



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92273/W

To: Paul Briggs,
Northern Design Partnership
The Chapel
Mill Moor Road
Meltham
Holmfirth
HD9 5JU

For: Nulli Secundus Developments Ltd

**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:-**

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2020/92495
FOR CONVERSION OF AGRICULTURAL BUILDINGS TO FORM 5
DWELLINGS WITH ASSOCIATED WORKS

At: ABINGER FARM, SCHOLES MOOR ROAD, SCHOLES, HOLMFIRTH, HD9
1RU

**In accordance with the plan(s) and applications submitted to the Council on
05-Jul-2022 [together with those plans and application(s) submitted to the Council
on 03-Aug-2020 and incorporated into planning permission ref no.
2020/62/92495/W granted on 27-Nov-2020] and subject to the condition(s)
specified hereunder:-**

1. 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, to protect the openness and character of the Green Belt and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51 LP57, LP58, and LP60 of the Kirklees Local Plan, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Principles 2, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17 and 19 of the Council's adopted Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework.

2. The external walls of the hereby approved development including any to rebuilt and those of the extension shall be constructed from natural stone which shall in all respects match those used in the construction of the existing original barn building.

Reason: In the interests of visual amenity to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Parish Council Neighbourhood Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

3. The roof of the hereby approved development shall be covered in natural stone slates, such roofing materials shall be retained thereafter. If such materials cannot be used, details of the roofing materials for these properties shall be submitted to and approved in writing by the Local Planning Authority, the approved materials shall thereafter be used and retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Parish Council Neighbourhood Development Plan, Principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

4. The domestic curtilage to the hereby approved dwellings shall be limited to the areas outlined on the hereby approved site layout plan Dwg. No. 1993 16 Rev C, received 26th August 2022

Reason: In the interests of protecting the openness and character of the Green Belt and to avoid encroachment into the open countryside in accordance with Chapter 13 of the National Planning Policy Framework.

5. All ecological measures cited as recommendations in Section 6.3 of the approved Bat Survey Report dated 15th June 2020, Document Ref: MBE/BAT/2020/35/1 (pursuant to planning permission 2020/92495)) shall be implemented in full prior to the first occupation of any the hereby approved dwellings and all features created will be retained thereafter.

Reason: To ensure a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

6. Each dwelling hereby approved shall not be brought into use until the installation of boundary treatments to that property has been carried out in accordance with approved plans '16' Rev A & '17' Rev A, both received on 13th June 2022, approved under application 2022/91696, granted 16th June 2022 (to satisfy/discharge condition 7 (boundary treatments) imposed on previous permission 2020/92495 granted 27th November 2020). Once installed such boundary treatments shall thereafter be retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 13 of the National Planning Policy Framework.

7. Notwithstanding the approved plans, all roof lights as shown on Dwg. No. 1998 08 Rev D shall be of a 'conservation' style with central glazing bar designed to fit flush to the plane of the roof. Such rooflights shall thereafter retained.

Reason: In the interests of visual amenity, to protect the openness and character of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2 and 14 of the Council's adopted Housebuilders Design Guide SPD and Policies in Chapters 12 and 13 of the National Planning Policy Framework.

8. Prior to the development being brought into use, the hereby approved vehicle parking and access areas shall be marked out and provided and surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter.

Reason: In the interests of highway safety, to achieve a satisfactory layout and ensuing appropriate treatment of surface water and to accord with Policies LP21 and LP28 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied until sightlines of 2m x site frontage along Scholes Moor Road have been cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction thereafter.

Reason: To ensure adequate visibility in the interests of highway safety and accord with Policy LP21 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework

10. Before the occupation of each of the hereby approved dwellings, 1 electric vehicle recharging point shall be installed within each of the dedicated parking spaces which serve each of the dwellings. In total 5 will be provided at the site on completion of the development. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and Principle 18 of the Council's adopted Housebuilders Design Guide SPD.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, D, E and F of Part 1 of Schedule 2 to that Order, and Part 2 Class A of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: To protect the openness and character of the Green Belt and prevent overdevelopment of the site and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, Chapters 12 and 13 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principle 2 of the Council's adopted Housebuilders Design Guide SPD.

12. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land Report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday 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.

NOTE: Electric Vehicle Charging Points – A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed Elevations	08	D	21st July 2022
Proposed Site Plan with Boundaries	16	C	26th August 2022
Design and Access Statement by Northern Design Partnership dated June 2022	-	-	6th July 2022
Approved under app ref: 2022/91696			
Proposed Site Plan with Boundaries	16	A	13th June 2022
Proposed Fence on Top of Retaining Wall Drawing	17	A	13th June 2022
Photographic Evidence – Supporting Information	-	-	23rd May 2022
Approved under app ref: 2020/92495			
Existing Site Plan	01	-	4th August 2020
Existing Ground Floor Plan	02	A	16th October 2020
Existing First Floor Plan	03	A	10th November 2020
Existing Elevations	04	-	4th August 2020
Existing and Proposed Plan Footprints	05	A	26th November 2020
Proposed Plans	07	A	25th November 2020
Site Location Plan	-	-	26th November 2020
Design and Access Statement – Supporting Information	-	-	4th August 2020
Bat Survey – Supporting Information	-	-	10th August 2020
Structural Inspection Report – Supporting Information	-	-	10th August 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 have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended plans were submitted by the agent in the initial stages of the application as an incorrect number of rooflights had been shown on the originally submitted plan. Furthermore, officers sought alterations to the submitted plans to remove the constructed storage building, which is now shown to be replaced with grass. In addition, it was requested that the applicant reinstate the grass verge along the northern boundary of the site and provide visitor parking on plan as previously approved.

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 Telephone: (01484) 221550 for more information.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 or 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 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/appeal-planning-decision>. 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: 06-Sep-2022

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 2022/70/92273/W .

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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
