

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

| | |
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| Reference No: | 2025/62/91128/E |
| Site Address: | Healey Farm, Healey Lane, Briestfield, Dewsbury, WF12 0NT |
| Description: | Extension of farmyard and erection of cattle building |
| Recommending Officer: | Nicole Helliwell |

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 14 May 2026

Officer Report

Reference No. 2025/62/91128/E

Site Address: Healey Farm, Healey Lane, Briestfield, Dewsbury, WF12 0NT

Proposal: Extension of farmyard and erection of cattle building

Site Description

The application site relates to a parcel of land within the grounds of Healey Farm, a working farm located in Briestfield, Dewsbury. The site is located within the designated Green Belt on the Kirklees Local Plan. The site is not within a conservation area, nor are there any listed buildings within close proximity. However, a public footpath (DEW/73/10) is located along the eastern boundary of the site and a bridleway (DEW/88/60) is located south of the site.

Description of Proposal

The applicant is seeking planning permission for the extension of the farmyard and the erection of a cattle building. The proposed works are summarised below:

- The cattle building would have an overall length of approx. 79.25m, a depth of approx. 12.19m and a height of approx. 6.3m to 7.5m due to the topography of the site.
- Construction materials – timber Yorkshire boarding with concrete panels below for the external walls and grey fibre cement sheets for the roof
- The existing farmyard would be extended 3.69m (317sqm in total)

History of Negotiations/Amendments Received

Amendments were sought during the course of the application to address comments from KC Highway Development Management, KC Ecology and KC Public Rights of Way. The additional information submitted was considered acceptable in this regard. Officers did not consider it necessary to readvertise the application given that only minor amendments were made to the scheme.

Relevant Planning History

- **2019/92410:** Change of use of outbuilding to one residential dwelling and erection of extensions. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2017/92020:** Erection of agricultural barn. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2011/91658:** Erection of livestock building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **99/90336:** Erection of extension to bungalow and detached double garage and calving boxes. [Planning application details | Kirklees Council](#) - Conditional Full Permission

- **98/91057:** Erection of extensions. [Planning application details | Kirklees Council](#) - Refused
- **98/90093:** Erection of 2 no. Agricultural buildings for housing of livestock. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **86/02639:** Erection of dwelling. [Planning application details | Kirklees Council](#) – Permission

Representations

The application was publicised by site notice and press advertisement which expired on 13th June 2025. As a result of the above publicity, 19 representations have been received. The comments made have been summarised below:

- Many people visit the area to appreciate the unchanged, unspoilt outdoor space they are not fortunate to access on a daily basis. Offering people from the local community free access to exercise and fresh air which supports both physical and mental wellbeing for all to enjoy.
- The cattle building in addition to the current site of approx. 7 barns/buildings is out of character, appearing less of a farm, more of a commercial/industrial estate.
- The introduction of a commercial use in what is presented as agricultural land would alter the rural character of the area.
- The farm is already too big, the amount of buildings for a small amount of land is already too much.
- The farm is commanding the view of the whole of the area, you can see the farm from all parts of Bristfield . It used to be a well-kept traditional farm.
- The proposed building is huge, the farm buildings can be seen from every direction and already dominate the landscape.
- The building would be visible from a number of aspects, especially those within 200 metres of the site, the woodland does protect certain views but only when trees are in full leaf and not during autumn and winter months.
- The site is quite clearly visible (and indeed audible) from numerous domestic premises, Bristfield Road, Pearson Lane, several footpaths and bridleways.
- The new building is massive.
- The track features traditional dry stone walling and sections of original cobbled surface, which are of historical and environmental significance.
- Overdevelopment in what has to date been a tiny hamlet, sets a dangerous precedent for others to follow.
- A large intrusive building on open countryside.
- The proposed farm building is close to houses spoiling views over open countryside.

- Neighbourhood living conditions would be made much worse with the addition of a cattle building in terms of noise, traffic, disturbance and odour.
- The views of fields would be restricted and there would be a loss of privacy, as the building would overlook gardens.
- This new building would be less than 400 metres from those properties.
- The proposal may cause disruption to neighbouring properties.

- Taking over greenbelt is an issue.
- This site is becoming more commercial & industrial rather than a farm.
- The percentage of current farm buildings far outweighs the need of the land.
- The commercial business is expanding and taking up more farming space.
- Such a large structure should not be necessary for the number of grazing cows allowed on the farm acreage.
- A calculation by the necessary governing bodies would determine that the farm buildings currently in situ would be sufficient to accommodate the cows/to land ratio currently housed on the farm. Surely additional stock would need extra acreage to thrive.
- The land cannot sustain more animals and the planning application should be refused.
- The issue of waste for the commercial business being operated on the site is not addressed.
- Any increase in cattle numbers obviously leads to increased waste. This manure is currently being transported via the village road by large very heavy tractors, obviously impacting the lanes creating pot holes.
- There should be a waste management plan in place for effluent/excreta and drainage.
- The amount of manure the farm produces is already more than the land can cope with.
- The planning statement says they will have 800 cattle and 1,000 sheep an increase of 600 livestock on the 68 acre farm. That is going to produce a lot of waste, already there are massive piles of manure close to houses and in full view of the village.
- Odour is not just from farm animals, there have been several skip fires burning putrid materials and causing neighbours to close doors and windows.
- There is also the smell from the animal excrement that will increase, and I believe that extra waste cannot be spread directly onto fields - it will need to be stored until rotted down sufficiently to be used.
- There is already a large smelly muck heap about 30 metres from a residence on Pudding Hill.
- The smell and flies we get in our house, we don't dare have the windows open.

- The farm produces too much manure for it to be used on a small amount of land and there are massive piles of it near to houses and can be seen by many of the houses in Bristfield.
- Smells are bad enough!
- Noise travels through the valley, conversations can be heard and machinery/plant/haulage escalates this, especially during the night and early mornings.
- Noise pollution is at an all-time high. Farm (understandable), grinding, industrial and haulage machinery noise levels start from 5.00am, including weekends, bank holidays and on Xmas day.
- The extra noise and air pollution is not acceptable, even without the extra building that is planned.
- Large vehicles/trailers coming and going into the barns and throughout the night with the signage '2 Valleys' causing sleep disturbance.
- Between the farm and 2 valleys the noise can start from as early as 4:30am.
- I get awakened every day from these lorry's trucks etc turning down the road. Just not sure where it will end if another large barn is built.
- The noise is already too much.
- The farm already produces a large amount of noise from regular mucking out and feeding and from the company 2 valleys who work all hours 7 days a week.
- The noise has increased significantly as in the area.
- The farmyard is noisy from vehicle use, tractor use, grain grinding, etc and can be heard through the village.
- There would be an increase in noise, pollution, smells.
- The building would impact adjoining houses causing upset and distress visually and emotionally, causing nearby residents constant sleep disturbances operating noisy, heavy machinery at all hours.
- Consideration should be given to residents of neighbouring farms by the applicants. Maybe consider housing the manure adjacent to Healey Farm to eradicate any upset to neighbours?
- This manure not only smells terribly offensive but emits gases, such as ammonia. This can potentially cause a risk to public health, especially for children and vulnerable persons.
- The business working from Healey farm has a large amount of equipment based there and this creates a lot of noise at all hours of the day 7 days a week.
- The increased traffic particularly by HGV's would dramatically increase noise, vibration, air pollution, and risk to the safety of all other road users, including pedestrians, cyclists, and horse riders.
- Once transported to its destination the manure is deposited very close to houses.

