

**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**

Reference no. 2025/N /90652/W

**Site Address Foster Place Farm, Foster Place
Lane, Hepworth, Holmfirth, HD9
7TN**

**Description Prior notification for erection of
agricultural building**

Recommending Officer John Holmes

DECISION – PRIOR APPROVAL NOT REQUIRED

**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.**

Kevin Walton

AUTHORISED OFFICER

Date: 07-Apr-2025

Officer Report – 2025/90652

Site Description

The site is within the Green Belt on the Kirklees Local Plan. To the south of the site are agricultural buildings and an associated farmhouse. To the north, east and west is open land. To the west of the site and south of the site are two highways, with access to the site gained from the highway to the south.

Description of Proposal

The proposed building's footprint would be 22.6m x 9.1m (205.66m²).

The walls are proposed to be constructed from concrete panels and timber boarding. The roof is indicated to be a fibre cement roof material.

The submitted application form states that the building is to be used for general agricultural storage.

The application form states that the total area of the entire agricultural holding is 43 hectares in area and the land on which the proposed development would be located has been in agricultural use for 100 years.

In terms of whether the proposed development is reasonably necessary for the purposes of agriculture, the submitted application form sets out that Foster Place Farm is an operational dairy farming business. The business does not currently have sufficient storage space for their machinery and equipment and this is kept outside currently. It is proposed to utilise the new building for storage of existing machinery and equipment which is kept outside.

History of negotiations/amendments received

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

Planning History

There is no planning history for the site.

Land to the south of the site is subject to a number of applications all relating to agricultural developments.

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.

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 that relate to a 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 equipment and machinery used in association with the existing agricultural use of land to the south of the site. The design of the building is such it would be able to be used in connection with the established agricultural uses already taking place. |

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| | <p>During the case officer site visit it was clear use of the land for agricultural purposes was being undertaken and it is considered the building the subject of this application is designed for agricultural purposes.</p> |
| <p>(e) The ground area would be covered by – 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 (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;</p> | <p>Pass: The building's footprint including cumulatively an extension to an existing building a erection of building to the south of the proposed development provided in the preceding 2 years does not exceed 1000 square metres.</p> |
| <p>(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;</p> | <p>Pass: The building would not be within 3 kilometres of an aerodrome.</p> |
| <p>(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;</p> | <p>Pass: The building would be 5.1 metres in height.</p> |
| <p>(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;</p> | <p>Pass: the site would be beyond 25 metres of a classified or trunk road.</p> |
| <p>(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;</p> | <p>Pass: the development would not be used for accommodation of livestock or for the storage of slurry or sewage sludge.</p> |

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| (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; | Pass: Not applicable. |
| (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (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 (ii) is or would be within 400 metres of the curtilage of a protected building. | Pass: It is not proposed that the building will be used for the storage of waste for either. |
| the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument | Pass: the proposal is not within the curtilage of a scheduled monument. |

Assessment

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.

The use of the building would be associated with an established agricultural use of land to the south and the land upon which the building would be constructed.

The building would be open sided, with the open sided element facing eastwards. To the south, north and western elevations the building would be solid sides constructed from concrete base boards / timber walls and with a profile concrete sheeting roof.

During the case officer site visit it was clear the land upon which the building would be sited is being used for storage of agricultural implements / machinery. It was further clear that the land to the south was used for livestock and there is a wider farming / agricultural operation being undertaken at the site. It is considered that the building would meet the requirements of Part 6 of the permitted development legislation insofar as it is designed for the purposes of agriculture and is reasonably necessary for the purposes of agriculture in this case.

The design of the building is typical of that which would expect to be seen within an agricultural setting and the scale of the building, whilst not unsubstantial, would be viewed in the context of the wider agricultural land and operations. The proposal would see a blank elevation 26m from the highway to the west, although it is considered that to reorientate the building in the site would introduce the same relationship in respect of the highway to the south.

Furthermore to resite the building further into the site would see a sprawl of buildings, rather than being kept in a cluster together as they would be in this case. In addition re siting further into the site would lead to a requirement for access to be made, with associated tracks / surfacing.

Therefore, in this case, it is considered that it would be unreasonable for the prior approval of the LPA to be required in relation to the siting, design and external appearance of the building.

Conclusion

It is concluded that the proposal complies with the provision of Schedule 2, Part 6, Class A of the GPDO 2015 (as amended) and prior approval is not required.

RECOMMENDATION – Approval of Details

Decision Authorisation – Delegated Powers

Application number – 2020/94236

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 | Date Received |
|------------------|------------------|-----------------------------|
| Location Plan | IP/25/NH/01 | 11 th March 2025 |
| Site Plan | IP/25/NH/02 | 11 th March 2025 |
| Elevations | IP/25/NH/03 | 11 th March 2025 |
| Application Form | | 11 th March 2025 |

Report Dated:

27th March
2025