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:	**2025/62/90993/W**
Site Address:	land adj, New Hey Carrs, New Hey Road, Scammonden, Huddersfield, HD3 3FT
Description:	Erection of agricultural building
Recommending Officer:	Danielle Cooper

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-Jun-2025

Officer Report

Site Description

Land adjacent New Hey Carrs, New Hey Road, Scammonden

The application site is part of a field located off New Hey Road. The field slopes gently from the road in a north westerly direction. The field is bound by stone walls. The access to the site exists and is located adjacent to an existing public right of way that runs on Redgate Lane.

The site is in an open rural location visible from various vantage points within the locality.

It is noted that there was a caravan situated on site when the case officer visited the site. This does not have planning permission and as such an informative will be put on to advise the applicant to remove this structure from the site immediately.

Description of Proposal

This application seeks retrospective planning permission for the erection of an agricultural building.

The agricultural building was granted under application ref: 2019/92327 and has not been constructed in accordance with the approved plans. This application seeks to regularise the building constructed.

The proposed building measures 24.3 metres by a width of 13.4 metres. The maximum height of the building is 5.4m and eaves of 3.6m.

The building is constructed of concrete precast panels to 1.9m in height with green wall cladding above. The roof is made from plasticol sheets.

Access is shown directly from New Hey Road down the edge of the existing field for a stretch of approximately 60 metres.

History of negotiations/amendments received

None.

Relevant Planning History

COMP/24/0281 – Live enforcement case for the built agricultural building.

2019/92327 – Erection of agricultural building – Approved

Representations

The application was advertised by site notice and the press. Publicity expired on the 14th June 2025. No representations have been received.

Consultation Responses

None.

Policy

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 green belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP21 – Highway safety**
- **LP23 – Core walking and cycling network**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP52 – Protection and improvement of environmental quality**
- **LP54 – Buildings for agriculture and forestry**
- **LP57 – Green Belt**

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 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.

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- The Biodiversity Net Gain Technical Advice Note

Assessment

Principle and visual amenity:

The site is located within the Green Belt and as such policies LP54 and LP57 are relevant in addition to policy contained in Chapter 13 of the NPPF.

The NPPF sets out at paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings are inappropriate with the exception of a) buildings for agriculture and forestry.

Policy LP54 requires agricultural buildings to be genuinely required, the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated building will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location, be of an acceptable design and have no detrimental impact on residential amenity.

This application seeks to regularise the built agricultural building. The building was granted permission under application ref: 2019/92327. The previous application was accompanied by details of agricultural operations of the applicant and requirements associated with this. The case officer visited the site and it was clear that the building is used for agricultural purposes.

The positioning of the proposed barn has been considered and located so as to be adjacent to an existing water source and low enough down the hill so as to prevent open views from local cottages being disturbed. Furthermore, as discussed within the previous permission, the location has been influenced by existing buildings at the sailing club which are listed. The topography of the land is such that the development will be set at a significantly lower level to the road being low down thereby limiting view from the main New Hey Road. The proposed building is only marginally larger than the previous permission granted and as such raises no additional concern.

In accordance with LP54 the erection of an isolated new building would only be accepted in exceptional circumstances. It is considered that the need and associated location has been demonstrated through the supporting information submitted by the previous planning permission and is therefore accepted.

The siting of the barn within the topography of the land and being located adjacent to the field boundary minimises impact. It is noted that although set down from new Hey Road, the siting would clearly be visible from users of Redgate Lane, glimpsed from viewpoints on Sledgate due to the rising land and from across Scammonden Reservoir on Saddleworth Road, Nonetheless the siting is on a less steep section of the field and the functional design and fibre cement roof sheets would lessen its impact on the wider landscape.

The design is of simple form and materials appropriate its use. It is functional with open front which has a large roof overhang to provide shelter. The materials proposed will help to mitigate impact on the openness of the green

belt being akin to other agricultural units in the district. The development is therefore considered in accordance with policy LP24 and LP54. Sufficient information is detailed on the submitted plans to not require any separate planning conditions in respect to materials etc.

Residential Amenity

The proposed building would be located a sufficient distance from any nearby residential property so as to ensure that the use of the building for agriculture would not have any adverse impact on residential amenity.

Due to the location and topography of the land the building would sit into the land away from existing residential development thereby limiting any impact. There are no close by residential properties and as such will avoid any detriment to occupants in the locality through issues of overshadowing/overbearing or matters arising from potential noise/odour.

Environmental Health have been consulted and raise no objections. As such the development is in accordance with Policy LP24 and LP52 of the Local Plan and Chapter 15 of the NPPF.

Highways & Public Right of Way

This application seeks approval for the erection of an agricultural building at land adjacent to New Hey Carrs, Scammonden.

The proposed agricultural building would take access directly from New Hey Road at a point adjacent to Public Right of Way (PROW) COL/170/10 known as Redgate Lane.

The existing access will remain as it is and there will be no intensification of use as only the applicant is able to access the site to check on livestock. As such there are no concerns to highway safety. The existing PROW will also remain unaffected and as such raises no concern.

The proposals are considered acceptable from a Highway perspective and no specific conditions are necessary in this instance. It is considered the proposed development is acceptable on highways grounds in accordance with Policies LP21 and LP23 of the Local Plan.

Other:

Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). As the development is retrospective, there is no required for BNG to be provided in respect of the aforementioned

legislation as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

However, the following policies are relevant:

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 is 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 Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.
In this instance, as the proposal is retrospective and was not constructed by the applicant, it is not considered necessary to request the applicant to provide any further ecological enhancements.

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 predates 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.

The proposal has been constructed from timber cladding walls and is considered to be of an appropriate material to help promote carbon reduction. As such, no specific measures are required in terms of the planning application with regards to carbon emissions. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Conclusion

The NPPF has 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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90993

Officer Recommendation: Approve

Conditions and Reasons

1. 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 LP24, LP54 and LP57 of the Kirklees Local Plan and advice in the National Planning Policy Framework

NOTE:
Public footpath Colne Valley 170 is adjacent to the development site and must not be interfered with or obstructed.

NOTE:
A static caravan was present on site when the case officer visited the application site. The granting of this permission does not include the static caravan and it should be removed from the site immediately.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1314.P05		07/05/2025
Proposed Block Plan	1314.P03.1		09/04/2025
Proposed Plan General	1314.P04		09/04/2025
Proposed Elevations	1314.P01.1		09/04/2025
Proposed Floor Plans	1314.P02		09/04/2025
Planning Statement			09/04/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 19/06/2025