- There is also a public footpath on the area the planning is applied for, some of the public footpath already built over.
- The access suggested in the application is currently blocked by boulders. The public bridleway is obstructed by the use of coded electric gates. The Road Traffic Act 1988 should be considered in the review.
- The farm has already concreted over the bridleway, and erected an electric gate that is another obstruction that users shouldn't have to accept, and the movement of vehicles from the farm and 2 valleys makes it difficult to use the bridleway freely.
- It is to be built on an existing Footpath, last building did the same and the footpath was supposed to be re-routed.
- It would impact on the bridleway/footpath through the farmyard, already restricted by boulders and gates.
- These buildings will impact the public footpath, which runs from Rakes Lane (above old village hall) to Healey Lane (Healey Farm).
- Please reinstate footpath signs from Rakes Lane (above old village hall) to Healey Lane (to Healey Farm). Last building is built on it! And PROW were to put up new signs.
- Please keep our footpaths and bridleways open in this area. (bridleway blocked by gates and concrete boulder currently from Rakes Lane/Holt Lane through Healey Farm).
- The vehicle access to Healey Farm is a bridleway, the length of which is owned by eight different landowners.
- The bridleway above the farm is in a poor condition due to the excessive traffic and vehicle weight, which it was never intended to carry - HGVs and other very large vehicles with livestock, feed, manure and 2 Valley's kit travelling to and from Healey Farm.
- An electric gate sits across the bridleway at the entrance to the farm (DEW88/60), acting as a deterrent to users, as is the lack of directional signage, which is now missing from the post. Any further development will only add to the existing problems.
- There is also a public footpath (DEW 73/10) that runs from Healey Farm down to Bristfield Rd by Rakes House. It's been difficult for some time to find the way out of the yard, and the route of the right of way, as a cattle handling area sits across it, and there are no signs in place.
- The route of the public footpath is not shown on the submitted plans, but it looks like it will be obstructed by the proposed new building, which will be an offence.
- Public footpath DEW60/10 also crosses the farm's land. It too is difficult to follow and lacks any signage.
- Public rights of way are protected rights, a valuable community asset and must remain. The proposed building at Healey Farm goes against this.
- The 'good access' to the site, per the supporting report, is in fact the single track bridleway that goes from Bristfield Rd at Freckleton (DEW88/40) to Bristfield Rd below The Rakes (DEW88/80) and runs across the land of eight different owners.
- The buildings and hard standing now flank both sides of the bridleway for over 100 yards. It's an increasingly busy area with vehicles and machinery parked and working. This makes it difficult for riders and walkers to use the right of way comfortably and safely.

- This farm is situated on a single track road that is designated a bridleway.
- This bridleway, clearly signposted as such, is an important and historic route entering countryside rich in natural and cultural heritage.
- The lane/bridleway and footpath which is in a poor state due to the amount of big wagons going to Healey farm and the commercial business 2 Valleys. It goes over an old bridge which is unstable and was never designed for modern day transport
- We are writing to express our strong opposition to the proposed development involving the conversion of the existing bridleway running through the ancient rural landscape from Bristfield Road converting into a road intended for use by HGV traffic.
- The proposed transformation of this bridleway into a road suitable for HGVs is entirely inappropriate.
- A large increase in livestock is going to mean even more vehicles on the bridleway, and horse riders, cyclists and pedestrians are already put off using it.
- Although shown as an access route on the submitted plans, the bridleway below Healey Farm is in a poor state, partially blocked, and not suitable for vehicle use.
- The farm extended barns and hard standing in recent years which did not seek planning permission. Since then, the noise from the farm has increased immensely which can be heard across the valley.
- There is extra barn extensions on the site which don't have planning permission.
- There is commercial running of events business without planning permission.
- There are already extended buildings for farm machinery, which are not used for that purpose but for harvest storage and events machinery!
- Healey Farm has already erected farm buildings within about 200 metres of residential properties, which I believe shouldn't be allowed.
- The current farm buildings have been extended without permission.
- 2 Valley Location Hire (dozens of vehicles using yard & bridleway/footpath) is run from Healey Farm without Commercial/Industrial permission.
- A certain amount of the existing farm buildings are let to a commercial company called 2 valleys. I suggest the let buildings should be brought back under agricultural use, before further development is granted.
- The farm has been building since it last had planning in 2017 without planning applications.
- Some extensions & some buildings have already been erected without permissions.
- The farm has already been massively developed since the last time planning was applied for in 2017 none of which has been done with planning consent.
- Buildings are used for commercial use without planning consent.
- The site has already been developed with four buildings and new hard standing created, without planning or notification, over the last three years.
- This planning will be misused too.
- Reviewing previous planning applications, we see planning permission for two barns in 2011, 2017 but no others. The 2 or 3 additional barns erected

recently (2024) have increased the size of the site significantly. The site requires a visit from the planning officer to determine and measure the site objectively and check that the entire estate is in proportion to the land/registry and livestock/wellbeing related to it

- The site at Healey Farm has been developed significantly over the last few years. It seems that the work has been done without notification or planning approval.
- In recent years a number of barns have been erected, but no planning notices seen on the lane.
- Since 2017 there has been 3 big buildings erected and 2 large areas taken for hard standing without any planning applications. Due to the distance to residential properties, they needed full planning consent.
- Breach of planning laws is a matter for investigation.
- 2 Valleys Event Hire is being run from Healey Farm without permissions. (that generates lot of disruption and traffic alone!) If planning accepted there is danger of 'infill' without permissions.
- Existing use: "agricultural field in permanent pasture". Whilst this may be factually correct in terms of the field where the building is proposed, there is no reference to, or recognition of, the additional buildings, enclosures, hard standing areas and security gates that have been erected/constructed in recent years to significantly increase the footprint of the "farmyard" referred to under the Description of the Proposal.
- Its clear that commercial activities are being conducted on the site and numerous non farming related commercial vehicles and machinery stored or parked on the site.
- Not all existing sheds have been approved by Kirklees MC and perhaps it might be wise to pass or reject those applications before any further applications/developments are even considered.
- A business called 2 valleys appears to operate from the farm, which is a non-agricultural business. A change of use would be appropriate going forward.
- The cumulative effect of such unregulated commercial development poses long-term risks to the rural landscape and community wellbeing.
- The farm yard has been extensively devolved without planning permission over recent years.
- The cattle building would be in close proximity to the TPO woodland and Bristfield Beck, where bats have been witnessed.
- There would appear to be mature hedges very close to, if not adjacent to, the proposed site.
- TPO trees/woods are adjacent to proposal (says No) which form part of the landscape character.
- Ascertain that the building could be within 20 meters of Bristfield beck.
- Its close to TPO section of woodland as well as close to Bristfield Beck water course.
- Interruption to wildlife.
- There is very recent or indeed current evidence of the existence of bats, owls (barn, tawny and little) and numerous other bird species in the very close vicinity (at least within one quarter of a mile).
- There would appear to be mature hedges very close to, if not adjacent to, the proposed site.

