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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91413/E

To: Alistair Flatman,
Alistair Flatman Planning
24, West End Grove
Horsforth
Leeds
LS18 5JJ

For: S Wordsworth

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:-

REMOVAL OF CONDITION 1 (TEMPORARY CONSENT) ON PREVIOUS PERMISSION 2019/92422 FOR ERECTION OF AGRICULTURAL BUILDING AND DEMOLITION OF EXISTING BUILDING

At: POG HALL FARM, PENISTONE ROAD, HIGH FLATTS, HUDDERSFIELD, HD8 8XU

In accordance with the plan(s) and applications submitted to the Council on 17-May-2024 [together with those plans and application(s) submitted to the Council on 22-Jul-2019 and incorporated into planning permission 2019/92422 granted on 24-Nov-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 to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP10, LP21, LP22, LP24, LP32, LP52, LP53 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The external walls of the agricultural building hereby approved shall be faced in concrete blocks and olive green coloured powder coated steel sheets. The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interest of visual amenity and to protect the character of the Green Belt in accordance with Policies LP24 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external roofing materials of the agricultural building hereby approved shall be finished in cement fibre sheets (grey colour). The materials of construction shall thereafter be retained for the lifetime of the development.
Reason: In the interest of visual amenity and to protect the character of the Green Belt in accordance with Policies LP24 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

4. The building hereby approved shall be for agricultural use only as defined by section 336 of the Town and Country Planning Act 1990 and thereafter retained.
Reason: In order to retain the building in agricultural use, in the interests of the rural economy and the viability of the farm and to protect the openness of the Green Belt in accordance with Policy LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The development shall be completed in accordance with the Letter by Haigh Huddlestone & Associates (E20/7724/MD/L002, dated 12th February 2021) approved under app no. 2021/90742 and retained thereafter.
Reason: This condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Prior to the development being first brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: This is in order to ensure the safety and stability of the development, in accordance with policy LP53 of the Kirklees Local Plan and Paragraphs 189 and 190 of the National Planning Policy Framework.

7. Before the installation of any external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:-

a) The proposed hours of operation of the lighting
a) The location and specification of all of the luminaires
b) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
c) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In order to control impact of light pollution on nearby residential properties and the openness and character of the Green Belt, in accordance with policies LP24 and LP52 of the Kirklees Local Plan.

8. The development shall be completed in accordance with the landscaping scheme shown in figure 7 of the Landscape and Visual Appraisal document (P20-1084, dated June 2020) approved under app no. 2019/92422 and retained thereafter.

Reason: In the interest of visual amenity and the openness and character of the Green Belt. In accordance with Policies LP24, LP32 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone.

NOTE: 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and Specifications Table:

Plan Type	**Reference**	**Revision**	**Date Received**
Plans and details pursuant to 2019/92422			
Location Plan	0001	P1	22/07/2019
Existing Site Plan	0005	P1	22/07/2019
Proposed Site Plan	0002	P2	18/06/2020
Proposed Plans and Elevations	0003	P3	18/06/2020
Design & Access Statement	SWCB-MWA-XX-XX-RP-A-0001	-	22/07/2019
Letter from land agent dated 18.9.2019	-	-	19/09/2019
Plan of additional land – Cumberworth Lane	0006	P1	05/11/2019
Plan of additional land – Denby Lane	0007	P1	05/11/2019
Notes to accompany the application from the agent	-	-	21/01/2020
Coal Mining risk assessment: (Haigh Huddleston & Associates, 10 July 2020)	E17/7724/MD/L001	-	13/07/2020
Landscape and visual appraisal by Pegasus Group dated June 2020	P20-1084	-	18/06/2020

Plan Type	Reference	Revision	Date Received
Supplementary Information : Feed Requirement Details	-	-	18/06/2020
Plans and details pursuant to 2021/90742			
Letter by Haigh Huddlestone & Associates	E20/7724/MD/L002	-	23/02/2021
Plans and details pursuant to 2024/91413			
Planning Note	-	-	17/05/2024
Finance Note	-	-	17/05/2024

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 Authority has, 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

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.

Development within a Coal Mining Area

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

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 so that we can work on continually improving our customer service. Thank you.

Dated: 12-Jul-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 and view existing planning applications and decisions' and by searching for application number 2024/70/91413/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