

**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>2025/62/91081/W</b>
Site Address:	Meltham House Farm, Tenter Hill, New Mill, Holmfirth, HD9 7HF
Description:	Erection of livestock shelter
Recommending Officer:	Joanna Rednall

**DECISION – CONDITIONAL FULL 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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 10<sup>th</sup> December 2025

## **The Site**

The application site comprises an open plot of land situated southwest of Meltham House Farm, Holmfirth. It is accessed from the east via Tenter Hill, where the land rises steeply to the north-east. The site is designated as Green Belt within the Kirklees Local Plan.

While residential dwellings and other farm buildings are located sporadically around the application site, the land immediately surrounding the site is open, undeveloped land.

The application site is not located within a Conservation Area, or in close proximity to any Listed Buildings; the closest Listed Building is over 60m to the south of the site.

## **The Proposal**

The applicant is seeking planning permission for erection of livestock shelter.

The building is situated on a flat area of open land and would be partially embedded into the sloping terrain to the northeast. It would have measurements of 9.1 meters in width, 6.1 meters in depth, with an eave height of 3.3 meters and a maximum height of 4.5 meters at the ridge of its lean-to roof.

The building would be constructed using a combination of timber boarding, concrete panels, and profiled steel sheeting.

## **History of Negotiations**

Following the initial consultation response from the Mining Remediation Authority, applicant has submitted a Rotary Drilling Report. The Mining Remediation Authority were reconsulted on the submitted information and withdrew their initial objection to the scheme.

## **Planning History**

None

## **Publicity & Representations**

The application has been publicised in accordance with the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 31<sup>st</sup> May 2025

No representations were received as a result of the publicity.

## **Consultations**

The Mining Remediation Authority: following submission of further information, no objections.

## **Allocation & Policies**

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site is within the Green Belt and landscape character area no.7 upon the Holme Valley Neighbourhood Development Plan. The site also falls in a coal mining high risk area. As such the following policy, guidance and legislation is considered relevant to the determination of this application:-

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

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP10 Supporting the Rural Economy
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP52 Protection and Improvement of Environmental Quality
- LP53 Contaminated and unstable land
- LP54 Buildings for Agriculture and Forestry

### **Holme Valley Neighbourhood Development Plan**

The following policies of this plan are considered most relevant:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 7 - River Holme Wooded Valley.

Key landscape characteristic of the area are

- Glimpsed views towards the wider landscape through gaps between built form.

- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

### 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 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

## **Assessment**

### **1 – Principle of development (including impact upon Green Belt and Visual Amenity):**

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). The application is for the erection of agriculture building for the purpose of housing cattle. NPPF paragraph 154 states that a local planning authority should regard the construction of new buildings in the green belt as inappropriate except for a limited number of specified exceptions, including criterion a) buildings for agriculture and forestry.

Local Plan policy LP54 (Buildings for agriculture and forestry) states that:

*'Proposals for new buildings for agriculture and forestry 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 planning statement sets out the intention for the use of the building, stating the following:

*"The Mosleys now make approximately 110 large round bales and 1400 small square bales of hay and haylage per year. The land is then grazed from mid-August to the end of January by around 110 fat lambs. Six hardy cattle are soon to be purchased which will be outwintered. The land is good, well drained land and is capable of outwintering the right number and type of livestock. .... The outwintering of livestock on the exposed hillside requires a shelter in times of inclement weather. The shelter will be permanently open for livestock to access as and when required. It will also allow winter feeding to take place indoors which will reduce erosion, run-off and pollution. The animals will be straw housed, producing farmyard manure, which will be spread on the land in accordance with the Farming Rules for Water."*

There is nothing to suggest, and no information available to the LPA which indicates the use of the building would be for anything other than agriculture, and officers consider the proposed structure is genuinely required for this purpose. A condition requiring its use to be that falling within the definition of agriculture is recommended to be included in the instance of any grant of permission.

In terms of the siting and layout of the building, the building is located on an area of flat land to the west of existing agricultural buildings which are associated with the farm business. Whilst located away from this cluster, the submitted information sets out the building would be on the site of the existing feeding area. The building is situated a sufficient distance from nearby residential properties and will be built from rural materials (timber Yorkshire boarding, concrete panels and profiled sheets) that respect character and appearance of the green belt setting. As such, it is considered that the proposal complies with paragraph 154 (a) and Kirklees Local Plan policy LP54.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case LCA7 - River Holme Wooded Valley. Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The building is located adjacent to Tenter Hill, and as such will be visible from public vantage points. The building is modest in scale and typical for its use, and is constructed from timber Yorkshire boarding, concrete panels and profiled sheets. It is considered that the materials used would be practical and appropriate to their end use, and reflect other agricultural buildings, and are considered to be typical for agricultural buildings of this kind.

Artificial lighting has the potential to impact in terms of visual amenity and therefore, given the proposed use, a condition would be imposed requiring no artificial lighting is installed unless and until a scheme is first approved in writing by the LPA.

Taking the above into consideration, it is considered the use, siting, scale and design of the proposed agriculture building would comply with paragraph 154 of the NPPF, subject to condition requiring its use to be that for agriculture as proposed.

The impact of the building in relation to neighbouring listed buildings is not considered to be significant having regard to the scale of the proposal and distance sited from listed buildings (70m to the south). The proposal is not, therefore, considered to affect their setting.

