KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/62/90570/W**
Site Address:	Fleece Farm, 15, Midway, South Crosland, Huddersfield, HD4 7DA
Description:	Planning permission for demolition of agricultural buildings (within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL PERMISSION

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.

John Holmes

AUTHORISED OFFICER

Date: 4th July 2025

Officer Report

Site Description

The application site refers to Fleece Farm, which consists of a mix of traditional farmsteads, residential buildings, and rural landscapes located in South Crosland.

Beyond the site boundaries to the west are open and undeveloped agricultural fields. To the east are residential dwellings. To the north and south there is a mixture of further residential dwellings and open fields, and immediately to the west Public Right of Way HUD/229/50.

The majority of the application site is located within South Crosland Conservation Area and there are no Listed Buildings on the site. However the site is in close proximity to numerous Listed Buildings within the village. The site is also located within the Green Belt.

Description of Proposal

The application seeks planning permission for the demolition of agricultural buildings (within a Conservation Area).

Two of the existing agricultural buildings within the site are to be removed, these elements of the site are both located within the South Crosland Conservation Area to the southeast of the site. They are situated away from the street scene, set on a concrete pad that forms part of the larger farmyard. The buildings to be demolished are coloured in red on the submitted existing block plan – drawing number (20)002 and are constructed as steel portal frame buildings with a mix of timber and metal cladding, and concrete siding.

History of negotiations/amendments received

The agent was contacted with regards to comments made by Conservation, Environmental Health and Ecology officers. These included:

- What will take place on the land once the buildings have been demolished and what will be on this land once removed?
- A climate statement outlining how waste from the development is going to be dealt with and processed will need to be provided.
- A Preliminary Ecological Appraisal will need to be provided.
- Further information was needed in support of the application regarding demolition activities proposed, or any proposals to limit dust emissions from the site during the demolition.

The agent responded with a climate change statement (supporting points 2 and 4) and a Preliminary Ecological Appraisal. There was no information provided on point 1 therefore the application will be assessed on the detail submitted.

Relevant Planning History

2020/90361 – Demolition of livestock building and erection of new livestock building – Approved on 1st April 2020.

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via site and press notice.

Final publicity date expired: 27th April 2025

No representations were received as a result of the publicity.

Consultation Responses

KC Ecology – Initially stated that no Preliminary Ecological Appraisal has been provided, advising as follows:

- There is SAC, SPA, and SSSI (and the site is within an Impact Risk Zone) to the West, and a LNR to the East.
- EPS bat licence records have also returned. Records surround the site.
- Priority Habitats for grassland, heathland, wetland and woodland have also been noted surrounding, or adjacent to the site.
- The site itself looks to have good habitat corridors and so should be resolved further.

A Preliminary Ecological Appraisal was requested as there are several records for protected and priority species and habitats are present within 1km of the site.

Ecology was reconsulted following the submission of the Preliminary Ecological Appraisal. They stated that the Preliminary Ecological Assessment is reasonable and acceptable. Biodiversity Net Gain is exempt due to the de minimis exemption as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

KC Conservation & Design – Whilst C&D Officers have no concerns with the proposed demolition of modern farm structures as they have no heritage significance, Officers did request information on what would be put in place of the barns however were made aware that the applicant didn’t submit any further information on this. Officers had no further comments.

KC Environmental Health – Stated that there are sensitive receptors in proximity of the site. There was no information provided in support of the application regarding demolition activities proposed, or any proposals to limit dust emissions from the site during the demolition. The agent submitted a climate statement which laid out how they will limit dust emissions, this is considered acceptable. Suggested conditions attached to any grant of permission.

Parish/Town Council Comments

None.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within the Green Belt. The site is also within South Crosland Conservation
Area and within close proximity to Grade II listed buildings.

Relevant Local Plan Policies are:

LP1 – Achieving Sustainable Development
LP2 – Place Shaping
LP21 – Highways and Access
LP24 – Design
LP30 – Biodiversity & Geodiversity
LP35 – Historic Environment
LP52 – Protection and Improvement of Environmental Quality
LP57 – The extension, alterations or replacement of existing buildings

National Planning Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Principle of development

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

> *The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

Green Belt – Policy

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings, specifically stating the following: -

'Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;
b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;

c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'

Section 13 ('Protecting Green Belt Land') of the National Planning Policy Framework is relevant and in particular the following paragraphs: -

Paragraph 142: 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 143 specifies the five purposes of including land within the Green Belt, which are:-

