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

Enquiries to: Nina Sayers

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Mark Booth,
MBooth Design Ltd
Fairfield House
Berneslai Close
Barnsley
S70 2FL

Date: 18-Jul-2023
Our Ref: 2023/N /91833/E

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990**
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**
**APPLICATION NO: 2023/N /91833/E**
**DEVELOPMENT: PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL BUILDING**
**UPPER MARSH FARM, 204, MARSH LANE, SHEPLEY, HUDDERSFIELD, HD8 8AZ**

I refer to your submission of details relating to the above development.

The proposal as submitted is not acceptable to the Council, and approval of details of the works is formally withheld.

As such 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. Consequently prior approval is refused.

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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.

**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

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**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 speeder 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.

If you are aggrieved by the decision of the Local Planning Authority to withhold approval of details for the proposed development, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. 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 Inspectorate's website https://www.gov.uk/government/organisations/planning-inspectorate.

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The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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.

Yours faithfully

Mathias Franklin
Head of Planning and Development