- The area supports a well-established ecosystem, home to local flora and fauna, and is enjoyed by walkers, keen riders, rambblers, and nature enthusiasts who value the tranquillity and unspoiled character of this green corridor.
- The entire application threatens a unique and irreplaceable rural environment which can be prevented at the outset.
- All the land is quite steep and runs down to 2 streams, this amount of manure spread on a small amount of land cannot be good for the environment. This should be properly assessed and a full report produced as it is a serious environmental issue.
- Consideration should also be given to the mining 'edits' that are evident in close proximity, extra weight, subsidence and potential land collapse blocking and flooding the beck.
- Nearby houses are at risk of foundation damage due to impact of heavy passing vehicles.
- The use or otherwise of no hazardous substances in the operation of a farm, farm buildings, farm vehicles and the operation of a commercial business would warrant further investigation or explanation.
- The development would require crossing an old beck (housing newts - a protected species) which could cause structural instability, subsidence, and increased flood risk due to potential blockages.
- The proposal would result in significant and irreversible damage to this fragile environment.
- The farm acts as holding point for their slaughterhouse (Spensorough Abattoir/Worsley Wholesale Butchers. The proposed increase in stock numbers (from 600 to 800 cows, 600 to 1,000. sheep) will increase the amount of manure both produced on site and transferred to the site from the slaughterhouse.
- The manure generated by the high number of animals is already causing a nuisance to residents by its transport and its storage at Pudding Hill, before spreading on the land.
- The heap hasn't moved position for several years. Nitrates contained within the manure are a challenge. Nitrates (N) in excess of DEFRA guidelines have the potential to cause environmental damage, polluting the land and local water courses and ultimately impacting other farms in the area, which currently enjoys non Nitrate Vulnerable Zone status.
- DEFRA good practice guideline means a maximum of 250kg/hectare/year total N should be applied to the land. The application says the farm has the use of 53ha (130 acres). Based on DEFRA guidance, 600 cow alone can produce around 34,000kg of N per year which, applied to the available land, is at a rate of 641kg/ha/year. With 800 cows that becomes 46,000 of N and 875kg/ha/year. Both numbers are way over good practice limits, without allowing for sheep and slaughter house manure.
- The amount of manure that will be created from the new application. This gets transported via the roads to a muck pile up pudding hill and cause serious disruption and safety concerns as the farm doesn't route across its own land.
- The commercial business is expanding and taking up more farming space. That business is putting more pressure on local roads.

- Traffic then proceeds onto narrow Bristfield village country roads that are not substantial enough for large transport vehicles.
- Healey Lane is a single track bridleway, and there is already excess traffic because of another business, called 2 Valleys, running from Healey Farm.
- The amount of motor vehicles and trailers using the bridleway is already excessive.
- The large tractors & trailers cannot use the driveway from Rakes Lane as its too narrow, so not sure why that access is highlighted on the plans. These tractors run along Bristfield Road, Rakes Lane, Dimple Dale, Sowood Lane to get to one of the fields, instead of running directly from farmyard into northside of said field. Wearing our lanes & causing pot holes and disturbance to locals, as well as walkers, riders, cyclists (they travel at speed and are dangerous!).
- The proposed access off Bristfield road isn't suitable for livestock vehicles. This needs investigation from highways.
- The existing traffic due to 2 valleys is unacceptable due to the narrow lanes.
- A storage facility for a business such as Two Valleys may result in a significant increase in vehicular traffic, including vans and potentially heavy goods vehicles, on local rural roads that are not suited for such volumes or vehicle types. This could lead to road safety issues for other users, including residents, cyclists, and agricultural machinery operators.
- The farm is more like an industrial estate with the amount of traffic coming and going at all hours of the day and every day of the week.
- The amount of traffic is too much for the single track lane which is a bridleway and footpath.
- Current operations are already causing unacceptable damage to the verges and to the access bridge at Freckleton.
- With more livestock, more traffic is inevitable and cannot be sustained.
- Residents paid £1,000 per household (2 occasions) to repair this lane (2008). After which the farm used 10 wheel crane & other heavy machinery to erect steels for extra farm buildings!
- To take these vehicles the lane needs widening (farmer to re-instate fencing to its original site, a good 3' into their own field.)
- Their driveway from Rakes Lane and Holt Lane (along with these lanes) (where new plans show access) cannot withstand such big heavy vehicles or increased traffic due to weak bridge, narrow accesses and dangerous bend, pedestrians & horse riders.
- The tractor traffic has increased along lanes to other fields (tractors too big to use their drives to access fields).
- Impact has been damaged culverts, verges and surface of lane.
- Traffic has increased 10 fold.
- The machinery has increased in size, Healey Lane (bridleway) cannot sustain these vehicles.
- 45ft trailers are regularly travelling over the single carriageway small bridge and up the bridle way causing potholes, danger to horses, wildlife, walkers and potentially weakening the bridge (a bridge survey needs to be carried with weight restrictions).
- That business is putting more pressure on local roads.

- The road alteration endangers public safety, and raises unresolved infrastructural and legal concerns.
- The roads in Bristfield village are not equipped to handle large scale development.
- The business working from Healey farm has a large amount of equipment based there and this creates a high volume of traffic on Healey lane.
- The planning states that they have good access. The access is a single track.
- The new access shown on the plan would be impossible to use in its current state, it would need major roadworks for it to be able to be used.
- The access needs to be looked at before any planning is considered.
- Access and egress are a major concern, the proposed route is not feasible in its current state and without doubt it will create additional movements to and from the site.
- There is no consideration to ramblers/cyclists/horse riders that use the proposed route also the environmental (rare species) woodland/hedgerow/beck disruption and contamination.
- There is current damage to lane from Cleveland Farm to Freckleton.
- Dimpledale Lane, which adjoins the proposed new junction, is an unadopted road, raising serious questions about maintenance responsibility, suitability, and future liability. It is unclear who would bear responsibility for these long-term risks and their mitigation, which could become an ongoing burden for local residents and taxpayers.
- The infrastructure necessary to support HGV usage would be highly invasive and inappropriate for such a narrow, predominantly single-track route.
- The location of the proposed new entrance/exit only compounds these concerns. It is situated on a known hazardous bend, currently clearly marked by multiple official government road hazard warning signs, prominently displayed in both directions on the approach to what is now the bridleway.
- Introducing large, slow-turning vehicles at this already extremely dangerous point would only elevate the risk of accidents, potentially with fatal consequences.
- This transportation route can be and should be avoided with immediate effect. A designated route, which is possible should cross over the fields and land preventing unnecessary movement involving tiny village roads with few, if any passing areas.
- It's an impossible task for the bus when it gets diverted for roadworks through the hamlet as the roads are not wide enough to accommodate them. The dustbin wagon suffers from the same problem.
- These departments should be approached for their professional opinions on the effect of increased traffic and size of vehicles anticipated should the development be considered.
- Is the owner running alternative businesses from the farm and what would the new shed actually be used for?
- It appears that part of that expansion has been to accommodate the 2 Valleys events business rather than the farming operations.
- Suggest a thorough site visit to check answers to questions within the published application e.g. current size of site (Is this correct considering

approx. 7 buildings), The site is seen from the public road, footpath, bridleway (Says No

