

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no. 2025/CL/90997/E

**Site Address Barley Fields Farm, Oxford Road,
Gomersal, Cleckheaton, BD19
4HA**

**Description Prior notification for change of
use of agricultural buildings to 3
dwellinghouses and associated
operational development**

Recommending Officer Nicole Helliwell

DECISION - REFUSED

**I hereby authorise the refusal 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: 02-Jun-2025

Officer Report

Reference No. 2025/CLASS Q/90997/E

Site Address: Barley Fields Farm, Oxford Road, Gomersal, Cleckheaton, BD19 4HA

Proposal: Prior notification for change of use of agricultural buildings to 3 dwellinghouses and associated operational development.

Site Description

The application relates to several agricultural buildings situated within the grounds of Barley Fields Farm in Gomersal, Cleckheaton. The site is currently a working farm which comprises numerous agricultural buildings and accommodation belonging to the owner. The buildings on site are highly varied in terms of size, architectural styles, and materials. The site is not within a conservation area, nor are there any listed buildings nearby. However, public rights of ways (SPE/61/120 and SPE/59/40) are located adjacent along the south-eastern and eastern boundaries of the site.

Description of Proposal

The proposal seeks a change of use of the existing agricultural buildings to three dwellings together with operations to alter the buildings to residential use under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q. The submitted plans confirm that three dwellings are proposed across one floor. The dwellings would be predominately faced in timber cladding with a lower course of natural stone for the external walls. Furthermore, the roofs would be finished in standing seam metal cladding. New stainless steel aluminium doors in anthracite grey and double glazed aluminium black/grey sliding doors would be installed as part of the application. Furthermore, double glazed black or anthracite grey windows would be installed to allow adequate light.

Relevant Planning History

- **2015/91432:** Discharge of conditions 3 (roofing materials) 8 (Phase 1 report) and 9 (Phase 2 report) on previous permission no. 2014/90770 erection of detached agricultural worker's dwelling. – Discharge of Condition(s) Approved
- **2014/90770:** Erection of detached agricultural worker's dwelling. [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **2005/94113:** Erection of extension to existing building to form stable block and formation of outdoor arena and use of existing container as tack room. [Planning application details | Kirklees Council](#) – Refused
- **91/00456:** Golf course and ancillary facilities. [Planning application details | Kirklees Council](#)– Conditional Full Permission

History of Negotiations

No amendments were sought or received during the course of the application.

Representations

The application was publicised on the council website. As a result of the above publicity, no representations have been received.

Procedural Matters and Policy Context

The proposal is defined as development within Section 55 of the Town and Country Planning Act 1900. The General Permitted Development Order 2015 Schedule 2 Part 3 Class Q permits the following development:

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
- (a) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Proposals pursuant to Class Q are permitted subject to limitations set out in Paragraph Q.1 and subject to conditions set out in Q.2.

What works are permitted under the Class Q permitted development rights for change of use from an agricultural building to residential use?

The right allows either a change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use:

Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external

appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. For a discussion of the difference between conversions and rebuilding, see the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin) as referenced in the NPPG.

For the proposals to be considered conversion, the nature and extent of the works need to fall short of a rebuild. None of the proposed works falls outside the operations listed in paragraph Q.1(i) of the GPDO or in the NPPG. However, in *Hibbitt, Green J* held that:

“...the concept of “conversion” is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a “conversion” then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1.”

The covering letter submitted with the application state that operation development for the larger barn (plots 1 & 2) is the minimum amount required to facilitate the conversion. It suggests the larger barn would be altered through the removal of some sections of walling to subdivide the barn and the roof would be replaced. It states that all external walls would be retained where they would form external walls of the resultant dwellings. It states that the smaller barn would not require any demolition and that all operational development would be to create a detached dwelling of modern build standards and insulation levels.

The structural report provides that the portal frame and floor slabs are structurally capable of withstanding the loading of the new roof. The submitted photographs within the structural report show the smaller barn to be constructed from concrete panels/blockwork up to approximately 1.8 metres in height with slatted timber boarding above. The north elevation is currently open along approximately half of the elevation. The larger barn is of similar construction to the smaller barn with some internal block walls at approximately 1.8 metres in height as shown on the existing plans.

