



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/90641/W

To: Dan Heneghan,
Heneghan Architecture
20, Huntsman's Close
Beaumont Park
Huddersfield
HD4 7BR

For: J MELLOR

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:-

**DEMOLITION OF EXISTING SHED AND OUT-BUILDINGS,
RECONFIGURATION OF EXISTING DRIVE, ERECTION OF DETACHED
GARAGE, CONVERSION OF EXISTING BARN TO FORM ONE DWELLING
AND ERECTION OF SINGLE AND TWO STOREY EXTENSIONS TO EXISTING
FARM HOUSE.**

At: GRANBY FARM, 20, WOODBOTTOM ROAD, NETHERTON,
HUDDERSFIELD, HD4 7DJ

In accordance with the plan(s) and applications submitted to the Council on 20-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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP52, LP53, LP54, LP57 and LP60 of the Kirklees Local Plan, Principles 2, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD, Policies 1, 2, 3, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Chapter 2, 5, 6, 8, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the hereby approved dwellings, extensions and detached garage shall be faced in natural stone to match the natural stone which faces existing buildings at the site and roof tiles shall be stone slates and blue slates. These materials shall be reclaimed, taken from existing buildings where possible. These materials shall thereafter be retained.

Reason: In the interests of visual amenity, and to accord with Policies LP24 of the Kirklees Local Plan, Chapters 12 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 13 of the Housebuilders Design Guide SPD.

4. Other than areas of flat roof, roofs of the development hereby approved shall be constructed from natural stone slates or blue slates. All areas of flat roof(s) shall be of a dark grey colour finish. The materials and colour finishes approved by this condition shall be retained thereafter.

Reason: In the interests of visual amenity, and to accord with Policies LP24 of the Kirklees Local Plan, Chapters 12 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 13 of the Housebuilders Design Guide SPD.

5. Prior to the development being brought into use, the external parking areas and accesses to serve the hereby approved dwellings shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) (with or without modification)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.

Reason: In the interests of highway safety and to ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk, to accord with LP21 and LP22 of the Kirklees Local Plan, Chapters 9 and 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D, E and F of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan, ref: 2390 – 0101 – P01, without the prior written consent of the Local Planning Authority.

Reason: To ensure that the openness of the Green Belt is not impacted on in the future from unsympathetic additions and to accord with Policies LP24, LP57 and LP60 of the Kirklees Local Plan, Chapters 12 and 13 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principle 2 of the Housebuilders Design Guide SPD.

7. The mitigation and enhancements set out within Section 5 of the submitted Bat Survey Report, ref: 041_01, shall be strictly adhered to throughout construction phase of the development hereby approved. All mitigation and enhancement measures shall be undertaken prior to the development being brought into use and thereafter retained.

Reason: To avoid impact on European protected species and to accord with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

8. Prior to the converted barn and extended parts of the farm house first been occupied, three bird boxes (WoodStone Starling Nest Box, Vivara Pro Seville 28mm Woodstone Nest Box and Vivara Barcelona Woodstone Open Nest Box, or similar) and three bat boxes (PRO UK Build-in Woodstone Bat Boxes, Vivara Pro Build-in Woodstone Bat Tubes, or suitable alternative) shall be installed. The boxes shall thereafter be retained.

Reason: To provide an enhancement to biodiversity in line with Policy LP30 and the requirements of Section 15 of the National Planning Policy Framework.

9. Development shall not commence until a scheme detailing the location and cross-sectional information together with a method statement for the demolition of existing building(s), walls or other structures supporting the adopted highway on Woodbottom Road has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and completed prior to the development being brought into use. The approved scheme shall be thereafter retained.

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

10. Development shall not commence until a scheme which provides design and construction details for all new retaining walls and building(s) or other retaining structures adjacent to the existing highway has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and completed prior to the development being brought into use. The approved scheme shall be thereafter retained.

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

11. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details vehicle swept paths demonstrating how emergency vehicles can enter, exit and turn into and out of the development from Woodbottom Road and the layout of the access and driveway amended accordingly. The development shall not be brought into use until the approved scheme has been completed, which shall be retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and Policy 11 of the Holme Valley Neighbourhood Development Plan, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

12. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.195 and 196 of the National Planning Policy Framework.

13. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (12) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.195 and 196 of the National Planning Policy Framework.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (13) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.195 and 196 of the National Planning Policy Framework.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (14). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.195 and 196 of the National Planning Policy Framework.

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos.195 and 196 of the National Planning Policy Framework.

17. All boundary treatments shown upon submitted drawing 0301-P02 shall be no greater in height than 1m and shall be constructed from natural stone.

Reason: In the interests of visual amenity and the openness of the Green Belt to accord with policies LP24, LP57, LP60 of the Kirklees Local Plan. Principle 13 of the Council's adopted Housebuilders SPD and policies within Chapters 12 and 13 of the National Planning Policy Framework.

18. All areas of soft landscaping shaded green upon drawing 0301-P02 shall be retained as soft landscaping for the lifetime of the development.

Reason: In the interests of visual amenity and the openness of the Green Belt and to ensure biodiversity enhancement measures are undertaken to accord with policies LP24, LP57, LP60 of the Kirklees Local Plan. Principle 9 of the Council's adopted Housebuilders SPD and policies within Chapters 12, 13 & 15 of the National Planning Policy Framework.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre-commencement condition.

NOTE: Construction Site Working Times

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.

ADVISORY NOTE: Electric Vehicle Charging Points

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy (WYLES) Group

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2390 - 0101 - P01	-	05.03.24
Site Plan	HA_021_Granby Farm	-	05.03.24
First Floor Plan	HA_021_Granby Farm	A	05.03.24
First Floor Plan	HA_021_Granby Farm	A	05.03.24
Ground Floor Plan	HA_021_Granby Farm	A	05.03.24
Proposed Elevations	2390 - 0303 - P01	-	05.03.24
Proposed Floor Plans	2390 - 0302 - P01	-	05.03.24
Proposed Elevations	2390 - 0303 - P02	-	14.03.24
Proposed Garage	2390 - 0304 - P01	-	14.03.24
Proposed Site	2390 - 0301 - P02	-	30.05.24

Layout			
Planning Statement by Rushby Town Planning	-	-	31.03.24
Climate Change Statement	-	-	06.03.24
Bat Survey Report Addendum – Building Plan	-	-	26.04.24
Bat Survey Report	041_01	-	05.03.24
Materials Schedule by Heneghan Architecture	-	-	05.03.24
Structural Inspection Report by Marsh Design Limited	MDL – 9234	-	05.03.24
Design & Access Statement by Heneghan Architecture	-	-	05.03.24

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.

Following a formal consultation response from KC Ecology, a Bat Survey Report was submitted. A formal re-consultation was undertaken with KC Ecology following the submission of this document.

Following a formal consultation response from KC Highways Development Management, the applicant / planning agent submitted an amended site layout plan. An informal re-consultation was undertaken with KC Highways Development Management following the submission of this document.

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

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.

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: 21-Jun-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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/90641/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
