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 /91833/E**
Site Address	**Upper Marsh Farm, 204, Marsh Lane, Shepley, Huddersfield, HD8 8AZ**
Description	**Prior notification for erection of agricultural building**
Recommending Officer	**Nina Sayers**

DECISION – DETAILS WITHHELD

I hereby authorise the refusal 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: 18-Jul-2023

Officer Report

Reference No. 2023/91833
Site Address: Upper Marsh Farm, 204, Marsh Lane, Shepley, Huddersfield, HD8 8AZ
Proposal: Prior notification for erection of agricultural building

Site Description
The application related to Upper Marsh Farm, 204 Marsh Lane in Shepley. The entire agricultural unit comprises 8.2 hectares of land and is allocated as Green Belt on the Kirklees Local Plan. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

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 to the north-western corner of the application site, south of the existing farmhouse. The proposed would be used for storage of farm machinery and hay. It would measure 18m in length, 9m in depth, 3.9m to the eaves height and 4.6m to the roof ridge. The plans confirm that the lower wall would be finished in stone or blockwork and the upper wall would be finished in natural larch cladding. The roofing would have a pitched roof design and would be finished in 'dark grey Big 6 profiled fibre cement sheeting […] with translucent panels'.

History of Negotiations/Amendments Received
No amendments were sought or received during consideration of the application.

Relevant Planning History
2014/91588 Prior approval of proposed change of use of agricultural building to a dwellinghouse. Details Approved.
94/92458 Agricultural notification erection of feed store. Withdrawn.

Adjacent to site:
2011/90999 Erection of agricultural building. Withdrawn.

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;	**Fail:** Prior approval for the change of use of an agricultural building to a dwellinghouse was approved on 22-MAR-2021, on land within the established agricultural unit.
(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 machinery and hay 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	**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.

would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;	
(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 4.6m.
(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 of 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

Sub-paragraph A.1(b) of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015, states that development is not permitted if “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".

Under application 2014/91588, prior approval was granted for the change of use of an agricultural building to a dwellinghouse on 22-MAR-2021. This application was submitted under a Class MB application which has since been superseded by Class Q. It is apparent from aerial and street imagery, as well as council records, that the development has been carried out.

The approved dwellinghouse was on the land adjacent to the application site, which is within the established agricultural unit, as demonstrated in the submitted information for application 2014/91588. The works for the prior approval application should not have been carried out until after the decision was issued which was on 22-MAR-2021, and therefore is still well within the 10-year period. Regardless of when the development was carried out, this application was still submitted within 10 years of the submission of the previous application. The development of the dwellinghouse therefore must have been carried out pursuant to Class Q of the 2015 General Permitted Development Order.

This application is for the erection of an agricultural building on an established agricultural unit where development under Class Q has been carried out within the last 10 years and therefore fails to accord with sub-paragraph A.1(b) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.

Conclusion
On this basis, it is concluded that the proposal would fail to accord with sub-paragraph A.1(b) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. Under these circumstances prior approval of the development would be required in the format of a full planning application.

Recommendation: Approval of Details Withheld

Authorisation: Delegated Powers
Application Number: 2023/91833
Officer Recommendation: Approval of Details Withheld

I write to inform you that your submission of details relating to the above application require prior approval. I also write to inform you that the proposed development cannot be considered for the purposes of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This application is for the erection of an agricultural building on an established agricultural unit where development under Class Q has been carried out within the last 10 years and therefore fails to accord with sub-paragraph A.1(b) of Part 6, Class A.

Plans and Specification Schedule:

Plan Type	Reference	Revision	Date Received
Application Form			20/06/2023
Location Plan	OS1		20/06/2023
Proposed Plans and Elevations	SK04		20/06/2023
Block Plan	SK05	A	20/06/2023

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 2015 and otherwise actively engaged with the applicant in dealing with the application. For the reasons outlined above, the development cannot be considered as a ‘prior notification’ submission.

Report Dated: 12/07/2023