- I believe that putting new buildings up will free up others for use of 2 valleys.
- While the application describes the development as an agricultural structure, it is widely understood that the building is intended to be used for non-agricultural purposes —specifically for storage by a separate commercial entity, Two Valleys.
- The application appears to be misleading in its stated purpose.
- An agricultural barn is intended to support bona fide agricultural activity. If the building is instead to be used for commercial storage unrelated to agriculture, this constitutes a change of use and should be evaluated under different planning criteria.
- Approving the application under false pretences would undermine planning integrity and set an undesirable precedent.
- The proposed use by Two Valleys may not align with local planning policy regarding development in rural areas.
- Agricultural buildings enjoy certain permitted development rights, but these do not apply to general business storage.
- The actual use would likely generate traffic, noise, and environmental impact inconsistent with a structure meant to support agricultural land management.
- This site has increased already to triple +, from small farm to becoming industrial site.
- The proposed building has to be re assessed, as without doubt it will have serious effect to the community and their vistas.
- Description “Extension of farmyard and erection of cattle building”. Is this the case or are these buildings being erected as existing buildings that are quite adequate for this purpose are being used alternatively?
- If 2 valleys intend increasing their need for storage a better alternative would be for them to relocate to an industrial estate that can accommodate out of hours usage, HGV's, weight limits and increased traffic in general without creating all these new potential problems that are currently non-existent.
- From a livestock point of view, the building is a single space with cattle on farm yard manure.
- Floor area is 1,040m², so large cattle housed on straw the stocking density from Red Tractor standards could be 5-7m² per heavy store, so max stocking could be 148 heavy stores.
- Water requirement 148 heavy stores x 50 l/d = 7,500 l/d = 7.5 TONNES PER DAY = MORE THAN 200 TONNES PER MONTH. From where?
- Cattle (over 3 months) will produce 0.18m³/week of excreta = 26.6 tonnes per week. This will go in with straw to produce FYM which will also be the bedding. However, this material will be removed periodically and is typically stored before putting to land. The application states there is no storage requirement or movement planning.
- Rainwater; approx 1000mm per annum. So, this building with no rainwater harvesting will create approx 1,040 tonnes of rainwater per year: running to field drains?? Some areas would require a bunded pond so that in the

event of >25mm rainfall in a day there is time for soakaway. 25mm (1 inch) rainfall in a day on this roof is 26m³ in 24 hours.

- The holding comprises 68 acres of owned land (can this be clarified?) in a ring fence around the farm plus a further 15 acres of owned land at Barnsley. In addition, the family rent a further 47 acres nearby. The additional acreage should not be considered in this planning as it is not in Bristfield.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Highways Development Management – No objection providing PROW issue is resolved

KC Ecology – No objection

The Mining Remediation Authority - No objection subject to recommended conditions

KC Public Right of Way – No objection

KC Environmental Health – No objection subject to the imposition of an unexpected, contaminated land condition

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 located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking

- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 54** - Buildings for Agriculture and Forestry

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Assessment

1. Principle of Development

Impact on Green Belt

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan (KLP) are relevant.

Paragraphs 154 and 155 of the National Planning Policy Framework set out that certain forms of development are exceptions to ‘inappropriate

development'. Paragraph 154(a) sets out that buildings for agriculture and forestry could be appropriate.

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 Design and Access Statement states that the number of cattle will increase by just under 200 over the next 12 months and that the building will allow the necessary expansion of the farm business, helping to provide job security to the next generation. Therefore, it is considered that the proposed building would be genuinely required for the purposes of agriculture, therefore the scheme satisfies LP54 a).

The proposed cattle building would be sited in close association with the existing agricultural buildings on site, and it is not considered that it would be detrimental to the amenity of nearby residents by reason of noise or odour or any other reason. In turn, the scheme is considered to accord with LP54 b) and c).

As stated in LP54 d), the design and materials of a proposal should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting. Paragraph 19.12 of the Local Plan also states that, *“development in the Green Belt should be appropriate to its setting and should wherever possible reflect vernacular building styles and materials, with sensitive boundary and surface treatments and native planting where necessary. Where modern agricultural or forestry buildings are proposed, these can still be carefully sited and designed so as not to be discordant with their setting or intrusive in the landscape”*. The structure would be faced in timber Yorkshire boarding with concrete panels below for the external walls and would incorporate a dual-pitched roof finished

in grey fibre cement sheets. The building would be of a simple form and would not materially detract from its Green Belt setting. On this basis, the application would accord with LP54 d).

On this basis, it is considered that the proposed development constitutes appropriate development in the Green Belt and would comply with Policy LP54 of the Kirklees Local Plan and Government guidance contained within Chapter 13 of the NPPF. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Cattle Building

The agricultural building proposed would be used to accommodate cattle. The structure would have an overall length of approx. 79.25m, a depth of approx. 13.5m and a height of approx. 6.3m to 7.5m due to the topography of the site. . Although the building would have a large footprint, this size is considered reasonable and functional for such a use. The structure would be faced in timber Yorkshire Boarding with concrete panels below for the external walls and would incorporate a dual pitched roof finished in grey fibre cement sheets. The building would also be of a simple form and would not appear overly prominent or incongruous within the rural landscape given the scale of the site and its proximity to the existing agricultural buildings. Therefore, it is considered that the proposed development would not have a detrimental visual impact on the character and appearance of the surrounding area.

Extension of farmyard

It is noted that the existing farmyard would be extended as part of the application. The submitted design and access statement confirms that the total area of the farmyard extension would be 317 sqm. Although the proposal would alter the external appearance of the application site to a degree, it is

considered that the alterations would not have any significant visual impact on the character and appearance of the surrounding area and would be acceptable with regard to visual amenity.

Having taken the above into account, the proposal would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 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 outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

It is noted that the application site is situated in an isolated location with the nearest residential property, Cleveland Farm located approximately 128m away from the proposed development. Given that the separation distance retained would be substantial, it is considered that there would be no significant harm to the neighbour's residential amenity with regards to overbearing, overshadowing or overlooking impact.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 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.

This application seeks approval for the extension of farmyard and erection of cattle building at Healey Farm, Healey Lane, Bristfield, Dewsbury. As such, KC Highways Development Management have been formally consulted as part of the application.

Healey Lane is an un-adopted lane and bridleway off Bristfield Road. Vehicle access to the site onto Bristfield Lane will remain as existing and is unaffected by the proposals. The proposals are unlikely to significantly

intensify the use of this road and are acceptable in principle. However, KC Highways did note that the recorded public footpath Dew 73 is currently obstructed by an existing building and the application does not mention or acknowledge the public footpath or bridleway which are sited within the red line boundary. Officers did confirm that the proposal would obstruct the footpath further and that a diversion of the public footpath would be required. It was also stated that the proposal would be unacceptable to KC Highways until the issues relating to the public rights of way are resolved. Amended information has been provided and the Council's Public Right of Way Team no longer object to the planning application.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

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.

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

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features

present at surface or shallow depths which need to be considered in relation to the determination of this planning application. The application is accompanied by a Coal Mining Risk Assessment prepared by Geoinvestigate Limited (dated April 2025, reference no. G25118).

The report identifies the potential for the presence of two coal seams beneath the proposed development area which are potentially of workable thickness. In addition, the report also identifies that 8 off-site mine adits are located 40-50m north-west of the development area however, all the adits have a south-east bearing therefore placing all of them potentially under the site. The report goes on to conclude that the proposed development could potentially be underlain by possible shallow mine workings.

The Mining Remediation Authority notes the conclusions of Coal Mining Risk Assessment; that its coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, the Mining Remediation Authority therefore has no objection to the proposed development subject to the recommend.

