

**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:	<b>2025/62/91018/E</b>
Site Address:	5, Cockermouth Farm, Cockermouth Lane, Flockton, Huddersfield, WF4 4BS
Description:	Erection of agricultural building
Recommending Officer:	Nina Sayers

**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:** 23-Jul-2025

## **Officer Report**

### **Site Description**

The application relates to a parcel of land at Cockermouth Farm, Cockermouth Lane, Flockton. The site forms part of an agricultural holding approximately 2.2ha in size with associated farmhouse. The site slopes downhill to the southeast. There are open fields to the north, east, and south of the application site. There are residential properties to the west of the application site. The site is accessed via a track from Long Lane.

The site is within the Green Belt. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

### **Description of Proposal**

The application is seeking planning permission for the erection of an agricultural building.

The proposed building would measure 14.7(w) x 9.1(d) x 4.8(h) metres. It would have a pitched roof design finished in timber weather boarding above a concrete infill panel.

### **History of negotiations/amendments received**

The Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. No amendments were sought or provided.

### **Relevant Planning History**

At the application site:

2006/93291 – Erection of stable block. Refused.

2007/93420 – Erection of stable block. Conditional full permission.

COMP/22/0036 – Alleged unauthorised outbuilding. Ongoing.

2022/93108 – Erection of agricultural building. Refused.

2023/92899 – Erection of agricultural building. Conditional Full Permission

### **Publicity and Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice and on the web. Publicity expired on 20<sup>th</sup> June 2025.

No representations were received.

## **Consultation Responses**

KC Ecology – no objection.

The Mining Remediation Authority – no objection.

## **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 27<sup>th</sup> February 2019).

The site is located within a designated Green Belt on the Kirklees Local Plan.

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. The National Planning Policy Framework 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 pre-dates 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 under other matters.

### **Kirklees Local Plan (LP):**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land
- **LP 54** – Building for agriculture and forestry in the 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 12<sup>th</sup> December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed and beautiful places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 15** – Conserving and enhancing the natural environment

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development (including impact on Green Belt and visual amenity)
  - 1) Impact on residential amenity
  - 2) Impact on highway safety
  - 3) Other matters
  - 4) Representations
  - 5) Conditions
  - 6) Conclusion

### 1 – Principle of development (including impact on Green Belt and visual amenity):

#### *Sustainable development*

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

#### *Impact on the Green Belt*

The site is within the designated Green Belt on the Kirklees Local Plan. Therefore, the impact of the development on the Green Belt needs to be assessed.

The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework also identifies five purposes of the Green Belt. Paragraph 153 of the National Planning Policy Framework states that inappropriate development should not be approved “except in very special circumstances”.

Paragraph 154 of the National Planning Policy Framework set out that certain forms of development are exceptions to 'inappropriate development'. Relevant to this application is sub-paragraph a which includes buildings for agriculture and forestry.

Policy LP54 of the Kirklees Local Plan is consistent with advice within the National Planning Policy Framework. Policy LP54 relates to the buildings for agriculture and forestry in the Green Belt. It states that these will normally be acceptable, provided that:

- a) the building is genuinely required for the purposes of agriculture or forestry;*
- a) 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 new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
- b) there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and*
- c) the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting."*

The submitted planning statement includes a justification for why the development complies with LP54 and paragraph 154(a). Regarding LP54(a), the applicant has outlined that the building is required to provide additional space as farming activities have grown on the site. *"In Spring 2025, there were 43 ewes (up from 26 ewes in Spring 2023). 43 of these ewes are in lamb with 58 lambs expected this spring (...). There are also 3 tupes."* These numbers have increased since the previously approved application for an agricultural building on this site (2023/92899).

In terms of pen sizes for lambing in the proposed building, the applicant has outlined the following *"a single feeder pen for a lamb should be a minimum of 1m x 2m (i.e. 2 sqm in area). Larger pens are required where you have sheep and lamb in the same space or indeed want to put more than one lamb in a pen, circa 2.5sqm. The existing agricultural building (approved under 2023/92899) has 36sqm of area for sheep / lambs – at 2sqm per pen, that would house 18 lambs or 14 sheep / lamb pairings (28 animals). This is clearly well below the number of sheep farmed by the applicant, hence the need for the new building."*

In calculating the floor area, the applicant has allowed 26sqm for access/moving around the building. Cumulatively, the existing building (36sqm) and proposed building (100sqm for lambing) equates to a total of 136sqm. 43 sheep and 43 lambs could be housed in a 2.5sqm pen (43 x 2.5m = 107.5sqm) with 15 lambs left in single 2sqm pens (15 x 2 = 30sqm) which equates to the internal space available.

In terms of future animal numbers, whilst lambs are likely to be sold, the main flock of 43 ewes and 3 tups will be retained so similar lamb numbers can be expected in 2026.

Out of lambing season, the building would be used to store hay, machinery and equipment. The planning statement outlines *“Based on the landholding farmed, an average crop would generate approximately 40-50 larger round bales or up to 450 smaller rectangular bales. Last year 42 large bales were formed (and wrapped – currently stored externally on site) and 180 smaller rectangular bales were formed – some have been kept and others sold. A larger round bale has a diameter of circa 1.5m and is 1.8m tall whilst the smaller rectangular bales are 0.4m x 0.55m x 1.1m in length. The new building is large enough to store the larger hay bales and avoid outside storage.”*

It is considered, based on the information provided above, that the applicant has demonstrated the building is genuinely required for the purposes of agriculture and therefore the scheme complies with LP54(a).

