

**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:	2024/62/92002/E
Site Address:	Land off, Wakefield Road, Grange Moor, Huddersfield, WF4 4BG
Description:	Erection of agricultural building
Recommending Officer:	Nina Sayers

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-SEP-2024

Officer Report

Site Description

Land off, Wakefield Road, Grange Moor, Huddersfield, WF4 4BG.

The application site relates to a plot of land to the south of Wakefield Road which is grass covered. It is accessible via an private road which adjoins Wakefield Road opposite the Kaye Arms. 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. There is a public footpath (KIR/105/10) which runs through part of the access to the site.

Description of Proposal

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

The proposed building would be a single storey L-shaped structure with a total width of 18.4m and a depth of 22.7m. It would have a shallow pitched roof measuring 4.3m to the roof ridgeline. The building would be constructed from vertical Yorkshire boarding (dark oak finish) under a corrugated steel roof. The building would be used for the storage of hay, straw and animal feed; the storage of plant and other machinery / equipment; and will be used as a shelter for goats with kidding pens for baby goats.

A new access is proposed at the northern end of the site and would comprise of two no. wooden farm gates. A further wooden farm gate is proposed at the entrance to the main field where the agricultural building would be located. A new Crataegus Monogyna (common hawthorn) hedge is also proposed to be planted along the eastern boundary of the application site.

History of negotiations/amendments received

No amendments were sought or received.

Relevant Planning History

No relevant planning history.

Representations

This application was advertised via site notice and online. Final publicity expired on 23/08/2024.

One representation was received as a result of the above publicity, in support of the proposal. The following comments were made which will be discussed in section 6 of this report:

- Applicant dedicated to ensuring the welfare, care and safety of their goats. They have completed re-fencing which is in keeping and aesthetically pleasing and have encourage wildlife, flora and fauna to grow
- The agricultural barn would not have any negative impact and would help the applicant maintain their flock of goats and the land.

Kirkburton Parish Council were informed of the application but no comments were received.

Consultation Responses

KC PROW – No comment received.

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 27th 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 Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th 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 and beautiful 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) 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.

Relevant to this is policy LP54 of the Kirklees Local Plan which outlines the requirements for buildings for agriculture in the green belt. 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.”*

The applicant has applied for an agricultural building. The submitted planning statement states:

“The applicant breeds goats which they sell privately at either rare breed auction sales or to butchers for their meat. They also sell goats milk soap, which they make themselves, at craft markets, farmers markets and agricultural shows.” [...] The applicant currently has 30 adult goats and 10 goat kids. [...] The proposed agricultural building is required to provide shelter for the goats, indoor space for kidding pens and a straw bedded loose house for when the kids and nannies have bonded, safe and secure storage for machinery (including a tractor), hay/straw bales, animal feed and goat care items”.

The planning statement further explains that the applicant owns 8 acres (3.3ha) of land surrounding the application site and rents a further 8 acres elsewhere, where the goats are currently kept. However, as the land is rented the applicant cannot build an agricultural building on this land so instead is moving the goats to the application site. It is noted that when officers visited the site there were goats on the land.

Officers are satisfied that the above information demonstrate the building is genuinely required for the purposes of agriculture and as such the proposal complies with LP54(a).

Regarding LP54(b), there are no existing buildings on the site, and the applicant does not own any other agricultural buildings which is why the development is in an isolated location. The building has been sited within the northern part of the site, adjacent to a group of trees. The building would also have a shallow roof pitch which reduces the overall height of the structure. It is apparent from the planning statement that the applicant has chosen this location and design to screen the development and minimise the impact on the green belt and visual amenity. It is also noted that there is a planning application for a stable just north of the application site which is pending determination. Should this be approved, the building would be located in close proximity to another building, albeit separated by a group of trees. In this instance the proposal is considered to comply with LP54(b).

With regard to LP54(c), the nearest residential dwelling is >200m from the application site which is considered a sufficient distance to prevent any significant harm to the amenity of the occupants.

The design of the proposed building is agricultural in nature and would be finished in vertical Yorkshire boarding which is in keeping with the rural setting of the site. As such the scheme is considered to comply with LP54(d) of the Kirklees Local Plan.

Taking the above into account, the proposed development is considered to fall under exemption a) of paragraph 154 of the NPPF and as such would not be considered inappropriate development in the green belt. The scheme would also comply Policy LP54 of the Kirklees Local Plans and therefore the principle of the proposed development is considered acceptable.

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 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 adjacent to an existing group of trees which would reduce the visual prominence of the building.

In conclusion, it is considered the proposed development would not cause significant harm to the visual amenity of the wider rural setting and would comply with the aims of Chapter 12 and 16 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 development 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, the nearest residential dwelling is >200m from the application site which is considered a sufficient distance to prevent any significant harm to the amenity of the occupants.

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 and LP54 of the Kirklees Local Plan, Chapter 12 and 16 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 applicant proposes a new access which adjoins the private road. The private road adjoins Wakefield Road opposite the Kaye Arms, it is noted that the access is gated and locked and therefore has limited vehicles which are primarily agricultural in nature.

Upon visiting the site, it is apparent the access onto the private road has already been created. The proposed development is not considered to result in a significant intensification of private road and as such would not cause any significant harm to highway safety.

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

The application is within a High Risk Coal Mining area and the applicant has submitted a Coal Mining Risk Assessment. The Coal Authority have been consulted on the proposal and recommend conditions requiring intrusive site investigations, remediation works and a signed statement or declaration. KC Environmental Health were informally consulted on the proposal and as it appears that the Coal Mining Risk Assessment recommends a Phase I investigation, they support the conclusions of the report, and recommend full contaminated land conditions

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.

A 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 0.27 habitats units. There would be a loss of 0.12 habitat units as a result of the proposed development. The applicant is proposing to plant 12 native broadleaved trees to result in 0.3 post development habitat units which demonstrates a calculated net gain of 10.88%. Hedgerow planting would also result in an increased of 177.73% of hedgerow units.

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 in support of the proposal. The following comments were made which will be discussed in section 6 of this report:

- Applicant dedicated to ensuring the welfare, care and safety of their goats. They have completed re-fencing which is in keeping and aesthetically pleasing and have encourage wildlife, flora and fauna to grow

Officer comment: This is not a material planning consideration so no further comment will be made.

- The agricultural barn would not have any negative impact and would help the applicant maintain their flock of goats and the land.

Officer comment: This is a material planning consideration so has been taken into consideration during the assessment of this application. The comments align with officer assessment.

7. Conclusion

This application for the erection of an agricultural building at land off, Wakefield Road in Grange 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: 2024/92002

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:-

Plan Type	Reference	Version	Date Received
Location Plan	198_000	D	16/07/2024
Site Plan	198_001	D	16/07/2024
Site Plan (Proposed)	198_100	D	16/07/2024
Floor Plan and Elevation (Proposed)	198_101	C	16/07/2024
Planning Statement			16/07/2024
Coal Mining Risk Assessment	C4267/24/E/6535		16/07/2024
Ecology Technical Note			16/07/2024
Biodiversity Metric			16/07/2024

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.

No amendments were sought or received.

Report Dated: 19/09/2024