



Planning (Listed Buildings and Conservation Areas) Act 1990

LISTED BUILDING CONSENT

Application Number: 2024/65/91266/E

To: Roger Lee Planning Ltd
18, Leeds Road
Methley
Leeds
LS26 9EQ

For: M Jan, Jan Capital Ltd

The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been granted for the execution of the works referred to:-

LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION AND REBUILDING OF FARMHOUSE TO FORM TWO DWELLINGS AND CONVERSION OF OUTBUILDINGS TO STORAGE USE

At: THORN BUSH FARM, MIRY LANE, HIGHTOWN, WF15 8JJ

In accordance with the plan(s) and applications submitted to the Council on 26-Jun-2024 subject to the condition(s) specified hereunder:-

1. The development shall be begun within three years of the date in which this consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by 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: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

3. Upon commencement of any demolition or alteration works to the farmhouses, full reconstruction works to the farmhouses must be completed within 12 months, in full accordance with the hereby approved plans "Farmhouse Elevations as Proposed – 23-011-57C" and "Farmhouse Plans as Proposed – 23-011-56C".

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

4. The building shall be dismantled carefully, with the location of all salvageable materials recorded and clearly catalogued for re-use in the correct location during reconstruction. Salvageable materials and components including (but not limited to) trusses, rafters and other timbers, stone, brickwork, fireplaces and surrounds, and other materials of historic interest must be stored securely for re-use to prevent theft, loss or arson, and be protected from the elements.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

5. Prior to rebuilding of the cottages, construction of the extension and restoration of the outbuilding, a full schedule of works and repair specification, methodology, detailed drawings and construction details, including details of the repair methods of historic elements including historic structural roof timbers, and details of replacement elements submitted where the existing are beyond repair, shall be submitted for approval in writing by the Local Planning Authority. Submitted information shall clearly demonstrate that historic detailing will be reconstructed based on sound evidence using traditional construction techniques unless otherwise approved. It shall include the exterior and interior of the buildings.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

6. Notwithstanding the information submitted, the roof of the cottages and two storey extension shall be laid in natural stone slates and laid in diminishing courses on a breathable membrane. No works to install the new roof coverings shall take place until a sample of the proposed slate is left on site for the inspection and approval in writing of the Local Planning Authority. Thereafter the roofs shall be completed in accordance with the approved sample.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

7. Notwithstanding the information submitted, the roofs of the single storey lean-to and detached outbuilding shall be laid in natural blue slates. No works to install the new roof coverings shall take place until a slate sample has been submitted to and approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved roofing slate sample thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

8. No new chimney pots shall be installed until full details of the proposed pots and method bedding and mortar mix have been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

9. External stone walls shall be rebuilt in natural coursed stone, reclaimed from the building where existing stone is sound. Replacement stone required to replace badly damaged stone shall match the existing in terms of stone type, size, colour, tooling, finish and bedding. This shall apply to coursed stonework, mullions, jambs, quoins and all other masonry. No works to construct the external walls shall take place until a 1m² sample panel has been left on site for the inspection and approval in writing of the Local Planning Authority. The works shall be carried out in accordance with the approved sample panel and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

10. No works to construct the external brick walls shall take place until a 1m² sample panel of brickwork showing the brick type, coursing, bond and pointing has been left on site for the inspection and approval in writing of the Local Planning Authority. The works shall be carried out in accordance with the approved sample panel and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

11. No external walls shall be constructed until a lime mortar mix together with its sand/aggregate specification has been submitted to and approved in writing by the Local Planning Authority. A 1 sq. metre sample shall be prepared on site for the inspection and approval in writing of the Local Planning Authority before construction is commenced. The works shall be carried out in accordance with the approved mortar mix thereafter.

Note: Weatherstruck, strap or ribbon pointing is not permitted.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

12. The gutters shall be timber and supported by metal brackets and shall not be fixed to a timber fascia. Details of the proposed gutter and brackets showing the material, size and profile shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

13. Notwithstanding the submitted plans and information, details of all proposed windows and doors (1:20 elevations and 1:5 joinery details) shall be submitted to and approved in writing by the Local Planning Authority before their installation commences. Submitted information shall include glazing type, materials, profiles, colour, opening configuration and mechanisms, and depth within the reveals. Friction hinges, egress hinges and visible trickle vents shall not be permitted. The development shall be completed in accordance with the approved details and thereafter retained.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

14. No works to install EV charging units and air source heat pumps shall take place until details of the equipment, including model, size, fixing methods and locations, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved drawings and retained thereafter. Once the equipment and wiring become redundant, all equipment, brackets and fittings shall be removed, with the fixing holes infilled with lime mortar to match the colour of the stone or brickwork.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Impact Assessment	23-211-61		3 May 2024
Design and Access Statement		April 2024	3 May 2024
Climate Change Statement			3 May 2024
Structural Report 8.2.2023	DJD/11015		3 May 2024
Structural Report Photographs 03.02.2023			3 May 2024
Follow-up structural inspection/report 27.06.2024	DJD/11015		12 Sept 2024
Location and Site Plans as Existing	23-011-50	C	13 June 2024
Farmhouse as Existing	23-011-51		3 May 2024
Farmhouse Partial Demolition	23-011-52	B	13 June 2024
Outbuildings As Existing	23-011-53	C	13 June 2024
Site Plan as Proposed	23-011-55	C	14 June 2024
Farmhouse Plans as Proposed	23-011-56	C	13 June 2024
Farmhouse Elevations as Proposed	23-011-57	C	13 June 2024
Outbuildings as Proposed	23-011-58	A	13 June 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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans and information which are felt to be acceptable, subject to the conditions attached to this decision.

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

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of issue of this notice, appeal to the Secretary of State for the Environment in accordance with Sections 20-21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Authority in regard to the proposed works are in progress.

Please note, only the applicant possesses the right of appeal.

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: 18-Feb-2025

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 and view existing planning applications and decisions' and by searching for application number 2024/65/91266/E.

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
