Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/90585/W

To: R Breakey
Hey Farm
Waters Road
Marsden
Huddersfield
HD7 6NJ

For: R BREAKEY

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

ERECTION OF EXTENSION AND ALTERATIONS TO EXISTING STORE TO FORM ONE DWELLING FOR HOLIDAY LET

At: HEY FARM, WATERS ROAD, MARSDEN, HUDDERSFIELD, HD7 6NJ

In accordance with the plan(s) and applications submitted to the Council on 16-Apr-2025, subject to the condition(s) specified hereunder:-

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 (as amended).

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 to accord with Policies LP01, LP02, LP3, LP10, LP21, LP22, LP23, LP24, LP28, LP30, LP31, LP33 & LP35 of the Kirklees Local Plan and Policies within Chapters 2, 12, 13, 15 & 16 of the National Planning Policy Framework

3. The materials of construction of the development hereby approved shall be vertical cedar boarding to the walls and natural stone to match the existing building as annotated upon submitted plans 2023/05RevA and 2023/04RevA. The roof of the building shall be solar panels which shall be of a black colour finish and sedum roof of a dark grey colour finish as annotated upon submitted drawings 2023/04RevA and 2023/06RevA.
Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.
Reason: In the interests of protection of bats and biodiversity in accordance with Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

5. All excavation works, including those for construction of foundations, walls and steps to the areas beneath the tree canopy as demarked upon drawing 2023/02RevA shall be undertaken via a hand dig method only with no mechanical assisted machines used
Reason: In the interest of protection of mature trees within the site to accord with policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

6. Development shall not commence until a Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall put in place measures to retain and protect the retained ecological features on the site and shall include the following:

a) Risk assessment of potentially damaging construction activities
b) Identification of “biodiversity protection zones”
c) Measures to avoid or reduce impacts during construction
d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
e) The times during construction when specialist ecologists need to be present on site to oversee works
f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
g) Use of protective fences, exclusion barriers and warning signs
h) Tree protective fencing, its design and siting within the site

i) Invasive species method statement including identification and measures for removal.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: To ensure the protection of existing biodiversity features in accordance with Local Development Framework policy LP30 & LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

7. One bat box and one bird box shall be incorporated into the dwelling hereby approved; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes shall be provided prior to first occupation of the development hereby approved and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. The development hereby permitted shall be occupied by, or let to, the same person for a continuous period of time not exceeding 28 days with a requirement to have a minimum of 14 days no return between bookings for the same person and shall not be occupied by any person(s) as their sole or main place of residence

Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers as the accommodation and to ensure acceptable parking arrangements are in place to accord with Policies LP22 and LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

9. The development hereby permitted shall be operated in connection with the buildings outlined in red upon the 1:1250 scale drawing titled ‘Location Plan’ upon submitted drawing 2023/01 and shall not be disaggregated or operated separately / independently.

Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers as the accommodation and to ensure acceptable parking arrangements are in place to accord with Policies LP22 and LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Public Rights of Way footpaths COL/193/60, COL/193/10, COL/193/20 and COL/192/40 are 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 ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence for anyone intentionally to 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 discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	TQRQM25077143124923 / Lodge	16th April 2025
Location and Site Plan	2023/01	12th May 2025
Existing Site plan	2023/20	16th April 2025
Existing Store	2023/21	16th April 2025
South / West Elevations	2023/04RevA	22nd May 2025
North / East Elevations	2023/05RevA	22nd May 2025
Floor Plan	2023/03RevA	22nd May 2025
Sections	2023/06RevA	22nd May 2025
Site Layout	2023/02RevA	22nd May 2025
Application Form	-	16th April 2025
Preliminary Ecological Appraisal	22926/GB	17th June 2025
Biodiversity Net Gain Statement	-	16th April 2025
Planning Statement	-	16th April 2025
Climate Change Statement	-	16th April 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 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. Further details were submitted relating to consideration of the scheme against ecology and trees.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**

- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **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 Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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.

Dated: **23-Jul-2025**

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2025/62/90585/W.

If a paper copy of the decision notice or decided plans are required, please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: **dc.admin@kirklees.gov.uk**

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