

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning (General Permitted Development) (England)  
Order 2015 - Schedule 2, Part 6**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -  
NOTIFICATION OF AGRICULTURAL DEVELOPMENT**

**Reference no. 2024/N /91475/E**

**Site Address Saxon Field House Farm, 18,  
Windmill Hill Lane, Emley Moor,  
Huddersfield, HD8 9TA**

**Description Prior notification for erection of  
agricultural building**

**Recommending Officer Nicole Helliwell**

**DECISION – PRIOR APPROVAL REQUIRED AND REFUSED**

**I hereby authorise the refusal of this application for the reasons set out  
in the officer's report and recommendation annexed below in respect of  
the above matter.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 20-Jun-2024**

## **Officer Report**

**Reference No.** 2024/N/91475/E

**Site Address:** Saxon Field House Farm, 18, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA

**Proposal:** Prior notification for erection of agricultural building

## **Site Description**

The application relates to Saxon Field House Farm, an existing working farm located on green belt land in Emley Moor, Huddersfield. The site comprises numerous buildings, which are highly varied in terms of size, architectural styles, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

## **Description of Proposal**

Prior notification is submitted under Class A of Part 6 of the Town and Country Planning (General Permitted Development) (Order 2015 (as amended) for the erection of an agricultural building. The detached building would be located south of the application site and would be used to store grain, hay, fertilisers, farm equipment and machinery. It would measure approximately 43m in length, approx. 33m in width and approx. 7.3m in height with an overall footprint of 1414m<sup>2</sup>. The application form confirms that the building would be constructed from grey concrete panels on the lower sections, with dark green profiled metal cladding to the upper walls. Furthermore, the building would incorporate a dual-pitched roof finished in dark green profiled metal cladding with clear polycarbonate roof lights.

## **History of Negotiations/Amendments Received**

As this application is for prior notification, the time constraints are consuming meaning there is little scope for negotiations. As such, no negotiations were undertaken as part of the application.

## **Relevant Planning History**

- **2010/90646:** Installation of 1 x 10kW wind turbine. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **86/05278:** New access with erection of one temporary accommodation cabin. [Planning application details | Kirklees Council](#) – Granted Conditionally
- **86/04160:** Formation of new access and erection of 3 temporary accommodation cabins. [Planning application details | Kirklees Council](#) - Refused
- **86/02975:** Two storey extension to form kitchen, utility room hall, bedroom and bathroom. [Planning application details | Kirklees Council](#) – Granted Conditionally

## Representations

As this is an application for prior approval, no advertisement of the application has been undertaken by the LPA in accordance with The General Permitted Development Order 2015, Schedule 2, Part 6, Class A.

## Procedural Matters and Policy Context

The proposal is defined as development within Section 55 of the Town and Country Planning Act 1900. The General Permitted Development Order 2015, Schedule 2, Part 6, Class A permits the following development:

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- a) works for the erection, extension or alteration of a building; or
- a) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

### A.1 outlines when development is not permitted:

(a) The development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;	<b>Pass:</b> The building is not on a separate parcel of land.
(b) It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;	<b>Pass:</b> None of the listed have taken place.
(c) It would consist of, or include the erection, extension or alteration of a dwelling;	<b>Pass:</b> No works are proposed to a dwelling as part of the application.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	<b>Pass:</b> The building would be used to store grain, hay, fertilisers, farm equipment and machinery and is therefore considered to be designed for an agricultural purpose.
(e) The ground area would be covered by – (i) Any works or structure (other than	<b>Fail:</b> Although the building is not intended for accommodating livestock or any plant and machinery arising

<p>a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or</p> <p>(ii) Any building erected or extended or altered by virtue of Class A would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;</p>	<p>from engineering operations, the footprint of the building would exceed 1000 square metres. (See below).</p>
<p>(f) The height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;</p>	<p><b>Pass:</b> The building would not be within 3 kilometres of an aerodrome.</p>
<p>(g) The height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;</p>	<p><b>Pass:</b> The building would have an overall height of 7.3m.</p>
<p>(h) Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;</p>	<p><b>Pass:</b> The site is not within 25 metres of a metalled part of a trunk road or classified road.</p>
<p>(i) It would consist of, or include, the erection of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protecting building;</p>	<p><b>Pass:</b> The building is not to be used for the keeping of livestock or slurry/sewage sludge.</p>
<p>(j) It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or</p>	<p><b>Pass:</b> Not Applicable.</p>
<p>(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system-</p> <p>(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or</p> <p>(ii) is or would be within 400 metres of the curtilage of a protected building.</p>	<p><b>Pass:</b> It is not proposed that the building will be used for the storage of waste for a biomass boiler or anaerobic digestion system.</p>

## **Assessment**

Sub-paragraph A.1(e) of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015, states that development is not permitted if *“The ground area would be covered by – (i) Any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or (ii) Any building erected or extended or altered by virtue of Class A would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a) of this Part.”*

The submitted plans demonstrate that the agricultural building would have an overall footprint of 1414m<sup>2</sup>. The design and access statement outlines that this scale is necessary to take the business forward and to accommodate the required functions. However, as the building would exceed 1000 square metres, the proposal would fail to accord with sub-paragraph A.1(e)(ii) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.

## **Conclusion**

On this basis, it is concluded that the proposal would fail to accord with sub-paragraph A.1(e)(ii) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. Under these circumstances prior approval of the development would be required in the format of a full planning application.

**Recommendation: Prior Approval Required and Refused**

**Authorisation: Delegated Powers**

**Application Number: 2024/91475**

**Officer Recommendation: Approval of Details Withheld**

I write to inform you that your submission of details relating to the above application cannot be considered for the purposes of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. This is because the footprint of the building would exceed 1000 square and therefore the building would fail to accord with subparagraph A.1(e)(ii) of Part 6, Class A.

**Plans and Specification Schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Site Location Plan	669-A10		23/05/2024
Site Plan as Existing	669-A01	-	23/05/2024
Site Plan as Proposed	669-A02	A	23/05/2024
Building Plan as Proposed	669-A03	A	23/05/2024
Elevations as Proposed	669-A04	A	23/05/2024
Design and Access Statement	-	-	23/05/2024

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 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. For the reasons outlined above, the development cannot be considered as a 'prior notification' submission.

**Report Dated: 12/06/2024**