

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/91507/E</b>
Site Address:	Thornccliffe Farm Shop, 1, Westfield Lane, Emley Moor, Huddersfield, HD8 9SZ
Description:	Erection of agricultural building
Recommending Officer:	Nina Sayers

**DECISION – Conditional Full Permission**

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

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 17 September 2024

## **Officer Report**

### **Site Description**

Thornccliffe Farm Shop, 1, Westfield Lane, Emley Moor, Huddersfield, HD8 9SZ.

Thornccliffe Farm Shop is an existing farm shop which fronts on to Jagger Lane in Emley. The original building has been significantly extended overtime and there is a large area of parking to the west of the building. The application site relates to a plot of land within the wider Farm Shop site, to the west of the existing buildings, adjacent to the existing manege and fields. The wider site is set adjacent to the junction of Jagger Lane and Westfield Lane in Emley and set within open fields which characterised the green belt landscape.

The site is located within the Green Belt on the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site.

### **Description of Proposal**

The application seeks planning permission for the erection of an agricultural building.

The proposed structure would be a single storey, flat roofed unit which would 12.2(w) x 18.3(d) x 6(h) metres. The structure would be located within the western part of the site adjacent to the boundary.

### **History of negotiations/amendments received**

Officers raised concerns regarding the principle of development in the Green Belt and additional justification was provided regarding the current and proposed agricultural use.

### **Relevant Planning History**

2014/92386 Formation of riding arena. Conditional full permission.

2020/93228 Erection of stables and equipment store. Withdrawn.

At farm shop:

2020/92396 – Discharge of condition 4 (Coal Risk Assessment) on previous permission 2019/92906 for erection of single storey extension. Approved.

2019/92906 – Erection of single storey extension. Conditional Full Permission.

2012/90413 – Erection of single storey extensions. Conditional Full Permission.

2004/90367 – Erection of extension to farm shop and associated café. S106 Full Permission.

2002/90346 – Erection of extension to farm shop forming café and additional sales arena. Conditional Full Permission

2000/93026 – Erection of extension to farm shop. Conditional Full Permission.

### **Representations**

This application was advertised via Neighbour notification letters and online. Final publicity expired on 16<sup>th</sup> August 2024.

One representation was received as a result of the above publicity, in objection to the proposal. The following concerns were raised which will be discussed in section 6 of this report:

- Contrary to national and local green belt policy.
- Errors on the plans
- No information provided to justify the need for the development nor very special circumstances.
- Request details of very special circumstances are submitted to the objector.
- Previous application for a barn for storage refused (2008/92110) and withdrawal (2020/93228)
- Plan refers to “equestrian building”
- Alleged breach of condition for application 2014/92386
- No application to move the existing stables
- Believe the building will be used for equestrian use
- No details of drainage
- Overdevelopment of the site and would result in additional traffic, noise, odours and impact on residential amenity
- The site is owned by the farm shop owner/applicant & is a separate business/enterprise. The site has been used for equestrian use for years and is not associated with agriculture.
- Applicant does not live at the site
- Building for lambing and fattening cattle is not necessary in this location.

**Denby Dale Parish Council** – No objections subject to the certificate of safety being granted

### **Consultation Responses**

**KC Environmental Health** – No objection subject to conditions.

**KC Coal Authority** – No objection subject to conditions.

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

## **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP54 – Buildings for agriculture and forestry

## **Other Guidance Documents:**

- Kirklees Highway Design Guide (2019)
- National Design Guide

## **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development

- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

### 1 - Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

#### *Green Belt*

The application site is within the Green Belt as located on the Kirklees Local Plan. Paragraph 142 of the NPPF states: “*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*”

Paragraph 154 outline that applications for new dwellings should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are a) buildings for agriculture and forestry.

The applicant has applied for an agricultural building. When asked for more information regarding the applicant’s current agricultural holding, the agent replied outlining that the applicant owns 8 acres(ac) of permanent pasture, 6ac at the site and 2ac <1mile away. They have 30 Texel X ewes, producing about 60 lambs, which are fattened and sold through the farm shop. The sheep are currently lambed in a building which is rented but this is no longer available. They will also be rearing and fattening around 12 – 15 calves indoors to sell through the shop.