Biodiversity Net Gain

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.

Details of the proposal's contribution have been provided. The submitted information indicates an onsite net gain of 0.5723 (11.51%) habitat units,

which will be achieved through the creation / enhancement for v low-medium distinctiveness units. KC Ecology consider that the onsite element of the BNG proposal will not result in significant onsite gain and therefore does not need to be secured for 30 years. As such, an informative has been added to the decision notice to reflect this.

Public Right of Way

KC Public Rights of Way initially objected to the proposed scheme as the proposal would further obstruct public footpath DEW/73/10. The plans have since been revised, moving the cattle buildings away from the public footpath. In the circumstances, KC Public Rights of Way no longer object to the planning application (2025/62/91128/E). Whilst the revised plans show a 'Field Gate to be Moved to Green X' in the fenceline of the proposed yard extension, this gate is outside of the red line boundary, and the granting of planning permission does not authorise the landowner to obstruct the public footpath with a gate. The applicant would have to apply separate from the planning application, for authorisation under section 147 of the Highways Act, 1980, to erect a gate for the purposes of controlling livestock. If the footpath is obstructed by a gate without authorisation, the Council has a duty to enforce the removal of the gate.

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

5. Representations

19 representations were received during the course of the application. The comments made have been summarised, arranged into themes and addressed below:

Visual Amenity

- Many people visit the area to appreciate the unchanged, unspoilt outdoor space they are not fortunate to access on a daily basis. Offering people from the local community free access to exercise and fresh air which supports both physical and mental wellbeing for all to enjoy.
- The cattle building in addition to the current site of approx. 7 barns/buildings is out of character, appearing less of a farm, more of a commercial/industrial estate.
- The introduction of a commercial use in what is presented as agricultural land would alter the rural character of the area.
- The farm is already too big, the amount of buildings for a small amount of land is already too much.
- The farm is commanding the view of the whole of the area, you can see the farm from all parts of Bristfield . It used to be a well-kept traditional farm.

- The proposed building is huge, the farm buildings can be seen from every direction and already dominate the landscape.
- The building would be visible from a number of aspects, especially those within 200 metres of the site, the woodland does protect certain views but only when trees are in full leaf and not during autumn and winter months.
- The site is quite clearly visible (and indeed audible) from numerous domestic premises, Bristfield Road, Pearson Lane, several footpaths and bridleways.
- The new building is massive.
- The track features traditional dry stone walling and sections of original cobbled surface, which are of historical and environmental significance.
- Overdevelopment in what has to date been a tiny hamlet, sets a dangerous precedent for others to follow.
- A large intrusive building on open countryside.

Officer Response: *The proposal's potential impact on the appearance and character of the area has been assessed within the 'visual amenity' section of the report.*

Residential Amenity

- Neighbourhood living conditions would be made much worse with the addition of a cattle building in terms of noise, traffic, disturbance and odour.
- The views of fields would be restricted.
- There would be a loss of privacy, as the building would overlook gardens.
- This new building would be less than 400 metres from those properties.
- The proposal may cause disruption to neighbouring properties.
- The proposed farm building is close to houses spoiling views over open countryside.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report. Furthermore, a loss of view would not constitute a material planning consideration.*

Noise, Odour & Pollution

- Odour is not just from farm animals, there have been several skip fires burning putrid materials and causing neighbours to close doors and windows.
- There is also the smell from the animal excrement that will increase, and I believe that extra waste cannot be spread directly onto fields - it will need to be stored until rotted down sufficiently to be used.
- There is already a large smelly muck heap about 30 metres from a residence on pudding hill.

- The smell and flies we get in our house, we don't dare have the windows open.
- The farm produces too much manure for it to be used on a small amount of land and there are massive piles of it near to houses and can be seen by many of the houses in Bristfield.
- Smells are bad enough!
- Noise travels through the valley, conversations can be heard and machinery/plant/haulage escalates this, especially during the night and early mornings.
- Noise pollution is at an all-time high. Farm (understandable), grinding, industrial and haulage machinery noise levels start from 5.00am, including weekends, bank holidays and on Xmas day.
- The extra noise and air pollution is not acceptable, even without the extra building that is planned.
- Large vehicles/trailers coming and going into the barns and throughout the night with the signage '2 Valleys' causing sleep disturbance.
- Between the farm and 2 valleys the noise can start from as early as 4:30am.
- I get awakened every day from these lorry's trucks etc turning down the road. Just not sure where it will end if another large barn is built.
- The noise is already too much.
- The farm already produces a large amount of noise from regular mucking out and feeding and from the company 2 valleys who work all hours 7 days a week.
- The noise has increased significantly as in the area.
- The farmyard is noisy from vehicle use, tractor use, grain grinding, etc and can be heard through the village.
- There would be an increase in noise, pollution, smells.
- The building would impact adjoining houses causing upset and distress visually and emotionally, causing nearby residents constant sleep disturbances operating noisy, heavy machinery at all hours.
- Consideration should be given to residents of neighbouring farms by the applicants. Maybe consider housing the manure adjacent to Healey Farm to eradicate any upset to neighbours?
- This manure not only smells terribly offensive but emits gases, such as ammonia. This can potentially cause a risk to public health, especially for children and vulnerable persons.
- The business working from Healey farm has a large amount of equipment based there and this creates a lot of noise at all hours of the day 7 days a week.
- The increased traffic particularly by HGV's would dramatically increase noise, vibration, air pollution, and risk to the safety of all other road users, including pedestrians, cyclists, and horse riders.

- Once transported to its destination the manure is deposited very close to houses.

Officer Response: *KC Environmental Health have reviewed the proposal and did not raise any concerns relating to noise disturbance, pollution and odour. Furthermore, impacts from construction are temporary and would not constitute a material planning consideration. However, an informative detailing construction hours has been added to the decision notice to minimise noise disturbance during the construction period.*

Highway Safety

- The commercial business is expanding and taking up more farming space. That business is putting more pressure on local roads.
- Traffic then proceeds onto narrow Bristfield village country roads that are not substantial enough for large transport vehicles.
- Healey Lane is a single track bridleway, and there is already excess traffic because of another business, called 2 Valleys, running from Healey Farm.
- The amount of motor vehicles and trailers using the bridleway is already excessive.
- The large tractors & trailers cannot use the driveway from Rakes Lane as its too narrow, so not sure why that access is highlighted on the plans. These tractors run along Bristfield Road, Rakes Lane, Dimple Dale, Sowood Lane to get to one of the fields, instead of running directly from farmyard into northside of said field. Wearing our lanes & causing pot holes and disturbance to locals, as well as walkers, riders, cyclists (they travel at speed and are dangerous!).
- The proposed access off Bristfield road isn't suitable for livestock vehicles. This needs investigation from highways.
- The existing traffic due to 2 valleys is unacceptable due to the narrow lanes.
- A storage facility for a business such as Two Valleys may result in a significant increase in vehicular traffic, including vans and potentially heavy goods vehicles, on local rural roads that are not suited for such volumes or vehicle types. This could lead to road safety issues for other users, including residents, cyclists, and agricultural machinery operators.
- The farm is more like an industrial estate with the amount of traffic coming and going at all hours of the day and every day of the week.
- The amount of traffic is too much for the single track lane which is a bridleway and footpath.
- Current operations are already causing unacceptable damage to the verges and to the access bridge at Freckleton.
- With more livestock, more traffic is inevitable and cannot be sustained.
- Residents paid £1,000 per household (2 occasions) to repair this lane (2008). After which the farm used 10 wheel crane & other heavy machinery to erect steels for extra farm buildings!
- To take these vehicles the lane needs widening (farmer to re-instate fencing to its original site, a good 3' into their own field.)
- Their driveway from Rakes Lane and Holt Lane (along with these lanes) (where new plans show access) cannot withstand such big heavy vehicles

or increased traffic due to weak bridge, narrow accesses and dangerous bend, pedestrians & horse riders.