In this case, subject to conditions, the principle of development is considered acceptable, and in accordance with the aims of Policies LP24 and LP54 of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Plan, and Chapters 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

## **2 – Impact on residential amenity:**

Sections B and C of LP24 state that development should: “maintain appropriate distances between buildings’ and ‘minimise impact on residential amenity of future and neighbouring occupiers”. Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Policy 2 of the Holme Valley Neighbourhood Development Plan sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

It is considered that the use of the agricultural building has the potential to result in increased nuisance with regard to noise and odour, however, given the location of the proposal, being sited a sufficient distance away from residential dwellings (70m+ to the south and 150m+ to the east), the proposal is considered to be a sufficient distance and acceptable in this regard.

Artificial lighting has the potential to impact in terms of residential amenity and therefore, given the proposed use, a condition would be imposed requiring no artificial lighting is installed unless and until a scheme is first approved in writing by the LPA. To ensure the development is undertaken in accordance with the materials as set out in the submitted plans, a condition of any approval would require the scheme to be undertaken adhered to those as submitted.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

## **3 – Impact on highway safety:**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to

highway safety and provide sufficient parking. Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

The proposal will not impact on the existing access into the site and as such raises no concern to the proposal impacting on highway safety. It is also noted that there is ample amount of space in front of proposed building where vehicles associated with the use can park if required. The design and access statement sets out no new access or hard standing area is required.

It is therefore considered that the proposed development would not cause significant harm to the efficiency or safety of the highways, over and above the existing arrangements on site. It is considered the extent of additional vehicle movements and associated parking requirements would not be significant increased as a result of the development and in this case the scheme would not result in significant harm in relation to access / highway safety.

The proposed development therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

#### **4 – Other matters:**

##### *Ecology*

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 are 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.

It is noted that the site is not located within a bat layer and it is therefore not considered appropriate for a requirement that bat boxes be installed to the proposed building as a measure relating to biodiversity net gain.

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). The development is considered to benefit from the de minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. The

submitted application form sets out this is the exemption considered to apply in this case.

It is noted that the site has been the subject of previous works which clear the land. The building is 54m<sup>2</sup> with the predominant extent of the built form on land which is cleared and has no vegetation up it / has been subject of previous surfacing works. On balance it is considered that the scale of the development and extent of works previously undertaken at site in terms of surfacing are such that it is likely the clearance of vegetation would be to part of the site which is 25m<sup>2</sup> or less. Given the statement of the application form, and in the absence of clear evidence to the contrary, the de minimus exemption is considered likely to be applicable.

### *Climate Change*

On 12<sup>th</sup> 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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### *Coal Mining Legacy*

The application site falls within a High Coal Risk Zone, therefore the Mining Remediation Authority were consulted on the proposals. Upon initial consultation, they noted the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment (CMRA) is required to be submitted to support this application. Their records show that a coal outcrop runs through the north western portion of the site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

The application is accompanied by a CMRA and has been based upon a review of coal mining and geological information, and identifies that a possible workable coal outcrop and associated possible shallow mine workings pose a potential risk to the proposed development. A Rotary Drilling Report dated November 2025 (ref: G25306) has been submitted by the applicant on 18<sup>th</sup> November 2025. The Mining Remediation Authority were reconsulted on the

submission of this information. The report presents the finding of intrusive investigation undertaken on site to assess the shallow coal mining situation. These works were carried out under Coal Authority permit reference 30510. Two boreholes were drilled on site to a maximum depth 15m and the report authors comments that, *“no evidence of shallow coal seams or coal outcrop was identified in either borehole during drilling, possibly attributable to the site being below the level of the conjectured outcrop of the Soft Bed coal seam.”* They go on to conclude that *“drilling investigation has confirmed that mine workings are absent within shallow depth below the new building and no further mitigation neither drilling investigation, special foundation design or drilling and grouting is required in the design of the new building with respect to coal mining legacy issues.”*

The Coal Authority’s Planning & Development Team therefore considers that the content and conclusions of the Rotary Drilling Report to be sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. However, they note further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

In light of the above and the consultation response from the Mining Remediation Authority, the proposal is concluded to be acceptable with regard to ground stability in accordance with policy LP53 and paragraphs within chapter 15 of the National Planning Policy Framework.

#### **5 – Representations:**

None received

#### **6 – 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: 2025/91081**

**Officer Recommendation: Approve**

**Conditions**

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 (as amended).
  
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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30, LP52, LP53 & LP54 of the Kirklees Local Plan, Policies 1, 2, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework
  
3. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 (as amended), and for no other purpose whatsoever.  
**Reason:** So as to protect the openness and special character of the Green Belt in accordance with Policy LP54 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework
  
4. No external artificial lighting shall be erected upon the building hereby approved and / or within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. No external artificial lighting shall be erected upon the building hereby approved and / or within the site other than that which has been approved by this condition which shall be retained thereafter.  
**Reason:** In the interests of visual amenity and residential amenity in accordance with policies LP24 & LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	16/04/2025
Proposed Block Plan	-	-	16/04/2025
Elevations and Floor Plan	-	-	16/04/2025
Sections	-	-	16/04/2025
Design and Access Statement	-	-	16/04/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Coal Mining Risk Assessment (CMRA) dated 16 <sup>th</sup> April 2025 reference G25106	G25106	-	01/05/2025
Rotary Drilling Report dated November 2025 reference	G25306	-	18/11/2025
Application form	-	-	16/04/2025

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. Following the consultation response from the Mining Remediation Authority, applicant has submitted a Rotary Drilling Report. The Mining Remediation Authority were reconsulted on the submitted information and withdrew their initial objection to the scheme.

High coal