The proposed building is located in close proximity to the existing agricultural building and near the farmhouses. The building is therefore sited in close association with other existing agricultural buildings and therefore complies with LP54(b).

With regard to LP54(c), as well as LP24(b), the nearest residential dwelling, 5 Cockermonth Farm, is the dwelling associated with the agricultural use of the site and is occupied by the applicant. The proposed building would be partly screened by the existing soft landscaping and a separation distance of approximately >18m would be retained. It is considered that the proposal would have no significant impacts on residential amenity. Officers are satisfied that there would be no detrimental impacts on the residential amenities of the nearby residents. The proposal would therefore not cause significant harm to the amenity of nearby occupants in line with LP54(c).

With regard to LP54(d), as well as LP24(a), the proposed design and materials of the structure would be in keeping with the rural character of the site and is therefore would be in keeping with the rural setting and use of the proposed unit.

### *Conclusion*

It is therefore considered that the proposed development would fall under exception a) of paragraph 154 of the NPPF and would comply with the requirements of LP54 of the Kirklees Local Plan and would be appropriate development in the green belt. The principle of development is therefore considered acceptable, and the scheme is considered to not cause harm to visual amenity, thus complying with Policy LP24(a) and LP54 of Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

## 2 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

KC Environmental Health highlighted under the previous application that the proposed development is within a residential area where noise from construction activities has the potential to impact the amenity of nearby residents. Although initially recommending a condition to restrict construction site working times (should planning permission be granted), officers note this is controlled under separate legislation and therefore is not necessary.

As discussed in section 1, the nearest residential dwelling is 5 Cockermouth Farm which is the dwelling associated with the agricultural use of the site and is occupied by the applicant. The proposed building would be partly screened by the existing soft landscaping and a separation distance of approximately >18m would be retained. It is considered that the proposal would have no detrimental impacts on the residential amenities of the nearby residents.

After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any neighbours, thereby complying with Policies LP24, LP52 and LP54 of the Kirklees Local Plan and Paragraphs 135 (f) and 180 (e) of the National Planning Policy Framework.

## 3 – Impact on highway safety:

The proposal would involve no changes to the access and no removal of parking areas. The proposed agricultural building would accommodate hay storage and a sheep housing/lambing shed. Officers would not expect any additional vehicle trips to occur on the highway during the operation of the site; if there were to be an intensification, officers consider this would not be great enough as to have a severe impact on the operation or efficiency of the local highway network. As such, officers consider the application to be acceptable on highways grounds.

Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## 4 – Other matters:

### *Coal Mining Legacy*

It is noted that part of the application site, including the access and the area where the building is proposed is in a Development High Risk Area. Mine

entry features are present in the vicinity of the existing access track and sufficiently distant from the proposed agricultural building. A Coal Mining Risk Assessment (CMRA) was submitted, and the Coal Authority were consulted on the proposal. The information submitted considers that a CMRA report is not required to support this application on the basis that the proposed agricultural building will not require significant groundworks or foundations.

That it will entail a clad steel portal frame building to be bolted to 10/12 concrete pads created on site. Each pad is created by digging a hole circa 0.5m deep and then the frame is bolted to the concrete pad. As such it does not appear that the agricultural building will require substantial foundations or earthworks. On this basis KC Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application. They have however recommended an informative note which would be added to any positive decision notice.

### *Contaminated land*

The proposed development is not situated on land identified as potentially contaminated; however, there is a coal mining legacy in the area as discussed above. As discussed above, the proposed building would not require substantial foundations or earthworks. A condition is therefore recommended in relation to unexpected contamination, to protect construction workers during the build and any future site users. The development would comply with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

### *Biodiversity*

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has submitted a completed BNG metric alongside the application which has been reviewed by KC Ecology and complies with the requirements of the Environment Act. The submitted BNG assessment details that the proposal will achieve a net gain of 0.02 units through the planting of trees which equates to a 16.56% net gain. KC Ecology outlined that this could be secured through a landscaping condition however officers do not believe this is necessary given the implementation will be secured through separate legislation.

### *Carbon Budget*

In this case, due to the nature of the proposal it is considered reasonable not to require the applicant to put forward any specific resilience measures.

There are no other matters considered relevant to the determination of this application.

#### 5 – Representations:

No representations received.

#### 7 – Conclusion:

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, 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 it is, therefore, recommended for approval.

#### **Recommendation**

**Approve**

#### **Decision Authorisation - Delegated Powers**

**Application Number:** 2025/91018

**Officer Recommendation:** Approve

#### **Conditions and Reasons**

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.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP21, LP22, LP24, LP53 and LP54 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to

and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site, in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

### **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Kirklees Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the

overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates\* was

granted before 12 February 2024; or

(ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

where:

i) the application for planning permission was made before 2 April 2024;

i) planning permission is granted which has effect before 2 April 2024; or

ii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development

Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
  - ii) is carried out on a site which has an area no larger than 0.5 hectares;
- and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high-speed railway transport network

(High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

## The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

### **Plans and specifications schedule:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2552 D 20 001		06/05/2025
Existing and Proposed Site Plans	2552 D 20 002		06/05/2025
Proposed Ground and Roof Plans	2552 D 20 003		06/05/2025
Proposed Elevations	2552 D 20 004		06/05/2025
Planning Policy Statement		Feb 2025	06/05/2025
CMRA		April 2025	06/05/2025
Biodiversity Net Gain Assessment			06/05/2025
BNG Metric			06/05/2025

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. No amendments were sought or provided.

**Report Dated:** 21/07/2025