- The tractor traffic has increased along lanes to other fields (tractors too big to use their drives to access fields).
- Impact has been damaged culverts, verges and surface of lane.
- Traffic has increased 10 fold.
- The machinery has increased in size, Healey Lane (bridleway) cannot sustain these vehicles.
- 45ft trailers are regularly travelling over the single carriageway small bridge and up the bridle way causing potholes, danger to horses, wildlife, walkers and potentially weakening the bridge (a bridge survey needs to be carried with weight restrictions).
- .- That business is putting more pressure on local roads.
- The road alteration endangers public safety, and raises unresolved infrastructural and legal concerns.
- The roads in Bristfield village are not equipped to handle large scale development.
- The business working from Healey farm has a large amount of equipment based there and this creates a high volume of traffic on Healey lane.
- The planning states that they have good access. The access is a single track.
- The new access shown on the plan would be impossible to use in its current state, it would need major roadworks for it to be able to be used.
- The access needs to be looked at before any planning is considered.
- Access and egress are a major concern, the proposed route is not feasible in its current state and without doubt it will create additional movements to and from the site.
- There is no consideration to ramblers/cyclists/horse riders that use the proposed route also the environmental (rare species) woodland/hedgerow/beck disruption and contamination.
- There is current damage to lane from Cleveland Farm to Freckleton.
- Dimpledale Lane, which adjoins the proposed new junction, is an unadopted road, raising serious questions about maintenance responsibility, suitability, and future liability. It is unclear who would bear responsibility for these long-term risks and their mitigation, which could become an ongoing burden for local residents and taxpayers.
- The infrastructure necessary to support HGV usage would be highly invasive and inappropriate for such a narrow, predominantly single-track route.
- The location of the proposed new entrance/exit only compounds these concerns. It is situated on a known hazardous bend, currently clearly marked by multiple official government road hazard warning signs, prominently displayed in both directions on the approach to what is now the bridleway.

- Introducing large, slow-turning vehicles at this already extremely dangerous point would only elevate the risk of accidents, potentially with fatal consequences.
- This transportation route can be and should be avoided with immediate effect. A designated route, which is possible should cross over the fields and land preventing unnecessary movement involving tiny village roads with few, if any passing areas.
- It's an impossible task for the bus when it gets diverted for roadworks through the hamlet as the roads are not wide enough to accommodate them. The dustbin wagon suffers from the same problem.
- These departments should be approached for their professional opinions on the effect of increased traffic and size of vehicles anticipated should the development be considered.

Officer Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report. Furthermore, impacts from construction are temporary and would not form material planning considerations.*

Environmental Impacts

- The cattle building would be in close proximity to the TPO woodland and Bristfield Beck, where bats have been witnessed.
- There would appear to be mature hedges very close to, if not adjacent to, the proposed site.
- TPO trees/woods are adjacent to proposal (says No) which form part of the landscape character.
- Ascertain that the building could be within 20 meters of Bristfield beck.
- It is close to TPO section of woodland as well as close to Bristfield Beck water course.
- Interruption to wildlife.
- There is very recent or indeed current evidence of the existence of bats, owls (barn, tawny and little) and numerous other bird species in the very close vicinity (at least within one quarter of a mile).
- There would appear to be mature hedges very close to, if not adjacent to, the proposed site.
- The area supports a well-established ecosystem, home to local flora and fauna, and is enjoyed by walkers, keen riders, rambblers, and nature enthusiasts who value the tranquillity and unspoiled character of this green corridor.
- The entire application threatens a unique and irreplaceable rural environment which can be prevented at the outset.
- All the land is quite steep and runs down to 2 streams, this amount of manure spread on a small amount of land cannot be good for the

environment. This should be properly assessed and a full report produced as it is a serious environmental issue.

- Consideration should also be given to the mining 'edits' that are evident in close proximity, extra weight, subsidence and potential land collapse blocking and flooding the beck.
- Nearby houses are at risk of foundation damage due to impact of heavy passing vehicles.
- The use or otherwise of no hazardous substances in the operation of a farm, farm buildings, farm vehicles and the operation of a commercial business would warrant further investigation or explanation.
- The development would require crossing an old beck (housing newts - a protected species) which could cause structural instability, subsidence, and increased flood risk due to potential blockages.
- The proposal would result in significant and irreversible damage to this fragile environment.
- The farm acts as holding point for their slaughterhouse (Spenborough Abattoir/Worsley Wholesale Butchers. The proposed increase in stock numbers (from 600 to 800 cows, 600 to 1,000. sheep) will increase the amount of manure both produced on site and transferred to the site from the slaughterhouse.
- The manure generated by the high number of animals is already causing a nuisance to residents by its transport and its storage at Pudding Hill, before spreading on the land.
- The heap hasn't moved position for several years. Nitrates contained within the manure are a challenge. Nitrates (N) in excess of DEFRA guidelines have the potential to cause environmental damage, polluting the land and local water courses and ultimately impacting other farms in the area, which currently enjoys non Nitrate Vulnerable Zone status.
- DEFRA good practice guideline means a maximum of 250kg/hectare/year total N should be applied to the land. The application says the farm has the use of 53ha (130 acres). Based on DEFRA guidance, 600 cow alone can produce around 34,000kg of N per year which, applied to the available land, is at a rate of 641kg/ha/year. With 800 cows that becomes 46,000 of N and 875kg/ha/year. Both numbers are way over good practice limits, without allowing for sheep and slaughter house manure.
- The amount of manure that will be created from the new application. This gets transported via the roads to a muck pile up pudding hill and cause serious disruption and safety concerns as the farm doesn't route across its own land.
- The issue of waste for the commercial business being operated on the site is not addressed.
- Any increase in cattle numbers obviously leads to increased waste. This manure is currently being transported via the village road by large very heavy tractors, obviously impacting the lanes creating pot holes.

- There should be a waste management plan in place for effluent/excreta and drainage.
- The amount of manure the farm produces is already more than the land can cope with.
- The planning statement says they will have 800 cattle and 1,000 sheep an increase of 600 livestock on the 68 acre farm. That is going to produce a lot of waste, already there are massive piles of manure close to houses and in full view of the village.

Officer Response: *The application site does not fall within a flood zone and therefore, the proposed works are not considered to present harm to any neighbouring occupants with regard to flooding. The proposed development is also not considered to materially impact on drainage.*

Paragraph 197 of the NPPF states that responsibility for securing a safe development rests with the developer in relation to land stability. Furthermore., the application has been assessed by KC Environmental Health and the Mining Remediation Authority who have recommended conditions to ensure the safe occupation of the site.

KC Ecology were consulted on the proposed scheme and confirmed that the submitted Preliminary Ecological Appraisal is reasonable and acceptable. Furthermore, no protected trees are located within proximity of the application site that would be impacted as a result of the application.

