

**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. 2023/N /90635/E

Site Address	Lands Farm, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU
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Description	Prior notification for erection of agricultural building
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Recommending Officer	Nicole Helliwell
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DECISION – DETAILS APPROVED

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: 23-Mar-2023

Officer Report

Reference No. 2023/N/90635/E

Site Address: Lands Farm, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU

Proposal: Prior notification for erection of agricultural building

Site Description

The application relates to Lands Farm, an existing working farm located in Gomersal, Cleckheaton. The site comprises 30 acres of land and is allocated as Green Belt on the Kirklees Local Plan. Although the site is not within a conservation area, it is sited in close proximity to a Grade II listed property.

Description of Proposal

Prior notification is submitted under Class A of Part 6 of the Town and Country Planning (General Permitted Development) (Order 2015 (as amended) for the erection of an agricultural building.

The detached building would be located north of the application site and would be used to store dry feed and farm machinery. It would measure approximately 18m in length, 9m in width and 4.8m in height with an overall footprint of 54.2m². The plans confirm that the lower wall would be finished in concrete plinth and the upper wall would be built in box profile steel cladding. Furthermore, the building would incorporate a dual pitch roof constructed in fibre cement profiled sheets.

History of Negotiations/Amendments Received

No amendments were sought or received during consideration of the application.

Relevant Planning History

2022/92892: Prior notification for erection of agricultural building. [Planning application details | Kirklees Council](#)

2016/90339: Alterations and conversion of agricultural building to form one dwelling. [Planning application details | Kirklees Council](#)

2013/91275: Removal of condition 15 relating to drainage on previous permission no. 2012/93048 for alterations and extension to existing dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2013/90603: Discharge conditions 3-9 on previous permission 2012/93725 for Listed Building Consent for alterations and extension to existing

dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2013/90602: Discharge conditions 4, 5, 8, 12 & 15 on previous permission 2012/93048 for alterations and extension to existing dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2012/93725: Listed building consent for alterations and extension to existing dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2012/93048: Alterations and extension to existing dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2012/92128: Alterations and extension to existing dis-used agricultural buildings to form 3 dwellings. [Planning application details | Kirklees Council](#)

2010/90586: Agricultural farm feed and equipment store. [Planning application details | Kirklees Council](#)

94/90799: Listed building consent to remove cement render and timber cladding, replace roof tiles and installation of stone mullions and form pitched roof over dormers. [Planning application details | Kirklees Council](#)

Representations

As this is an application for prior approval, no advertisement of the application has been undertaken by the LPA in accordance with The General Permitted Development Order 2015, Schedule 2, Part 6, Class A.

Procedural Matters and Policy Context

The proposal is defined as development within Section 55 of the Town and Country Planning Act 1900. 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 building is not on a separate parcel of land.
(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 have 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 as part of the application.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	Pass: The building would be used to store feed and farm machinery and is considered to be designed for an agricultural purpose.
(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: The footprint of the building concerned would not exceed 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 have an overall height of 4.8m.

(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 is not within 25 metres of a metalled part of a trunk road or classified road.
(i) It would consist of, or include, the erection 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 protecting building;	Pass: The building is not to be used for the keeping of livestock or slurry/sewage sludge.
(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 a biomass boiler or anaerobic digestion system.

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”.

The proposal is for the creation of an agricultural building. A search of planning history indicates that there are previous permissions relating to the site/land owned by the applicant. The application form states that the alterations will allow efficient agricultural use of the land, creating storage for farm machinery

and dry feed. Given the scale of the site and the context the alterations are accepted as being reasonably necessary for the purpose of agriculture in this instance.

Siting, Design and Appearance

Given that the proposal is 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 proposal is for the creation of an agricultural building. The building would be situated approx. 200m away from properties along Cliffe Lane, approx. 250m from properties along Brookfield View and approx. 290m from a grouping of properties at Round Hill. It is considered that these distances would help to mitigate against the scale of the proposal. As such, the siting of the building is considered acceptable in this instance.

Design and External Appearance

The building would be constructed from green concrete plinth on the lower sections, with a green box profile steel cladding to the upper walls. The structure would also incorporate a dual pitched roof finished in natural grey fibre cement profiled roof sheets. Although this material palette is not typical for the site and wider area, given the rural location and agricultural context of the site, it is considered that these materials would be sympathetic to the surrounding area and characteristic for a building of this nature. Furthermore, the colour would also reduce the proposals impact on the character of the area.

The building would also be of a simple design and would have a rectangular footprint. The structure would have an eaves height of approx. 3.64m rising to an overall height of approx. 4.8m to the ridge line, to provide enough headroom for the storage of farm machinery. Although the building would have a large scale, it would be positioned on lower ground which would reduce the visual impact of the building from vantage points. For these reasons, the design and external appearance of this development are considered appropriate.

Conclusion

The purpose of the prior notification process is to apply to the Council to determine whether prior approval would be required as to the siting, design, and external appearance of the building. This would require the submission of further details; however, the applicant has provided sufficient information at this stage in order for the application not to require prior approval.

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

Recommendation: **Approve Details**

Authorisation: Delegated Powers

Application Number: 2023/90635

Officer Recommendation: Approval of Details

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 24/02/2028. Failing this, if you intend to carry out the works after this date, further notification will be required.

Plans and Specification Schedule:

Plan Type	Reference	Revision	Date Received
Site Location Plan	001	A	27/02/2023
Proposed Block Plan	002	A	27/02/2023
Floor Plan as Proposed	003	A	27/02/2023
Proposed Elevations	004		27/02/2023

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 and otherwise actively engaged with the applicant in dealing with the application. The recommendation is based on the submitted plans and information.

Report Dated: 23/03/2023

