan(s) and applications submitted to the Council on 11-Jun-2021. The reasons for the Council's decision to refuse permission for the development are:

1. The application site is located upon land designated as Green Belt on the Kirklees Local Plan, within which development is severely restricted. The applicant has failed to demonstrate that there is the agricultural need for the temporary siting of the static caravan. The proposed temporary siting of the static caravan is clearly contrary to the purposes of granting a temporary permission and the purposes of Kirklees Local Plan Policy LP55. As such, the proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances that would justify allowing the proposal contrary to Green Belt policy. As such, the application fails to comply with the aims of Policies LP24 and LP55 of the Kirklees Local Plan as well as the aims of Chapters 12 and 13 of the National Planning Policy Framework and would result in significant harm to the openness of the Green Belt and its rural character.

2. The proposed agricultural building, by virtue of the design, fails to respect the rural character of the Green Belt setting and does not constitute good design. The building

would therefore materially detract from the Green Belt setting and character of the area. To permit such development would be contrary to Kirklees Local Plan Policies LP24 and LP54 as well as Chapter 12 of the National Planning Policy Framework.

3. The proposed intensification of the Public Right of Way, without any improvement, would not represent suitable access for vehicles nor ensure safe usage for pedestrians. Furthermore, due to insufficient information regarding the structure of the beck crossing, there is an unacceptable risk that an intensification of use could see the structure fail within the three-year period. For these reasons, to permit such development would be contrary to Kirklees Local Plan Policies LP21 and LP22 as well as Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plan General	3020-004 – 1-5000	1	11/06/2021
Grouped Plans and Elevations	3020-110 – agricultural building	1	11/06/2021
Grouped Plans and Elevations	3020-11 - caravan	1	11/06/2021
Location Plan	3020-005	1	11/06/2021
Proposed Site / Block Plan	3020-101	1	11/06/2021
Design and Access Statement	3020 (dated May 2020)	1	11/06/2021
Ecological / Biodiversity Statement	FE18/PEA01	1	11/06/2021

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 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.

Under application 2018/94162 extensive discussion took place between the Authority and the applicant/agent. This included a meeting, a joint site visit and consultation with an agricultural consultant.

The scheme now submitted still raised significant concerns in terms of the principle of development in the Green Belt. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authority's and agents/applicants, this is only within the scope of the application under consideration. As the issues go to the heart of the application and relates to the principle of development, and, considering the extensive negotiations/discussions on application 2018/94162, officers and the agent agreed that negotiations on this application would not be beneficial, and that the application should be progressed to a decision.

Notwithstanding the above, the agent was contacted just to clarify whether they are seeking permanent or temporary permission for the siting of the livestock building as that matter was unclear in the submitted documents. The agent stated that they wished for the livestock building to be proposed for a temporary three-year permission alongside the static caravan.

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

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 refuse permission for the proposed development 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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: 03-Dec-2021

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 and view existing planning applications and decisions' and by searching for application number 2021/62/92279/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
