

Enquiries to: Nicole Helliwell

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Date: 02-Jun-2025
Our Ref: 2025/90997

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015
NOTIFICATION OF PROPOSED CHANGE OF USE AND BUILDING OPERATIONS
APPLICATION NUMBER: 2025/90997
AT: Barley Fields Farm, Oxford Road, Gomersal, Cleckheaton, BD19 4HA**

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 08-Apr-2025.

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

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

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 Class Q, 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.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>
[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. 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 [The Planning Inspectorate Website](#) . Further information on the Planning Appeal process can be found online at [The Planning Inspectorate Website](#). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

Customer Feedback

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.

Yours faithfully

Mathias Franklin
Head of Planning and Development