The submitted proposed plans state the that the external walling will be timber cladding and natural stone although the elevational detail seems to indicate

timber boarding on all elevations both for the smaller and larger barn. The roofing materials are stated to be standing seam metal cladding suggesting both buildings would have new roofing.

Based on the submitted information, the proposed work to the larger barn would seem to consist of, for plot 2, partial demolition leaving the south and west elevations open requiring new walling and new roof. Works to form plot 1 would require new walling for the east elevation and new roof. The covering letter claims external walling would be retained where they form external walls of the resultant building which appears to suggest the concrete panels and block walling is proposed to be replaced with timber boards and/or natural stone. It is unclear from the information provided whether the existing timber boarding will be retained although it is considered unlikely in light of the detail on the proposed elevations given the existing timber boarding is slatted and unlikely to be suitable to construct a dwellinghouse of “modern build standards and insulation levels”

Overall, it appears from the information provided that all, or at least the vast majority, of the existing external walling and roofing material is to be replaced. It is therefore considered that the buildings as they currently stand, would not be capable to function as converted dwellings without the significant degree of proposed building works. In this case, the proposed works would be considered so extensive as to comprise rebuilding and therefore cannot be considered within the definition of “conversion.”

Permitted Development

Q. Development consisting of –

- (a) a change of use of –
 - (i) a building that is part of an established agricultural unit and any land within that building’s curtilage, or
 - (i) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in subparagraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if—

<p>(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—</p> <ul style="list-style-type: none">(i) on 24th July 2023, or(i) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,	<p>Pass: <i>The site is an existing agricultural unit.</i></p>
<p>(a) In the case of a site that was (but is no longer) part of an established agricultural unit –</p> <ul style="list-style-type: none">(i) the site was part of an established agricultural unit on 24th July 2023,(i) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or(ii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose	<p>Pass: <i>The site is an existing agricultural unit.</i></p>
<p>(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,</p>	<p>Pass: <i>Whilst the floor space of one of the dwellings would exceed 150 square metres, this is considered acceptable under transitional arrangements.</i></p>
<p>(d) the development under Class Q (together with any previous development under Class Q) within the</p>	<p>Pass: <i>The number of dwellings does not exceed 10 or 1000 square metres.</i></p>

<p>original limits of an established agricultural unit would result in –</p> <ul style="list-style-type: none"> (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or (i) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres, 	
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>Pass: <i>The application form states that the site is not occupied under an agricultural tenancy.</i></p>
<p>(f) less than 1 year before the date development begins –</p> <ul style="list-style-type: none"> (i) an agricultural tenancy over the site has been terminated, and (i) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use; 	<p>Pass: <i>The site is not under an agricultural tenancy, nor has been in the past year.</i></p>
<p>(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,</p>	<p>Pass: <i>No development under Class A(a) or B(a) has taken place within the agricultural unit.</i></p>
<p>(h) the development would result in the external dimensions of the building</p>	<p>Pass: <i>The development would not result in the external dimensions of</i></p>

<p>extending beyond the external dimensions of the existing building at any given point, other than—</p> <ul style="list-style-type: none"> (i) extension of the building allowed by paragraph Q.1(i); (i) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i), 	<p><i>the buildings extending beyond the external dimensions of the existing buildings.</i></p>
<p>(i) the development under Class Q(b) would result in an extension that—</p> <ul style="list-style-type: none"> (i) has more than one storey, (i) is sited anywhere other than to the rear of the existing building, (ii) extends beyond the rear wall of the existing building by more than 4 metres, (iii) has eaves the height of which exceed the height of the eaves of the existing building, (iv) is higher than whichever is the lower of— <ul style="list-style-type: none"> (aa) the highest part of the roof of the existing building, or (bb) a height of 4 metres above the ground, (v) extends beyond a wall that forms a side or principal elevation of the existing building, or (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and— <ul style="list-style-type: none"> (aa) the hard surface was not provided on the land on or before 24th July 2023, or (aa) where the hard surface was provided on the land after 	<p>Pass: <i>The development would accord with the requirements of (i).</i></p>

