



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/70/90404/W**

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**To:** Jason B Wade Ltd  
22, Fairbanks  
Wharf Street  
Sowerby Bridge  
HX6 2AB

**For:** D Wheelwright

**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 OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION  
2020/92391 FOR ALTERATIONS TO CONVERT AGRICULTURAL BUILDING  
TO ONE DWELLING**

**At:** 12 CLOUGH HEAD FARM, CLOUGH HEAD, SLAITHWAITE GATE, BOLSTER  
MOOR, HUDDERSFIELD, HD7 4NW

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**In accordance with the plan(s) and applications submitted to the Council on 13-  
Feb-2024 [together with those plans and application(s) submitted to the Council  
on 27-July-202 and incorporated into planning permission ref no.  
2020/62/92391/W granted on 23-Dec-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 ensure the development is appropriate in the Green Belt and to accord with the Principles of the Housebuilders Design Guide SPD, Policies LP01, LP02, LP03, LP21, LP22, LP24, LP28, LP30, LP35 and LP60 of the Kirklees Local Plan and Chapters 2, 4, 5, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

2. The external materials used in the construction of the building shall be in full accordance with the materials and colour finishes submitted to, and approved in writing by application 2023/92599 within the letter of the Local Planning Authority dated 27th October 2023.

**Reason:** In the interests of visual amenity and to ensure that the development is appropriate to its Green Belt setting, and to accord with the aims of the Housebuilders Design Guide SPD, Policies LP24(a) and LP60(c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that Act or Order with or without modification), no extensions or outbuildings shall be erected or constructed within the site, including any development falling within Schedule 2, Part 1, Classes A, AA, B, D and E of the above Order, including raised terraces, at any time.

**Reason:** So as to retain adequate planning control over the site to ensure that inappropriate extensions or outbuildings do not harm the openness of the Green Belt or introduce inappropriate domesticating or urbanising features to the site, and to accord with the aims of Principle 2 of the Housebuilders Design Guide SPD, Policies LP60 and LP57 of the Kirklees Local Plan, and Chapter 13 of the National Planning Policy Framework.

4. All areas indicated to be used for the access, parking and turning of vehicles as shown on the approved plan shall be laid out and surfaced before the new development is first brought into use. The parking and turning areas area shall be surfaced in gravel or hardcore, notwithstanding the details on the application form and approved plans. The access track (measured up to 6m back from the highway boundary) shall be surfaced in porous asphalt or other materials providing a sealed, permeable and cohesive surface. These areas shall thereafter be retained as such.

**Reason:** So as to ensure that safe and satisfactory arrangements for the access, parking and turning of vehicles is retained within the site at all times in the interests of the safe and convenient use of the highway, to ensure that surfacing materials are appropriate to their rural setting and do not introduce inappropriate domesticating or urbanising features to the site, do not contribute to flood risk and to accord with the aims of Policies LP21, LP22 and LP60 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 13 of the National Planning Policy Framework.

5. The area indicated to be used as a presentation point for the collection of wastes shall be laid out with a hardened surface before the dwelling is first occupied and shall thereafter be retained as such and kept free of all obstructions to its use. The access to the site shall either be left open and ungated, or any gates shall be set back a minimum of 1m from the highway boundary.

**Reason:** To ensure that satisfactory arrangements for the collection of wastes are retained in the interests of highway safety and to accord with the aims of Principle 19 of the Housebuilders Design Guide SPD and Policies LP24(d)(vi) and LP21 of the Kirklees Local Plan.

6. The drainage arrangements for the hard surface access track leading to the site for the construction of the building shall be in full accordance with the details submitted to, and approved in writing by application 2023/92599 within the letter of the Local Planning Authority dated 27th October 2023.

**Reason:** In the interests of the safe and convenient use of the highway, to mitigate the potential for flood risk through surface water run off and to accord with the aims of Policies LP21 and LP28 of the Kirklees Local Plan.

7. The boundary fences shown on the approved plans shall be installed before the new dwelling is first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the new boundary treatments shall be thereafter retained as such and no fixed boundary treatments other than timber post and rail fences shall be installed within the site at any time.

**Reason:** To ensure that boundary treatments are appropriate to their rural setting and do not introduce inappropriate domesticating or urbanising features to the site, and to accord with the aims of Principle 2 of the Housebuilders Design Guide SPD, Policy LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

8. The details of the landscaping of the site, including finished levels, any new planting to be undertaken, and any new hard surfaces to be laid, including the planting to be carried out in the next planting season after the practical completion of works shall be in full accordance with the details submitted to, and approved in writing by application 2023/92599 within the letter of the Local Planning Authority dated 27th October 2023.

**Reason:** In the interests of visual amenity, to ensure that the landscaping of the site does not introduce inappropriate domesticating or urbanising features or harm the openness of the Green Belt, and to accord with the aims of Principle 8 of the Housebuilders Design Guide SPD, Policies LP24(a) and LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

9. The development shall be completed in accordance with the recommendations within Section 4.1 of the Bat Scoping Survey 1476, dated 1st October 2020. Any removal of roofing material shall be undertaken under the direct supervision of a suitably qualified ecologist. If bats, or signs indicative of bats (eg. droppings, feeding remains) are identified, works shall cease, and a Natural England European Protected Species (EPS) licence obtained.

**Reason:** In the interests of the biodiversity of the site and to ensuring that no bat roosts are disturbed in accordance with Principle 9 of the Housebuilders Design Guide SPD, Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests within 48 hours prior to works commencing and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Principle 9 of the Housebuilders Design Guide SPD, Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

11. The scheme of swallow nest box and bat boxes as shown on the proposed elevations shall be installed before the dwelling is first occupied and shall thereafter be retained as such.

**Reason:** To provide ecological enhancement in accordance with the requirements of Principle 9 of the Housebuilders Design Guide SPD, Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. All external joinery to windows and doors shall be finished in black before the dwelling is first occupied and thereafter retained in a black finish.

**Reason:** In the interests of visual amenity and to ensure that the development is appropriate to its Green Belt setting, and to accord with the aims of Policies LP24(a) and LP60(c) of the Kirklees Local Plan.

**FOOTNOTE:** Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

**FOOTNOTE:** the planning permission granted is to convert the building as shown on the approved plans and in accordance with the supporting information regarding the 'permanent and substantial' nature of the existing building. It does not confer permission to remove any part of the building which is shown to be retained on the approved plans/within the supporting information. To do so is likely to nullify the permission and a new planning application for the revised proposal would need to be submitted and assessed on its own merits.

**FOOTNOTE:** – Access. The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan, Proposed Site, Elevation and Floor Plans.	Drawing no. 1535/02.	C	03/04/2024

Plans and specifications schedule for application 2020/92391:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			27-Jul-2020
Plans and elevations as existing	0928/01		27-Jul-2020
Inspection report	TC 20510		27-Jul-2020
Structural report	B22661.L001/JAW/srm		27-Jul-2020
Calculations	B22661.SK1		27-Jul-2020
Bat and ecological survey			02-Oct-2020
Design and access statement	JBW/0923	C	27-Jul-2020
Heritage statement	JBW/0928		27-Jul-2020
Envirosearch residential			27-Jul-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 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. The case officer considered the application on review and sought amendments to the fenestration to be more in keeping with the special setting of the Green Belt.

**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.**

**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 09-May-2024

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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/90404/W.

If a paper copy of the decision notice or decided plans are required, please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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