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RECORDED DELIVERY

S Reynolds
5, West Grange Walk
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Date: 02-Oct-2024
Our Ref: 2024/N/92539/E

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015
APPLICATION NO: 2024/N /92539/E
DEVELOPMENT: PRIOR NOTIFICATION FOR ERECTION OF AGRICULTURAL
BUILDING
LAND OFF, CHURCH LANE, BIRSTALL, BATLEY, WF17 9NX**

I refer to your submission of details relating to the above development.

The proposal as submitted is not acceptable to the Council, and approval of details of the works is formally withheld.

I write to inform you that your submission of details relating to the above application require prior approval. I also write to inform you that the proposed development cannot be considered for the purposes of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) [the Order"]. This application is submitted for the erection of an agricultural building on a unit measuring less than 5 hectares and therefore fails to accord with the overarching description of development allowed under the provisions of Article 3(1) and Class A, Part 6 of Schedule 2 of the Order.

It also has not been demonstrated that the existing use of the land is in use for agriculture which is so used for the purposes of a trade or business or that the size of the building is reasonably necessary for the proposed use to store a vehicle.

Plans and Specification Schedule:

Plan Type	Reference	Revision	Date Received
Existing Site Location Plan	P1	-	05/09/2024
Proposed Storage Shed Floor Plans	P2	-	05/09/2024
Proposed Storage Shed Elevations	P3	-	05/09/2024
Proposed Site Location Plan	P4	-	05/09/2024

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 and otherwise actively engaged with the applicant in dealing with the application. For the reasons outlined above, the development cannot be considered as a 'prior notification' submission.

Development within a Coal Mining Area

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 you are aggrieved by the decision of the Local Planning Authority to withhold approval of details for the proposed development, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within six months of receipt 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 <https://www.gov.uk/appeal-planning-decision> . Further information on the Planning Appeal process can be found online at the Planning Inspectorate's website <https://www.gov.uk/government/organisations/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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