<p>24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,</p>	
<p>(j) the development under Class Q(b) would consist of building operations other than –</p> <p>(i) the installation or replacement of –</p> <p style="padding-left: 40px;">(aa) windows, doors, roofs, or exterior walls, or</p> <p style="padding-left: 40px;">(aa) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and</p> <p>(i) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>	<p>Fail: <i>It is considered that the proposed building operations would exceed the limit of those listed.</i></p>
<p>(k) the site is on article 2(3) land</p>	<p>Pass: <i>The site not located on article 2(3) land.</i></p>
<p>(l) the site is, or forms part of –</p> <p>(i) a site of special scientific interest;</p> <p>(i) a safety hazard area;</p> <p>(i) (ii) a military explosives storage area;</p>	<p>Pass: <i>The site is located in a safety hazard zone. (Middle zone of Hays Chemicals Limited.</i></p>
<p>(m) the site is, or contains, a scheduled monument;</p>	<p>Pass: <i>The site is not, nor does it contain, a scheduled monument.</i></p>
<p>(n) the building is a listed building.</p>	<p>Pass: <i>The building is not a listed building.</i></p>
<p>(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not</p>	<p>Pass: <i>The dwelling would accord with the Nationally Described Space Standards.</i></p>

be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or	
(p) the building does not have suitable existing access to a public highway	Pass: <i>The building has suitable existing access to a public highway.</i>

Curtilage

The following is the definition of ‘curtilage’ taken from Part 3 Class X; “curtilage” means, for the purposes of Class Q, R or S only –

- a. the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- a. an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;

The curtilage identified to serve the development would be located immediately adjacent to the proposed dwellings and would not be larger than the land area occupied by the buildings. This is consistent with the definition of curtilage as prescribed in Part 3 of Class X.

Conditions for Class Q Development

Where the proposal is development under Class Q(a) together with development under Class Q(c), the proposal is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) transport and highways impacts of the development,
- (a) noise impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site,
- (d) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (e) the design or external appearance of the building, and

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The application for Prior Approval is to be submitted and assessed in accordance with the 'Procedure for applications for prior approval under Part 3', as outlined in Section W of Part 3.

Consultation Responses

KC Environmental Health – No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

Assessment

The following matters are considered in the assessment below:

- 1) Transport and highways impacts of the development
- 2) Noise impact of the development and siting of the building(s)
- 3) Contamination and flood risk of the site
- 4) The design or external appearance of the building(s)
- 5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use
- 6) Impact on the amenity of future occupiers
- 7) Representations
- 8) Conclusion

1) Transport and Highways Impacts of the Development

The proposal seeks prior notification for the change of use of existing agricultural buildings to three dwellings, which would intensify the domestic use on site. Therefore, KC Highways Development Management were consulted on the proposal.

The site is accessed from the end of an adopted un-named access road, which serves numbers 204 to 210 Oxford Road. The site access is a private single track access road, extending from the adopted highway for around 475m. The access track is of insufficient width to enable two-way vehicle movements and currently provides no formal passing places or opportunities for opposing vehicles to pass. The access shares the alignment of public footpaths SPE/61/20 and SPE/61/30.

The access currently serves Barley Fields Farm and a bungalow, the proposed three dwellings bringing the total number of dwellings served to five, the level of development generally considered acceptable from a private drive.

The proposal will remove traffic associated with the agricultural use and in terms of vehicular movements it is considered there is unlikely to be any

material traffic impact. The potential slight increase in private car movements being offset by the removal of generally larger commercial and agricultural vehicles associated with the current use.

It is considered that there is likely to be an increased probability of opposing vehicles needing to pass on the access track and the proposals include the provision of three formalised passing places positioned roughly equidistant along the track, with intervisibility between passing places.

In terms of waste collection, a bin collection point is provided at the end of the access track close to where it meets the adopted highway. This is an existing facility used by the existing farm and bungalow, it is of sufficient size to accommodate bins associated with the proposed additional dwellings and notwithstanding the extended carry distance is considered acceptable.

It has been demonstrated using vehicle swept paths that emergency vehicles, can access and turn within the site. Each dwelling provides adequate independently accessible parking together with an EV charge point and bike store.

In conclusion, access, parking and servicing arrangements are considered acceptable. It is considered that traffic associated with the development will have no material impact on the operation or safety of the highway network. Subject to conditions, KC Highways Development Management have no objection to the proposal.

2) Noise Impact on the Development

The site is situated in an isolated location and the proposal is unlikely to create a significant level of noise disturbance which would be harmful to any neighbouring occupiers. Furthermore, there are also no uses or noise pollutants nearby that could be materially harmful to the amenity of any future occupants.

