



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/90421/W

To: Jonathan Lovatt,
Eight One Two Architects
Studio A2
Brooke's Mill
Armitage Bridge
Huddersfield
HD4 7NR

For: A CALDER

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:-

ERECTION OF SINGLE STOREY ANCILLARY STORE/OFFICE
ACCOMMODATION/TOOL SHED/TOILET/KITCHEN FACILITIES/TASTING
ROOM

At: HELME EDGE FARM, 31, CROSLAND EDGE, MELTHAM, HOLMFIRTH,
HD9 5RS

In accordance with the plan(s) and applications submitted to the Council on 11-Mar-2024, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. 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 preserve the openness of the Green Belt and to accord with Policies LP1, LP2, LP3, LP10, LP21, LP22, LP24, LP26, LP30 & LP52 of the Kirklees Local Plan and policies contained within Chapters 2, 4, 6, 9, 12, 13, 14, and 15 of the National Planning Policy Framework.

3. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 10:00 and 18:00 hrs Monday to Saturday. No activities shall take place on Sundays or Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the visibility splay sightlines indicated on drawing No 1001D shall be cleared of all obstructions to visibility exceeding 0.6 m in height and these shall be thereafter retained free of any such obstruction throughout the lifetime of the development.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

5. The development shall not be brought into use until a Car Park Management Plan/Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Car Park Management Plan shall include details of:

- i. Methods of limiting the parking demand so that the provided spaces within the proposed car park are not exceeded, including information provided at the time of booking and a booking system for parking within the site.
- i. Method(s) of informing resident of events taking place where high volumes of guests are expected.
- ii. Information for guests on travel options.
- iii. Proposed mitigation in the event that parking demand exceeds parking capacity.
- iv. Mechanism for review of the Car Park Management Plan.

The development shall thereafter be operated in accordance with the approved Car Park Management Plan for the lifetime of the development.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

6. The building hereby approved shall be used ancillary to Helme Edge Farm, 31 Crosland Edge, HD9 5RS in association with the adjacent vineyard.

Reason: In the interests of visual and residential amenity, and to preserve the openness of the Green Belt, as a different use falling outside of the approved store/office accommodation/tool shed/toilet/kitchen facilities/tasting room in association with the wine tasting business (Sui Generis) in such a rural area could result in an undue disturbance to the elements outlined above, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12, 13 and 15 of the National Planning Policy Framework.

7. The development shall not be brought into use until an Operational Parking Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented. The use shall thereafter be undertaken and operated in accordance with the approved scheme.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity and to accord with Policy LP21 of the Kirklees Local Plan and policy within Chapter 9 of the National Planning Policy Framework.

8. The building hereby approved shall be constructed from the materials of construction set out in the submitted application form and demonstrated upon submitted drawing ref: 23_811 100 and retained thereafter.

Reason: In the interests of visual amenity and the Green Belt to accord with policy LP24 of the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no construction related noise audible beyond the site boundary on Sundays or Bank/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: It is recommended that the applicant should contact the Licensing Team at Kirklees Council to discuss the proposals. The Licensing Team can be contacted on 01484 22100 (ask for Licensing) or by email at Licensing@kirklees.gov.uk.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
As Proposed_Floor Plans + Elevations	23_811 100	-	28th May 2024
As Proposed_Site Sections/Context Elevations	23_811 101	A	28th May 2024
As Proposed_Part Site Plan	23_811 102	B	28th May 2024
As Proposed_Site + Location Plan	23_811 103	A	28th May 2024
As Proposed_Service Vehicle Swept Path Plan	23_811 104	A	28th May 2024
As Proposed_Drainage Plan + Location Plan	23_811 105	-	13th May 2024
Design_Heritage Statement – Supporting Information	-	-	14th February 2024
Letter from E.S.Dyson & Sons – Supporting Information	-	-	11th March 2024
Operational Parking Statement – Supporting Information	-	-	11th March 2024
Email from Mr Stuart Golding (Septic Tank) – Supporting Information	-	-	13th May 2024
Planning Statement – Supporting Information	-	-	14th February 2024
Foul Drainage Assessment Form – Supporting Information	-	-	14th February 2024
Climate Change Statement – Supporting Information	-	-	20th February 2024

Highways Technical Note from TPS Transport Consultants Ltd – Supporting Information	-	-	3rd July 2024
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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. Amendments were sought to relocate the proposed building slightly further away from adjacent neighbouring properties to the south. Additional information was also requested from Highways Officers in respect of access/visibility and Environmental Health Officers in respect of the proposed septic tank.

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 Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council’s Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.**
- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

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.

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 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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-2024

Signed:



**David Shepherd
Executive Director for Place**

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 planning applications and decisions' and by searching for application number 2024/62/90421/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