The agent goes on to justify the size of the structure: “*The lambing pen measures 52sqm which is sufficient space for approximately 26 ewes with lambs. Not all the ewes will be lambing at the same time, so this is a good amount of space for the number of sheep and to allow a little expansion in the flock.*”

*The cattle pen measures 52sqm which is sufficient space for approximately 12 fully sized beasts. Not all calves will be at the same stage of fattening so again this is a good amount of space for the number of cattle.*

*40 large round hay bales are taken off the land at the site of the building, which again have been stored in a building belonging to someone else, which is no longer available. The fodder storage area allows for storage of 40 large round bales of hay plus approximately 12-15 large straw bales.”*

Officers are aware that there was an application for an agricultural building which was refused, and dismissed at appeal, located marginally south of the current application site (2008/92110). It is noted that the proposed building is also large in scale and would in a prominent location within the landscape. The applicant has however provided a justification for the scale of the building and has outlined that this is required for the number of and type of animals within the agricultural holding.

In addition to the above, an application was withdrawn in 2020 (2020/93228) for the erection of stables and equipment store which had the appearance of an agricultural building and was to be located in a similar position to that of the current proposal. The 2020 proposal, being for equestrian purposes, was considered to be contrary to Policy LP56, as it was more than reasonably required for that purpose, by virtue of its design and scale. Although it is noted that the plans for the current application are annotated ‘Equestrian Building’, the description of the current proposal is for an agricultural building and the proposal has been assessed as such, in accordance with the information provided, and in regard to Policy LP54.

It is noted that there is an existing stable on the site and a manege adjacent to the site. The applicant was asked to provide additional information as to where the horses would be kept following the proposed development. It was outlined that one horse belongs to the applicant, and two more belong to family but are currently kept on the site. The agent outlines “*The stables are due to be taken down as they are dilapidated and no longer really used. The horses are kept at the farm (not at the farm shop) over winter. The horses will continue to graze the land at the farm shop with the sheep in summer, as they do now, then go to the farm over winter, where they are stabled.*”

It is noted that representation raised concerns regarding the proposed agricultural building being used as a stable. Taking the above information into consideration, it is apparent that the building would be used for agricultural purposes and, although large in scale, this would be proportionate to the proposed use. Therefore, the proposed building would fall under the exceptions outlined in paragraph 154 and the scheme would therefore not be considered inappropriate development in the Green Belt. It would be conditioned that the building would be used for agricultural purposes only to ensure no harm is caused to the character of the green belt.

Policy LP54 of the Kirklees Local Plan outlines the requirements for buildings for agriculture in the green belt and is therefore relevant to this application. It

states: *“Proposals for new buildings for agriculture and forestry will normally be acceptable, provided that;*

- a) the building is genuinely required for the purposes of agriculture or forestry;*
- a) the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
- b) there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and*
- c) the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”*

For the reasons outline in detail above, the proposal is considered to comply with sub-paragraph a. Regarding sub-paragraph b, the building would be located within close proximity to the existing farm shop buildings, approximately 43m from the nearest existing building. Whilst it is noted there would be a separation between the proposed building and the existing buildings, to locate the building closer would likely block the access, or impact on parking provision and it would not allow the animals direct access from the fields. Taking this into consideration, the scheme is considered to comply with LP54(b).

The proposed agricultural building would be incidental to the existing agricultural use on the land, in particular the sheep which already graze on the land. Whilst no cattle was seen on this section of the land when officers visited, there is no reason the applicant could not introduce cattle. Therefore, the proposed building is considered to not introduce significant additional odour or noise, over and above the existing arrangements on the site. It is noted that Environmental Health did not raise any concerns regarding noise, odour or light pollution. The proposed building is >62m from the nearest residential dwelling which would be significant separation to prevent any overshadowing, overbearing or overlooking harm. The scheme therefore complies with LP54(c).

The proposed structure would be finished in timber boarding above concrete panels with steel sliding doors. This would be in keeping agricultural nature of a building of this type and the rural setting. As such the scheme would comply with LP45(d).

Paragraph 88 of the National Planning Policy Framework states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. Local Plan policy LP10 ‘Supporting the Rural Economy’ states that the economic performance of the rural economy will be improved by increasing local employment opportunities, tourism related development and supporting farm diversification schemes. Where such proposals are within the Green Belt, regard must be had to the relevant national and local Green Belt policies.