3) Contamination and Flood Risk of the Site

The site does not fall within a flood risk zone and there are no known flood risks associated with the site.

The site of the proposed development is not situated on land identified as potentially contaminated. However, the site is located close to a former chemical works (our site reference: 169/2) and is situated on a Coal Authority high risk development area. The use of the site as a working farm may introduce contamination. The proposed development will involve part demolition and groundworks, therefore KC Environmental Health recommend contaminated land conditions.

4) The Design or External Appearance of the building(s)

The design of the dwellings would be somewhat determined by the existing building. The submitted plans confirm that the dwellings would be predominately faced in timber cladding with a lower course of natural stone for the external walls. Furthermore, the roofs would be finished in standing seam metal cladding. Although this material palette is not typical for the site and wider area, it is considered that the appearance of the proposed dwellings would be sympathetic to the original building and the surrounding rural character. This is notwithstanding the issue of the works being considered to be a re-build rather than conversion.

5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use

The dwelling would be situated in a remote location. However, the site is located reasonably close to bus routes and local services in Gomersal that can be accessed via a network of public rights of way. Therefore, it is considered that the location is sustainable.

6) Impact on the Amenity of Future Occupiers

Consideration is required to be given to the impact on the amenity of future occupiers in terms of the gross internal floor area and the adequacy of natural light. The proposal has been considered against the Government's Space Standards for dwellings which suggests that a single storey, 3 bedroom dwelling should have an internal floor area of 74m² for 4 people, 86m² for 5 people and 95m² for 6 people. Furthermore, a single storey, four bedroom dwelling should have an internal floor area of 90m² for 5 people, 99m² for 6 people, 108m² for 7 people and 117m² for 8 people.

The proposed floor plans demonstrate that dwellings two and three would have three double bed spaces and would have an internal floor space of 101.7m². The proposed floor plans also confirm that dwelling one would have four bed spaces and is shown to have an internal floor space of 153.1m² which would be acceptable. Furthermore, each of the habitable rooms would benefit from a sufficient amount of natural light and off road parking would also be provided on site. Furthermore, areas of private outdoor amenity space are proposed for each of the dwellings. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants.

7) Representations

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

8) Conclusion

The proposed development is not considered to benefit from a general planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in accordance with Part 3, Class Q of Schedule 2 of the Order.

Recommendation: Refuse Prior Approval

Decision Authorisation - Delegated Powers**Application Number:** 2025/90997**Officer Recommendation:** Refuse Prior Approval**Reasons for Refusal:**

1. The building operations described in the application are considered to go beyond works that could reasonably be described as development to convert existing agricultural buildings and as thus considered as a matter of fact and degree to constitute a re-build and therefore cannot benefit from a general planning permission by virtue of Article 3(1) and Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The location of the proposed development is sited within proximity of a chemical works and as such within a safety hazard zone, as defined by Article 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and thus contrary to sub-paragraph Q.1(l) of Part 3 of Schedule 2 of the Same Order.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	NEBF-MWA-XX-XX-DR-A-0001	P1	08/04/2025
Existing Site Survey	NEBF-MWA-XX-XX-DR-A-0002	P1	08/04/2025
Proposed Site Layout	NEBF-MWA-XX-XX-DR-A-0003	P3	08/04/2025
Existing Large Barns	NEBF-MWA-XX-XX-DR-A-0004	P1	08/04/2025
Existing Small Barn	NEBF-MWA-XX-XX-DR-A-0005	P1	08/04/2025
Proposed Dwelling One	NEBF-MWA-XX-XX-DR-A-0006	P3	08/04/2025
Proposed Dwelling Two	NEBF-MWA-XX-XX-DR-A-0007	P3	08/04/2025
Proposed Dwelling Three	NEBF-MWA-XX-XX-DR-A-0008	P3	09/04/2025
Proposed Access Road	NEBF-MWA-XX-XX-DR A 0009	P2	09/04/2025
Structural Appraisal Report	MDL – 8474	-	08/04/2025
Class Q – Covering Letter	-	-	08/04/2025

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 has, 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. In this instance, the construction required would be beyond the scope of the application. As such, no amendments were sought thereafter.