

**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 /92097/E

Site Address land adj, Grange House, Grange Lane, Kirkburton, Huddersfield, HD8 0PU

Description Prior notification for erection of agricultural building

Recommending Officer Elenya Jackson

DECISION – PRIOR APPROVAL NOT REQUIRED

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.

Kevin Walton

AUTHORISED OFFICER

Date: 27-Aug-2024

Officer Report

Reference No. 2024/92097

Site Address: land adj, Grange House, Grange Lane, Kirkburton, Huddersfield, HD8 0PU

Proposal: Prior notification for erection of agricultural building

Site Description

The application relates to land to the west of Grange House, in a small field. The building would be located off an unadopted road, set approximately 60m away from the highway.

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 west of the property.

The supporting statement says this would be for the storage of hay as the owner produces 140 hay bales a year.

The proposed building would measure approximately 18m in length, 9m in width and 4.8m in height. This would be finished in cladding and a stone plinth lower section.

History of Negotiations/Amendments Received

No further information was provided.

Relevant Planning History

N/A

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

(b) 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;	Pass: 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;	Pass: None of the listed have taken place.
(c) It would consist of, or include the erection, extension or alteration of a dwelling;	Pass: 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;	Pass: The building would be used to store hay
(e) 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 [would exceed 1,000 square metres]; or (ii) Any building erected or extended or altered by virtue of Class A [would exceed 1,500 square metres], calculated as described in paragraph D.1(2)(a) of this Part;	Pass: The footprint of the building concerned would not exceed 1000 square metres. It is not intended for accommodating livestock or any plant and machinery arising from engineering operations.
(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;	Pass: The building would not be within 3 kilometres of an aerodrome.
(g) The height of any part of any building, structure or works not within 3	Pass: The building would have an overall height of 4.8.

kilometres of the perimeter of an aerodrome would exceed 12 metres;	
(h) Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	Pass: The site is not within 25 metres of a metalled part of a trunk road or classified road.
(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;	Pass: The building would be within 400m of a protected building (The Dyehouse) however this is not used for livestock
(j) It would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	Pass: Not Applicable.
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system- (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 (ii) is or would be within 400 metres of the curtilage of a protected building.	Pass: It is not proposed that the building will be used for the storage of waste for a biomass boiler or anaerobic digestion system.
(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument].	Pass: Not Applicable.

Assessment

The proposal is considered to benefit from permitted development rights; however, Class A of Part 6 of the GDPO, requires the Local Planning Authority to further assess the proposals in relation to the conditions of Part 6. As noted above, the main criteria to assess are the siting, design, and external appearance of the building under A.2(i).

The GPDO states that the building must be reasonably necessary for the purposes of agriculture with the "unit".

The application form states the proposal is for the creation of an agricultural building. A search of planning history indicates that there are no previous permissions relating to the site/land owned by the applicant associated with an agricultural use.

The supporting statement explains that the applicant produces 140 hay bales a year and sells these for £30. Details of the land being utilised by neighbouring farmers has been provided; however, this livestock is not owned by the applicant. The supporting statement highlights that the proposal would remove the need for the hay bales to be wrapped in plastic and would store machinery.

Limited details of the enterprise unit associated with the site have been provided, an agricultural payment number has not been provided.

Siting, Design and Appearance

Given that the proposal is considered to benefit from permitted development rights, Class A of Part 6 of the GDPO, requires the Local Planning Authority to further assess the proposals in relation to the conditions of Part 6. As noted above, the main criteria to assess are the siting, design, and external appearance of the building under A.2(i).

Siting

The proposal is for the creation of a building. The building would be situated approx. 152m from Thorncliffe Manor and approx. 60m away from Grange Lane. It is considered that these distances would help to mitigate against the scale of the proposal. As such, the siting of the building is considered acceptable in this instance.

Design and External Appearance

The building would be constructed from cladding with a stone lower plinth and would incorporate a pitched roof. Although this material palette is not typical for the site and wider area, given the rural location, it is considered that these materials would be sympathetic to the surrounding area and characteristic for a building of this nature.

The building would also be of a simple design and would have a rectangular footprint. The structure would have a maximum height of approx. 4.9m to the ridge line. Although the building would have a large scale, it would be set back from the public highway and would have limited visibility from public vantage points. For these reasons, the design and external appearance of this development are considered appropriate.

Conclusion

The purpose of the prior notification process is to apply to the Council to determine whether prior approval would be required as to the siting, design, and external appearance of the building. This would require the submission of further details; however, the applicant has provided sufficient information at this stage in order for the application not to require prior approval.

It is concluded that the proposal complies with the provision of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended).

Recommendation: Approve Details

Authorisation: Delegated Powers
Application Number: 2024/92097
Officer Recommendation: Approval of Details

I refer your submission for agricultural development as described above. The proposal as submitted is acceptable and subject to all works being carried out in accordance with the description contained in the notification, the Council will not require the submission of further details. Prior approval is not, therefore, required and the works described may be carried out.

I would draw your attention to the provisions of Schedule 2, Part 6, of the General Permitted Development (England) Order 2015 (as amended), which requires that any works notified to the Council under these provisions must be carried out within a period of 5 years from the date on which the Local Planning Authority were notified. As such, the development proposed must be completed before 24/06/2029. Failing this, if you intend to carry out the works after this date, further notification will be required.

Plans and Specification Schedule:

Plan Type	Reference	Date Received
Location Plan	24305	25/06/2024
Proposed plans and elevations	24305 (2)	25/06/2024
Planning Statement	-	25/06/2024

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. For the reasons outlined above, prior approval is granted for the proposed building.

Report Dated: 22/08//2024