

PLANNING STATEMENT GREEN BELT DEVELOPMENT JUSTIFICATION

10 Jul 2024

1. Background of the application

i The applicant is applying for retroactive planning approval for a field shelter on land adjacent to The Coach House, Liley Lane, Grange Moor WF4 4EN.

The shelter was erected in the 1st Qtr of 2022. As a result of an allegation of a Breach of Planning (Feb 2024), subsequent correspondence with Kirklees Planning Department a completed Planning Contravention Questionnaire was submitted. Subsequently an invitation to submit a retroactive planning application was extended to the applicant.

The construction of the shelter is on land that is currently designated as Green Belt within the Kirklees Local Plan.

2. Holding description

i The property and land is linked with an agricultural enterprise – the keeping of alpacas and goats. Certain agricultural developments benefit from permitted development under schedule 2, part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The site is approximately 2.2 Ha in size and therefore falls under Class B- agricultural development on units of less than 5 hectares.

The property is held freehold by the applicant and others (as owners).

3. Development – Exception – National Policy

i The National Planning Policy Framework (NPPF) 2013; section 13: Protecting Green Belt Land: paragraphs 142-156 direct local planning authorities to regard the construction of new buildings within the Green Belt as inappropriate. Paragraph 154(a) provides an exception to this:

- buildings for Agriculture and Forestry

The local planning authority has determined that the holding is an agricultural enterprise by the keeping of livestock – alpacas and goats – within the holding.

As such the application for development should be considered appropriate as an exception to national policy in this case.

4. Development – Exception – Local Authority Policy

i Under the Kirklees Local Planning Policy LP54, buildings for agriculture and forestry should normally be acceptable provided that:

- the building is genuinely required for the purposes of agriculture or forestry

- 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
- there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and
- 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

The local planning authority has determined that the holding is an agricultural enterprise by the keeping of livestock – alpacas and goats – within the holding.

The proposed development – a field shelter – does NOT contravene any of the restrictions on development as specified in The Town and Country Planning (General Permitted Development) (England) Order 2015 section B.1 through B.4. As such, the provision for acceptable development spelt out in the Local Planning Policy LP54 (see above) does promote the approval for the application. Conditional restrictions that are referred to regarding the development within the 400m zone around a protected building should NOT be applied:

- The structure is NOT used to accommodate livestock; it provides shelter from extreme weather and a protected environment during birthing, vaccination and parasite control (2024 JUL Agricultural Justification Statement)
- A 400m exclusion zone would force the proposed development off the holding completely, onto land that is not part of the holding (The Town and Country Planning (General Permitted Development) (England) Order 2015 section B.5 paragraph D.1(3))
 - that no other suitable building or structure, 400m or more from the curtilage of a protected building, is available
 - in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions

No agricultural or other suitable building has recently been severed from the holding or converted to another use. This indicates that a genuine agricultural need can be demonstrated.

5. Conclusion

i The building is necessary for agricultural purposes and is essential for the operation of the agricultural activities that are being carried out on this area of land.

It meets all the necessary exception criteria to allow this application for development within the Green Belt to be permitted.