

Enquiries to: Nicole Helliwell

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Date: 16-Dec-2024
Our Ref: 2024/92809

Dear 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: 2024/92809
AT: Popeley Farm, Muffit Lane, Gomersal, Cleckheaton, BD19 4QS**

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 01-Oct-2024.

Prior notification for change of use from agricultural building to 1 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);

The proposed development is not considered to benefit from a general planning permission under Article 3(1) and Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the floor space exceeds 150 square metres contrary to sub-paragraph Q.1(c) of Class Q.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	1101	A	01/10/2024
Unit A Floor Plan As Existing	1103	-	01/10/2024
Unit A (B2) Elevations As Existing (sheet 1 of 2)	1104	-	01/10/2024
Site Plan Unit A As Proposed	1106	-	01/10/2024
Unit A (B2) Floor Plan As Proposed	1107	-	01/10/2024
Unit A (B2) Mezz Floor Plan As Proposed	1108	-	01/10/2024

Unit A (B2) North & West Facing Elevations	1109	A	01/10/2024
Unit A (B2) North & East Facing Elevations	1110	-	01/10/2024
Barn 2 Structural Inspection for Planning	-	1.0	01/10/2024
Addendum to structural inspection report for planning (Barns 1 & 2)	-	1.0	18/10/2024
Coal Mining Risk Assessment	Muffit Lane/BD19 4QD/2023	-	01/10/2024
Fire Tender Swept Path Analysis	2301703	-	27/11/2024
Highway Statement (excluding barn 3)	-	-	01/10/2024

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 Authority has, 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.

Additional information was sought during the course of the application, following comments from KC Highways Development Management. Additional information was provided which was considered acceptable with regard to highway safety.

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.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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. Further information on the Planning Appeal process can be found online at The Planning Inspectorate Website.

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



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

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