
From:

Sent: 07 July 2025 17:14

To: Elenya Jackson <Elenya.Jackson@kirklees.gov.uk>

Cc:

Subject: Re: URGENT: 2025/91175 Ivy Farm [CLA-1.435395.2.FID3090954]

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Dear Elenya,

I refer to your previous email and thank you for allowing time for us to respond.

The two issues you raise are in relation to the wider site's use and the access track.

My client had instructed Clarion Solicitors to provide a legal opinion which I reattach to this email which supports our assertions.

In relation to the land it is clear that land to where the bale storage area is to be sited is agriculture and evidence is provided in relation to this through the supporting plan.

Whether there are other uses on the farm are irrelevant to the proposals and I would refer you to the approved agricultural building approved in 2017 the Council approved an agricultural building on the farm yard (ref 2017/N/90030/). At this point in time the livery yard was also in operation at the site. I am unclear what has changed in the intervening period.

Both the livery and farm shop will be ancillary to the main use of the site which is agriculture.

Secondly in relation to the 1,000 square metre threshold at Condition A.1 of Class A of Part 6 of Schedule 2, the laying of grass would not constitute works for the purpose of paragraph D.2(a). Although not directly stated, it is implicit that this exclusion relates to operative works on the land and the laying of grass would not constitute works on any reasonable interpretation of this qualification; this is simply standard maintenance and management of the land. In the same way it would not be credible for a contention to be made that the planting of trees or cutting down of trees

(assuming they are not protected) on land would be works relevant to this exclusion. Any works to create the track were undertaken in excess of 2 years ago, the introduction of grass (to create two tyre tracks does not constitute engineering operations) and therefore no works have taken place in the last 2 years which constitute the provision of hardstanding.

I would also reiterate that my client can store bales on the application area without the need for planning permission. The proposals seek to reduce waste and allow proper drainage (rather than putting concrete) but also keep the bales away from the farm shop.

Happy to discuss.

Kind Regards

Patrick Townsend