> *a) to check the unrestricted sprawl of large built-up areas;*
> *b) to prevent neighbouring towns merging into one another;*
> *c) to assist in safeguarding the countryside from encroachment;*
> *d) to preserve the setting and special character of historic towns; and*
> *e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

National policy relating to the Green Belt is detailed within the NPPF, specifically paragraph 153 which states:

> *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness55 . Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

Paragraph 154 of the NPPF sets out that Development in the Green Belt is inappropriate unless exceptions set out in parts a – h of para 154 apply. The potential relevant exemption(s), in this case, would possibly be the following:

> *c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

In terms of this particular application, there are no new additions proposed but instead two agricultural barns will be demolished and essentially the proposal would be an alteration of a building. The barns are large in size and constructed from a timber, metal, and concrete cladding. It is considered that the demolition of these buildings would not conflict with the five purposes of the land within the Green Belt laid out in paragraph 143 of the NPPF. In terms of LP57 the proposal would harm openness and would lead to a decrease in the extent of built form within the Green Belt.

The proposal is considered to therefore comply with policy LP57 and the policies within Chapter 13 of the NPPF.

Urban Design/Heritage

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 of the KLP states that: "*development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".*

Paragraph 212 of the NPPF states: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation…".*

This is further supported by paragraph 215 of the NPPF, which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Paragraph 220 of the NPPF notes that not all elements of a Conservation Area will necessarily contribute to its significance however, the loss of a building which makes a positive contribution to the significance of the

Conservation Area should be treated either as substantial harm under paragraph 214 or less than substantial harm under 214, taking into account the relative significance of the element effected and its contribution to the significance of the Conservation Area as a whole.

The site in forms a historic Farmstead, with the Farmhouse and the barns to the west appearing on the first edition OS maps 1854. The site forms a part of the gateway into the Conservation Area from the south. With the settlement being quite linear and following the road, there are clear views when looking along Midway and Church Lane.

The Farmstead has expanded since its first phase of development and has expanded to the west of the farmhouse and barn with large agricultural buildings, sheds and a slurry container being erected. These only appear on mapping in the 1990's and the site was previously open countryside. To the south of the main Farmhouse is a detached bungalow. This was granted permission in 1983, however does not appear to have been completed until the early 1990's. The bungalow is considered to have a neutral impact upon the significance of the conservation area.

Nearby Grade II Listed Buildings include Sun End Farmhouse and 27a,29 Midway.

The proposal is for the demolition of agricultural buildings as shown on the submitted demolition plan, this includes the removal of two modern farm structures. These are steel portal frame buildings with a mix of timber, metal, and concrete cladding

Given the above, the Council's Conservation and Design team have been consulted and it is noted that they have no concerns with regards to the demolition of the proposed modern farm structures as they have no historic significance, and therefore the proposals would have a neutral impact on adjacent heritage assets. It is therefore considered that public benefits do not need to be assessed in this instance as the demolition of these structures would not result in harm to the significance of heritage assets.

The proposal is therefore considered to comply with the policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

<u>Residential Amenity</u>

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, this is further supported through Paragraph 135 of the National Planning Policy Framework. Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

As this application seeks planning permission solely for the demolition of existing agricultural buildings, Officers have no concerns with regards to the proposals causing issues with overshadowing, overlooking, or appearing overbearing in nature on any adjacent neighbouring properties.

However, it is acknowledged that the proposals may give rise to issues relating to noise and dust during the demolition works, this is due to the scale of buildings involved, their fabrication and their close proximity to nearing sensitive receptors.

Environmental Health Officers have therefore recommended that a condition be attached, should planning permission be granted, for site working times. Further information was submitted in the Climate Change Statement regarding Dust and Emission Control which stated that water suppression systems will be used during demolition to reduce airborne particulate matter, protecting air quality within the conservation area. These aspects are considered to be sufficient mitigation to overcome any concerns in respect to dust impacting on adjacent neighbouring properties.

Noise has the potential to impact and it is included within the response of the Environmental Health Team that any permission is subject demolition not being audible from the site boundaries between 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13.00 on Saturdays.

On the basis of inclusion of conditions requiring the development be undertaken in accordance with the submitted details and restricting the hours of demolition the proposal is considered to be acceptable in this regard.

Highways

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The demolition will see vehicle movements associated with those works, however it is considered vehicles associated with the demolition can adequately leave the highway and turn within the site such that the demolition phase would not lead to significant impacts upon the safe operation of the adjacent highway.