The agricultural building would facilitate the fattening of lambs and calves which would then be sold in the farm shop. The farm shop is an established business which supports the agricultural use and as such the proposed scheme would support the continuation of the farm's diversification scheme, thus complying with LP10 of the Kirklees Local Plan.

It is noted that representation has raised that no very special circumstances have been submitted. Because the development would not constitute inappropriate development, the applicant is not required to submit very special circumstances in this instance.

Taking the above into account, the proposed development is considered acceptable. As such, the proposal is considered to comply with Policies LP10, LP24 and LP54 of the Kirklees Local Plan as well as Chapters 6, 12 and 13 of the National Planning Policy Framework.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

## 2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: "a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape..."

As outlined in detail above, the application is for an agricultural building which, whilst large in scale, would facilitate the agricultural operations of the site. The structure would be in keeping with the rural setting in terms of design and materials and is located in close proximity to the existing buildings.

In conclusion, it is considered the proposed development would not cause significant harm to the visual amenity of the host property or wider street scene and would comply with the aims of Chapter 12 of the NPPF by contributing positively to the surrounding area and would be in accordance with Policy LP24 of the Kirklees Local Plan.

## 3. Impact on Residential Amenity

Sections B and C of LP24 state that alterations to existing buildings should: “maintain appropriate distances between buildings’ and ‘minimise impact on residential amenity of future and neighbouring occupiers”. Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

As outlined in the principle of development section, the proposed agricultural building would be incidental to the existing agricultural use on the land, in particular the sheep which already graze on the land. Whilst no cattle were seen on this section of the land when officers visited, there is no reason the applicant could not introduce cattle under the current agricultural use. Therefore, the proposed building is considered to not introduce significant additional odour or noise, over and above the existing arrangements on the site. It is noted that Environmental Health did not raise any concerns regarding noise, odour or light pollution. The proposed building is >62m from the nearest residential dwelling which would be significant separation to prevent any overshadowing, overbearing or overlooking harm.

Given the above, the proposal does not give rise to any undue adverse impacts upon neighbouring residential amenity, as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework.

#### 4. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

The proposed agricultural building would utilise an existing access which is accessible through Thorncliffe Farm Shop’s car park. The proposed unit is not considered to result in a significant intensification of use in term of vehicles and therefore the proposal is considered to not cause any significant harm over and above the existing arrangements on site.

Overall, it is considered, on balance, that the proposed development would not cause significant harm to the efficiency or safety of the highways, over and above the existing arrangements on site. The proposed development therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

#### 5. Other Matters

### *Land contamination*

In support of the application a Coal Mining Risk Assessment (CMRA) by Geoinvestigate Limited was submitted. KC Environmental Health were consulted on the scheme. The report confirms the coal legacy at the site and states *“In Geoinvestigate’s opinion owing to the presence of several metres of opencast infill below the new building and two levels of possible unrecorded mineworking below this, both within shallow depth, both shallower and deeper drilling investigations are required to enable further assessment of the stability of the fill material and the mine workings below this deposit.”* It goes on to attribute a low to medium risk in regard to gas but has not given an opinion in relation to combustion risk at the site.

The nature of the proposed development is non-residential, the proposed agricultural building shown in the plans is partly Yorkshire boarded, allowing for good natural ventilation. KC Environmental Health (EH) do not object to planning being granted, they do however agree with the report that further intrusive investigation of the site are necessary to ensure the land is safe and suitable for its intended use and therefore recommend the following conditions. KC Environmental Health would expect any future investigations and reports to establish the risks from any infill materials and shallow coal.

Land contamination risk management (LCRM) guidance states that you must always start with a preliminary risk assessment to establish whether there are any potentially unacceptable risks arising from contamination at the site. In the absence of a Phase I assessment, the sites historical land use, site setting and the associated risks from contaminants to receptors are unspecified. Consequently, it is unclear whether all potential risks to site receptors have been identified and assessed. Ground contamination conditions are therefore necessary.

KC EH also remind the applicant that any attempt to encapsulate or insulate the building in future would compromise the natural ventilation and may put receptors within the building at risk.