The proposal relates to an existing working farm which will already generate waste. Although the scheme may increase the amount of the waste, it is likely that this will be disposed of via the current method.

Principle of Development

- Taking over greenbelt is an issue.
- This site is becoming more commercial & industrial rather than a farm.
- The percentage of current farm buildings far outweighs the need of the land.
- The commercial business is expanding and taking up more farming space.
- Such a large structure should not be necessary for the number of grazing cows allowed on the farm acreage.
- A calculation by the necessary governing bodies would determine that the farm buildings currently in situ would be sufficient to accommodate the cows/to land ratio currently housed on the farm. Surely additional stock would need extra acreage to thrive.
- The land cannot sustain more animals and the planning application should be refused

Officer Response: *The principle of development has been assessed, and it has been concluded the proposed development would constitute an acceptable form of development in the Green Belt and would comply with Policy LP54 of the Kirklees Local Plan and Government guidance contained within Chapter 13 of the NPPF.*

Public Right of Way

- There is also a public footpath on the area the planning is applied for, some of the public footpath already built over.
- The access suggested in the application is currently blocked by boulders. The public bridleway is obstructed by the use of coded electric gates. The Road Traffic Act 1988 should be considered in the review.
- The farm has already concreted over the bridleway, and erected an electric gate that is another obstruction that users shouldn't have to accept, and the movement of vehicles from the farm and 2 valleys makes it difficult to use the bridleway freely.
- It is to be built on an existing Footpath, last building did the same and the footpath was supposed to be re-routed.
- It would impact on the bridleway/footpath through the farmyard, already restricted by boulders and gates.
- These buildings will impact the public footpath, which runs from Rakes Lane (above old village hall) to Healey Lane (Healey Farm).
- Please reinstate footpath signs from Rakes Lane (above old village hall) to Healey Lane (to Healey Farm). Last building is built on it! And PROW were to put up new signs.
- Please keep our footpaths and bridleways open in this area. (bridleway blocked by gates and concrete boulder currently from Rakes Lane/Holt Lane through Healey Farm).
- The vehicle access to Healey Farm is a bridleway, the length of which is owned by eight different landowners.
- The bridleway above the farm is in a poor condition due to the excessive traffic and vehicle weight, which it was never intended to carry - HGVs and other very large vehicles with livestock, feed, manure and 2 Valley's kit travelling to and from Healey Farm.
- An electric gate sits across the bridleway at the entrance to the farm (DEW88/60), acting as a deterrent to users, as is the lack of directional signage, which is now missing from the post. Any further development will only add to the existing problems.
- There is also a public footpath (DEW 73/10) that runs from Healey Farm down to Bristfield Rd by Rakes House. It's been difficult for some time to find the way out of the yard, and the route of the right of way, as a cattle handling area sits across it, and there are no signs in place.
- The route of the public footpath is not shown on the submitted plans, but it looks like it will be obstructed by the proposed new building, which will be an offence.
- Public footpath DEW60/10 also crosses the farm's land. It too is difficult to follow and lacks any signage.
- Public rights of way are protected rights, a valuable community asset and must remain. The proposed building at Healey Farm goes against this.

- The 'good access' to the site, per the supporting report, is in fact the single track bridleway that goes from Bristfield Rd at Freckleton (DEW88/40) to Bristfield Rd below The Rakes (DEW88/80) and runs across the land of eight different owners.
- The buildings and hard standing now flank both sides of the bridleway for over 100 yards. It's an increasingly busy area with vehicles and machinery parked and working. This makes it difficult for riders and walkers to use the right of way comfortably and safely.
- This farm is situated on a single track road that is designated a bridleway.
- This bridleway, clearly signposted as such, is an important and historic route entering countryside rich in natural and cultural heritage.
- The lane/bridleway and footpath which is in a poor state due to the amount of big wagons going to Healey Farm and the commercial business 2 Valleys. It goes over an old bridge which is unstable and was never designed for modern day transport
- We are writing to express our strong opposition to the proposed development involving the conversion of the existing bridleway running through the ancient rural landscape from Bristfield Road converting into a road intended for use by HGV traffic.
- The proposed transformation of this bridleway into a road suitable for HGVs is entirely inappropriate.
- A large increase in livestock is going to mean even more vehicles on the bridleway, and horse riders, cyclists and pedestrians are already put off using it.
- Although shown as an access route on the submitted plans, the bridleway below Healey Farm is in a poor state, partially blocked, and not suitable for vehicle use.

Officer Response: *KC Public Rights of Way initially objected to the proposed scheme as the proposal would further obstruct public footpath DEW/73/10. The plans have since been revised, moving the cattle buildings away from the public footpath. In the circumstances, KC Public Rights of Way no longer object to the planning application (2025/62/91128/E). However, the revised plans still show a 'Field Gate to be Moved to Green X' in the fenceline of the 'Proposed Yard Extension'. The granting of planning permission does not authorise the landowner to obstruct the public footpath with a gate and the client would have to apply, separate from the planning application, for authorisation under section 147 of the Highways Act, 1980, to erect a gate for the purposes of controlling livestock. If the footpath is obstructed by a gate without authorisation, the Council has a duty to enforce the removal of the gate.*

Potentially Unauthorised Development

- The farm extended barns and hard standing in recent years which did not seek planning permission. Since then, the noise from the farm has increased immensely which can be heard across the valley.
- There is extra barn extensions on the site which don't have planning permission.

- There is commercial running of events business without planning permission.
- There are already extended buildings for farm machinery, which are not used for that purpose but for harvest storage and events machinery!
- Healey Farm has already erected farm buildings within about 200 metres of residential properties, which I believe shouldn't be allowed.
- The current farm buildings have been extended without permission.
- 2 Valley Location Hire (dozens of vehicles using yard & bridleway/footpath) is run from Healey Farm without Commercial/Industrial permission.
- A certain amount of the existing farm buildings are let to a commercial company called 2 valleys. I suggest the let buildings should be brought back under agricultural use, before further development is granted.
- The farm has been building since it last had planning in 2017 without planning applications.
- Some extensions & some buildings have already been erected without permissions.
- The farm has already been massively developed since the last time planning was applied for in 2017 none of which has been done with planning consent.
- Buildings are used for commercial use without planning consent.
- The site has already been developed with four buildings and new hard standing created, without planning or notification, over the last three years.
- This planning will be misused too.
- Reviewing previous planning applications, we see planning permission for two barns in 2011, 2017 but no others. The 2 or 3 additional barns erected recently (2024) have increased the size of the site significantly. The site requires a visit from the planning officer to determine and measure the site objectively and check that the entire estate is in proportion to the land/registry and livestock/wellbeing related to it
- The site at Healey Farm has been developed significantly over the last few years. It seems that the work has been done without notification or planning approval.
- In recent years a number of barns have been erected, but no planning notices seen on the lane.
- Since 2017 there has been 3 big buildings erected and 2 large areas taken for hard standing without any planning applications. Due to the distance to residential properties, they needed full planning consent.
- Breach of planning laws is a matter for investigation.
- 2 valleys event hire is being run from Healey Farm without permissions. (that generates lot of disruption and traffic alone!) If planning accepted there is danger of 'infill' without permissions.
- Existing use: "agricultural field in permanent pasture". Whilst this may be factually correct in terms of the field where the building is proposed, there is no reference to, or recognition of, the additional buildings, enclosures, hard standing areas and security gates that have been erected/constructed in recent years to significantly increase the footprint of the "farmyard" referred to under the Description of the Proposal.

