

Enquiries to: Lucy Taylor

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Date: 15-Oct-2024
Our Ref: 2024/92111

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015
NOTIFICATION OF PROPOSED CHANGE OF USE AND BUILDING OPERATIONS
APPLICATION NUMBER: 2024/92111
AT: land opp, 104, Wakefield Road, Lepton, Huddersfield, HD8 0EA**

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 26-Jul-2024.

Prior notification for change of use from agricultural building to one dwelling

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

1. The proposed alterations to the design and structure of the buildings would be so extensive to be within the reasonable definition of "conversion". The proposed development therefore does not benefit from permitted development rights under the provisions of Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The proposed change of use would result in a new dwellinghouse, including the proposed domestic garage/store, exceeding 150 square metres contrary to sub-paragraph Q.1(c) of Part 3, Class Q, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The external dimensions of the proposed building would, in places, extend 0.2 metres beyond the external dimensions of the existing building contrary to sub-paragraph Q.1(h) of Part 3, Class Q, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Site Location Plan As Existing	001	-	26.07.24
Ground Floor Plan As Existing	002	-	26.07.24
Elevations As Existing	003	-	26.07.24
Elevations As Existing	004	-	26.07.24
Site Location Plan As Proposed	005	-	26.07.24
Ground Floor Plan As Proposed	006	-	26.07.24
Elevations As Proposed	007	-	26.07.24
Elevations As Proposed	008	-	26.07.24
Email from agent 30/09/2024 (13:34)	-	-	30.09.24

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.

The case officer entered into negotiations with the planning agent / applicant, to seek further information regarding the condition of the agricultural buildings. In response, the planning agent submitted a short condition statement from a structural engineer via email, along with a specification of works that would be recommended to convert the building and ensure it is as stable as possible.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [The Planning Inspectorate Website](http://ThePlanningInspectorateWebsite) . Further information on the Planning Appeal process can be found online at [The Planning Inspectorate Website](http://ThePlanningInspectorateWebsite).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

Customer Feedback

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development