# 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**

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| **Reference no.** | **2024/N /93225/E** |
| **Site Address** | **Woolrow Farm, 10 Roydhouse, Shelley, Huddersfield, HD8 8LR** |
| **Description** | **Prior notification for erection of agricultural building** |
| **Recommending Officer** | **Joshua Merriman** |

**DECISION – DETAILS APPROVED**

**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.**

East Team

***AUTHORISED OFFICER***

**Date: 10-Dec-2024**

**Officer Report – 2024/93225**

**Site Description**

Woolrow Farm, 10 Roydhouse, Shelley, Huddersfield, HD8 8LR is an agricultural site consisting of cow barns, silos, offices, homes, slurry slopes, and a slurry pit.

The site is located within the Green Belt on the Kirklees Local Plan.

**Description of Proposal**

The application is seeking the prior notification for the erection of an agricultural building.

The proposed building's footprint would be approximately as follows:

Length: 75m.

Height to Eaves: 8m.

Breadth: 15m.

Height to Ridge: 11.9m.

The walls are proposed to be constructed from 'Yorkshire Boarding' vertical timber cladding, with the roof to be constructed from corrugated fibre cement roof cladding with proprietary automatic ridge ventilation system in a grey finish.

The supporting documentation submitted alongside the applications states that the building is to be used as a roof structure over the existing yard and silage storage area.

The application form states that the total area of the entire agricultural holding is 500 hectares in area and the land on which the proposed development would be located has been in agricultural use for 100 years.

**History of negotiations/amendments received**

No negotiations have taken place and no amended plans have been received.

**Planning History**

Planning history for the site is listed below:

2006/94465 – Erection of extension to farm buildings, new calf shed, silage clamps and formation of access – Withdrawn.

2007/91316 – Erection of extension to farm buildings, new calf shed, silage clamps and formation of access – Conditional Full Permission.

2007/91317 – Formation of access road and associated landscaping works – Conditional Full Permission.

**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. No representations have been received during the course of the application.

Kirkburton Parish Council: No comments received.

**Consultation Responses**

No consultations took place during the course of this application.

**Procedural Matters and Policy Context**

The above described proposal is defined as development within Section 55 of the Town and Country Planning Act 1990. 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

a) 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.

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| (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 site is part of a parcel in excess of 1 hectare. |
| (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 has taken place. |
| (c) It would consist of, or include, the erection, extension or alteration of a dwelling; | **Pass**: No works are proposed to the dwelling. |
| (d) It would involve the provision of a building, structure or works not designed for agricultural purposes; | **Pass**: The proposed building would be for the storage of silage and is therefore considered to be designed for agricultural purposes. |
| (e) The ground area would be covered by –<br>(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<br>(ii) Any building erected or extended or altered by virtue of Class A would exceed 1,500 square meters,<br>calculated as described in paragraph D.1(2)(a) of this Part; | **Pass**: The are covered by the proposed roof is 1140m$^2$, and the structure is not to be used for accommodating livestock, plants, or machinery, therefore, falls within the 1500m$^2$ allowance. |
| (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. |

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| (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres; | **Pass**: The building would be 11.9 metres in height. |
| (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 would not be within 25 metres of a classified or trunk road. |
| (i) it would consist of, or include, the erection or construction 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 protected building; | **Pass**: the building is within 400 metres of a protected building but not proposed for the storage of livestock or slurry.. |
| (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—<br><br>(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<br><br>(ii) is or would be within 400 metres of the curtilage of a protected building. | **Pass**: The building is within 400m of a protected building but not proposed for the storage of biomass waste. |

**<u>Assessment</u>**

Paragraph (2) of Class A.2 requires the developer to apply in writing to the local planning authority for a determination as to whether the prior approval is required for siting, design and the external appearance of the building. As part of the assessment the Local Planning Authority should determine whether or not the proposal complies with the requirements and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2. Part 6, Class A.

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

The proposal is for a new agricultural building, which has dimensions of that permissible under Class A of Part 6 of the GDPO.

Given the above, it is considered that the building is reasonably necessary for the agriculture on that unit.

**Siting, design and external appearance**

Given that the proposals are 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 erection of an agricultural building. The building would be situated approximately 27.5m from the nearest classified road, and 54m from the closest residential property not owned by the farm. It is considered that these distances are deemed acceptable and given the building is proposed within the larger farm building complex, the proposed building would not cause any significant impact on the surrounding areas. As a result, the siting of the proposed agricultural building is therefore considered acceptable.

Design and External Appearance

The building would be constructed from 'Yorkshire Boarding' vertical timber cladding walls, and corrugated fibre cement roof cladding with proprietary automatic ridge ventilation system in a grey finish. The proposed materials are considered similar enough to the existing buildings on the application site to have no significant impact on the local character. Furthermore, the muted colours of the materials would also reduce the impact of the proposal on the surrounding area.

The building would also be of a similar design to those already existing on the farm, including design, height, and scale. Moreover, the proposal is adequately set back from the nearest highway. As a result, the design and external appearance of the proposed agricultural building is therefore considered acceptable.

**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 – Approval of Details**

**Decision Authorisation** – Delegated Powers

**Application Number** – 2024/93225

**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 6th January 2026. Failing this, if you intend to carry out the works after this date, further notification will be required.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Application Forms | - | - | 12/11/2024 |
| Elevations as Existing | 8896/2 | - | 12/11/2024 |
| Site Plan as Proposed | 671 A02 | - | 12/11/2024 |
| Yard Plan as Proposed | 671 A03 | - | 12/11/2024 |
| Elevations as Proposed | 671 A05 | - | 12/11/2024 |
| Sections as Proposed | 671 A06 | - | 12/11/2024 |
| Site Location Plan | 671 A10 | - | 12/11/2024 |
| Site Plan as Existing | 671 A01 | - | 12/11/2024 |
| Roof Plan as Proposed | 671 A04 | - | 12/11/2024 |

**Report** 02/12/2024 **Dated:**