- It's clear that commercial activities are being conducted on the site and numerous non-farming related commercial vehicles and machinery stored or parked on the site.
- Not all existing sheds have been approved by Kirklees MC and perhaps it might be wise to pass or reject those applications before any further applications/developments are even considered.
- A business called 2 Valleys appears to operate from the farm, which is a non-agricultural business. A change of use would be appropriate going forward.
- The cumulative effect of such unregulated commercial development poses long-term risks to the rural landscape and community wellbeing.
- The farm yard has been extensively developed without planning permission over recent years.

Officer Response: *Any works undertaken without planning permission would be at the applicant's own risk and may be subject to enforcement action.*

Other Matters

- Is the owner running alternative businesses from the farm and what would the new shed actually be used for?
- It appears that part of that expansion has been to accommodate the 2 Valleys events business rather than the farming operations.
- Suggest a thorough site visit to check answers to questions within the published application e.g. current size of site (Is this correct considering approx. 7 buildings), The site is seen from the public road, footpath, bridleway (Says No)
- I believe that putting new buildings up will free up others for use of 2 Valleys.
- While the application describes the development as an agricultural structure, it is widely understood that the building is intended to be used for non-agricultural purposes —specifically for storage by a separate commercial entity, Two Valleys.
- The application appears to be misleading in its stated purpose.
- An agricultural barn is intended to support bona fide agricultural activity. If the building is instead to be used for commercial storage unrelated to agriculture, this constitutes a change of use and should be evaluated under different planning criteria.
- Approving the application under false pretences would undermine planning integrity and set an undesirable precedent.
- The proposed use by Two Valleys may not align with local planning policy regarding development in rural areas.
- Agricultural buildings enjoy certain permitted development rights, but these do not apply to general business storage.
- The actual use would likely generate traffic, noise, and environmental impact inconsistent with a structure meant to support agricultural land management.

- This site has increased already to triple +, from small farm to becoming industrial site.
- The proposed building has to be re assessed, as without doubt it will have serious effect to the community and their vistas.
- Description “Extension of farmyard and erection of cattle building”. Is this the case or are these buildings being erected as existing buildings that are quite adequate for this purpose are being used alternatively?
- If 2 valleys intend increasing their need for storage a better alternative would be for them to relocate to an industrial estate that can accommodate out of hours usage, HGV’s, weight limits and increased traffic in general without creating all these new potential problems that are currently non-existent.
- From a livestock point of view, the building is a single space with cattle on farm yard manure.
- Floor area is 1,040m², so large cattle housed on straw the stocking density from Red Tractor standards could be 5-7m² per heavy store, so max stocking could be 148 heavy stores.
- Water requirement 148 heavy stores x 50 l/d = 7,500 l/d = 7.5 TONNES PER DAY = MORE THAN 200 TONNES PER MONTH. From where?
- Cattle (over 3 months) will produce 0.18m³/week of excreta = 26.6 tonnes per week. This will go in with straw to produce FYM which will also be the bedding. However, this material will be removed periodically and is typically stored before putting to land. The application states there is no storage requirement or movement planning.
- Rainwater; approx 1000mm per annum. So, this building with no rainwater harvesting will create approx 1,040 tonnes of rainwater per year: running to field drains?? Some areas would require a bunded pond so that in the event of >25mm rainfall in a day there is time for soakaway. 25mm (1 inch) rainfall in a day on this roof is 26m³ in 24 hours.
- The holding comprises 68 acres of owned land (can this be clarified?) in a ring fence around the farm plus a further 15 acres of owned land at Barnsley. In addition, the family rent a further 47 acres nearby. The additional acreage should not be considered in this planning as it is not in Bristfield.

Officer Response: *The application relates to cattle building and is therefore assessed on this basis. Should an application be submitted for an alternative use or scheme, the merits of such a proposal would be assessed at that time. In relation to alleged unauthorised buildings/uses, this could be subject to investigation and enforcement should an Enforcement complaint be received by the Council.*

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.

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 is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/91128

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 Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP51, LP52, LP53 and LP54 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The agricultural building hereby approved shall be faced in timber Yorkshire Boarding with concrete panels below for the external walls and grey fibre cement sheets for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interest of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapters 12 and 13 of the National Planning Policy Framework.

4. The agricultural building which is the subject of this permission is approved for agricultural purposes only and at no time shall be used for purposes that do not fall within the definition of agriculture set out in Section 336 of the Town and Country Planning Act 1990 (or any definition which may supersede this in any subsequent Act or Order).

Reason: To clearly define the use approved by this permission in recognition of the assessment undertaken of the appropriateness of this use on Green Belt land, to protect the visual amenity of the area, to protect the amenities of nearby residents and to accord with Policies LP1, LP2, LP24, LP52 and LP54 of the Kirklees Local Plan and guidance contained within Chapter 13 of the National Planning Policy Framework.

5. No above ground development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- a) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason: This condition is necessary 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.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This condition is necessary 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.

7. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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. Works 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 Verification 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 Verification 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.

NOTE: Public footpath Dewsbury 73 is adjacent to the red line boundary and must not be interfered with or obstructed, prior to, during or after development

works. The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team are based at Civic Centre 1, PO Box 1720, Huddersfield HD1 9EL and the email address is publicrightsofway@kirklees.gov.uk

NOTE: The revised plans show a 'Field Gate to be Moved to Green X' in the fenceline of the proposed yard extension, this gate is outside of the red line boundary, and the granting of planning permission does not authorise the landowner to obstruct the public footpath with a gate. The applicant would have to apply separate from the planning application, for authorisation under section 147 of the Highways Act, 1980, to erect a gate for the purposes of controlling livestock. If the footpath is obstructed by a gate without authorisation, the Council has a duty to enforce the removal of the gate.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the

applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

| Plan Type | Reference | Revision | Date Received |
|--|------------------|-----------------|----------------------|
| Location Plan | - | - | 20/10/2025 |
| Pre-Development Habitat Plan | - | - | 20/10/2025 |
| Elevations | - | - | 20/10/2025 |
| Elevations and Floor Plan | - | - | 29/04/2026 |
| Block Plan and Post-Development Habitat Plan | - | - | 29/04/2026 |
| Design and Access Statement and Planning Statement, Incorporating Agricultural Justification | - | - | 20/10/2025 |
| Biodiversity Gain Plan | - | - | 20/10/2025 |
| The Statutory Biodiversity Metric | - | - | 29/04/2026 |
| Preliminary Ecological Appraisal | - | - | 20/10/2025 |
| Coal Mining Risk Assessment | G25118 | - | 20/10/2025 |
| Climate Change Statement | - | - | 20/10/2025 |

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 Planning 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. The Case Officer undertook negotiations with the agent to secure amendments to address comments from KC Public Right of Way, KC Ecology and KC Highways Development Management, which were considered acceptable. The applicant's agent has also confirmed their agreement to the pre-commencement conditions.

Report Dated: 11/05/2026

INFORMATIVE NOTE – Biodiversity Net Gain:

Based on the information available, this permission is considered to be one which requires 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.

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

4.6 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.