Due to the nature of the proposals which seeks to demolish existing agricultural buildings within the application site, and that no changes are proposed within this application to the existing access, parking or servicing arrangements, the proposals are therefore considered to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The Council's Ecologist provided comments on the proposal and requested a Preliminary Ecological Appraisal. This was submitted and the Ecology officer was reconsulted and stated that they consider the submitted appraisal acceptable.

The proposal is exempt from the requirement of a Biodiversity Net Gain due to being an existing developed site it is considered to benefit from the de minimis exemption and there is no requirement for BNG on the basis as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Within the submitted Ecological Appraisal (ref: 22849/RPS) a number of recommendations are made, which include timings for vegetation clearance works, nesting bird survey 24 hours before demolition to confirm no nesting birds are present, undertaking of bat emergence surveys and a construction environment management plan.

Para 3.2.2 of the submitted appraisal sets out that there are no priority habitats and potential ecological network areas within the vicinity of the site. The site is linked to the wider landscape through agricultural grasslands. The site is therefore not considered to be ecologically desirable.

The assessments sets out hat of thebuildings on site 1, 2 and 3 have no roosting features identified. Building 4 has moderate potential and buildings 6 and 7 have moderate potential to host bats.

Building 5 was identified as having low bat roost potential.

The buildings to be demolished the subject of this application are buildings 3 and 5.

Following review of the submitted appraisal the Council's Ecology Team state they have no objection and recommended conditions requiring a Construction Environmental Management Plan (CEMP: Biodiversity) to be submitted to and approved in writing by the local planning authority. In addition, a condition

stating that no works are to commence unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. Finally a condition stating that the 2no. bat emergence surveys must be completed on each of the buildings 4, 5, 6, and 7 within the bat survey season (1st May to 31st August inclusive).

It is considered that submission of a lighting scheme is unnecessary in this case given that the scheme relates to demolition of the building only. Furthermore, it is considered that the condition recommending enhancements could not be reasonably included in this case taking account of the nature of the development and fact the proposal would not impact significantly upon existing habitats.

Within the appraisal 2.no emergence surveys are recommended to be undertaken, it is considered that whilst these will need to be carried out to inform the developer in relation to presence of bats, it would be unreasonable of the LPA to include as a condition given the content of the submitted appraisal and fact that the buildings were identified as having low potential to host bats. An informative note drawing the legislative protection of bats to the developers would be included upon any grant of permission and on such a basis is considered to be sufficient in this regard.

A construction environment biodiversity management plan is not considered to be necessary to require as a condition in this case given the extent of the works and fact the development relates to existing development at site to be removed.

The extent of the works would have an impact to some extent, however taking account of the submitted appraisal it is considered this would not be significant and weighing up the extent of the submitted detail and the nature of the proposal it is concluded the development would have an acceptable impact upon ecology subject to inclusion of the recommended informative and inclusion of the ecological appraisal as a document for which the development is required to be undertaken in accordance with.

<u>Other Matters</u>

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining

planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal which seeks to demolish some of the existing agricultural buildings on the site, it is not considered reasonable to require the applicant to put forward any specific resilience measures.

Conclusion

The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation – Delegated Powers

Application Number – 2025/90570

Officer Recommendation – Approve.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP24, LP30, LP35, LP52 and LP57 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. No demolition related noise shall be audible beyond the site boundary outside the hours of:
   - 07.30 to 18.30 hours Mondays to Fridays
   - 08.00 to 13.00 hours Saturdays

   With no demolition related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52of the Local Plan

NOTE: Public Bridleway HUD/229/50 is located adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Due to its location, a bat roost may be present on site. bats are a European protected species under Regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are found, then Natural England should be contacted. You should satisfy yourself bats are not present prior to undertaking demolition, and 2.no emergence surveys recommended in the Ecological Appraisal should inform the assessment in relation to their presence.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-13817017v1	-	03/03/2025
Existing site/block plan	(20)002	-	03/03/2025
Proposed site plan	(20)003	-	03/03/2025
Preliminary Ecological Appraisal Report Issue	22849/RPS	-	10/06/2025
Conservation/heritage assessment	Dated 28.02.25	-	03/03/2025
Climate and waste management assessment	-	-	24/06/2025
Application form	-	-	03/03/2025

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 have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2025 and otherwise actively engaged with the applicant in dealing with the application. The agent was contacted with regards to comments made by Conservation, Environmental Health and Ecology officers. These were responded to and additional information sent which was assessed by the case officer.

Report dated: 4th July 2025