The site is also within a High Risk Coal Mining area as defined by the Coal Authority and therefore the Coal Authority have been consulted on the proposal. They note the conclusions of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, they recommend that the following conditions requiring a scheme of intrusive investigations, remediation works and/or mitigation and a signed statement or declaration.

Officers agree with the recommendations of KC Environmental Health and The Coal Authority and as such, the relevant conditions would be recommended to ensure the site is safe and stable for the development proposed. The proposed

therefore complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

### *Biodiversity*

The site is located within a bat alert layer on the Council's GIS mapping system. There would be no demolition as part of the proposed application and the site currently serves grassland and therefore has little ecological potential. Should the application be recommended for approval, a footnote would be inserted into the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction.

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted BNG Metric shows a baseline of 0.1812 habitats units and post development, .1998 habitat units which demonstrates a calculated net gain of 10.29%. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy

The proposed development is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

### 6. Representations

One representation was received as a result of the above publicity, in objection to the proposal. They raised the following concerns:

- Contrary to national and local green belt policy.
- No information provided to justify the need for the development nor very special circumstances.
- Building for lambing and fattening cattle is not necessary in this location.

*Officer response: this application has been assessed against green belt policy in the principle of development section of this report.*

- Request details of very special circumstances are submitted to the objector.

*Officer response: As outlined in detail in the principle of development section of this report, the applicant is not required to submit very*

*special circumstances because the applicant complies with green belt policy.*

- Errors on the plans  
*Officer response: officer have been on site and are aware of the site context and are satisfied with the submitted plans.*
- Previous application for a barn for storage refused (2008/92110) and withdrawal (2020/93228)  
*Officer response: the planning history has been taken into account during the assessment of this application.*
- Believe the building will be used for equestrian use
- Plan refers to “equestrian building”
- The site is owned by the farm shop owner/applicant & is a separate business/enterprise. The site has been used for equestrian use for years and is not associated with agriculture.  
*Officer response: this application is for an agricultural building and has been assessed as such. It would be conditioned that the building can be used for agricultural purposes only.*
- No application to move the existing stables  
*Officer response: The applicant has provided details of the location of the horses currently kept on the site and they will not be located within the application site.*
- Alleged breach of condition for application 2014/92386  
*Officer response: this is an enforcement matter and there are no live enforcement cases at the application site.*
- No details of drainage  
*Officer response: details of drainage are not required for an application of this scale.*
- Overdevelopment of the site and would result in additional traffic, noise, odours and impact on residential amenity  
*Officer response: this has been assessed under the residential amenity section of this report.*

**Denby Dale Parish Council** – No objections subject to the certificate of safety being granted

*Officer Response: It is not clear what this comment refers to, however this would not be a planning matter in any case. 43*

## 7. Conclusion

This application for the erection of an agricultural building at Thorncliffe Farm Shop in Emley Moor has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

**Decision Authorisation - Delegated Powers**

**Application Number: 2024/91507**

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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, LP21, LP22, LP24 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition

to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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. 189 and 190 of the National Planning Policy Framework.

7. 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. 189 and 190 of the National Planning Policy Framework.

8. The agricultural building which is the subject of this permission is approved for agricultural purposes only and at no time shall be used for purposes that do not fall within the definition of agriculture set out in Section 336 of the Town and Country Planning Act 1990 (or any definition which may supersede this in any subsequent Act or Order).

**Reason:** To clearly define the use approved by this permission in recognition of the assessment undertaken of the appropriateness of this use on Green Belt land, to protect the visual amenity of the area, to protect the amenities of nearby residents and to accord with Policies LP1, LP2, LP24, LP52 and LP54 of the Kirklees Local Plan and guidance contained within Chapter 13 of the National Planning Policy Framework.

9. No above ground development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and

- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** 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. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Prior to the occupation of the development, or it being taken into beneficial 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:** 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.

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

**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 schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	April 2024		03/07/2024
Proposed Elevations	April 2024		03/07/2024
Floor Plans			03/07/2024
Block Plan			03/07/2024
Biodiversity Metric			03/07/2024
Supporting Email dated 15/07/2024			15/07/2024
CMRA	G24170		03/07/2024

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.

Officers raised concerns regarding the principle of development in the Green Belt and additional justification was provided regarding the current and proposed agricultural use.

Report Dated: 12/09/2024

