

Enquiries to: Elenya Jackson

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Date: 09-Apr-2024  
Our Ref: 2024/N /90747/E

George Gemmell  
DS & NS Gemmell  
Clayton Hall Farm  
Clayton West  
Huddersfield  
HD8 9QE

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
(ENGLAND) ORDER 2015  
APPLICATION NO: 2024/N /90747/E  
DEVELOPMENT: PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL  
BUILDING  
EMLEY WOODHOUSE, WOODHOUSE LANE, EMLEY, HUDDERSFIELD, HD8 9QX**

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.

I write to inform you that prior approval would be required and is refused for your submission of details relating to the above application as it 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 is because it would consist of the erection of a building within 400m of a protected building and used for the storage of digestate not produced within the agricultural unit contrary to sub-paragraph k of Class A, Part 6.

**Plans and Specification Schedule:**

Plan Type	Reference	Date Received
Site Location Plan		14/3/2024

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 and otherwise actively engaged with the applicant in dealing with the application.

The application was received for the prior notification for the erection of an agricultural building, due to the time sensitive nature of the application and the failure to comply with the requirements the recommendation is based on the submitted plans and information and no further information has been requested.

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>.

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](mailto: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