

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91253/E
Site Address:	Moorhouse Farm, Moorhouse Lane, Birkenshaw, BD4 6PZ
Description:	Erection of storage building
Recommending Officer:	Edward Cheseldine

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 6-Aug-2025

Officer Report

2025/91253 - Moorhouse Farm, Moorhouse Lane, Birkenshaw, BD4 6PZ

Site Description

The application site forms part of a larger parcel of open agricultural land situated at the top of a gentle north-to-south slope. Access is provided via Soureby Cross Way, leading to a private gravel-surfaced track. The nearest residential property is located approximately 25.00 metres to the northwest of the site. Approximately 20.00 metres to the west lies a designated dog exercise area. To the south, the open agricultural landscape continues uninterrupted.

Application Proposal

The application is seeking planning permission for the erection of an agricultural storage building to hold vehicles, machinery and hay.

The building will be 20.00m(l) x 10.00m(w) with an eaves height of 4.10m and a ridgeline height of 5.70m. The building will feature a pitched roof. External materials will be green plastic coated steel sheets for the walls and roof. The building will have a roller shutter door on the north-west facing elevation.

Amendments/Negotiations

Throughout the application process, additional information was requested by KC Ecology, to update the Biodiversity Net Gain (BNG) metric and provide details in relation to the BNG report. The agent submitted an updated version of the BNG metric and clarified details within the report which was accepted by KC Ecology.

Public Representation

The application was advertised by way of a site notice, which expired on the 20-Jun-2025. As a result of the publicity, 1 representation was received.

'It is clear that the applicants are linking this development to their development of 8 residential units utilising existing storage space. As a resident of Soureby Cross Way I have a concern that the establishment of such storage space may also generate future application for stables (existing being demolished for the same residential development) but also that the use of this specific area for storage may significantly increase traffic on the access road to Soureby Cross Way which is limited already by design. If the Council were to consider approving this application, then they should also consider a s.106 condition to make improvement to this access road. Whilst understanding that the proposed design of the building complies with agricultural standards some consideration should be given to the visual impact across the viewpoint from Soureby Cross Way.'

Planning matters relating to the points raised above will be assessed throughout the report, with a conclusion to the responses published within the *Representation* section of the report.

Relevant Planning History

2023/93013 - Demolition of existing buildings and erection of 8 dwellings – Appeal upheld.

Consultation Responses

KC Ecology – Accepted the submitted Biodiversity Net Gain report and metric. Confirmed a 12.05% Biodiversity Net Gain uplift will occur from onsite gains. Advised a condition for a CEMP: Biodiversity (Construction Environment Management Plan).

Policy & Legislation

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 Green Belt on the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. 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.

Kirklees Local Plan Policies

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated Land and Unstable Land
- **LP 54** – Buildings for agriculture and forestry (Green Belt)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and 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 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

Assessment

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact of Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Matters
- 5) Conclusion

Principle of development

Green Belt

The application site is located within the Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

NPPF Paragraph 153 states: *‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.*

Policy LP54 of the Local Plan states that such proposals will normally be acceptable, provided that:

- a) The building is genuinely required for the purposes of agriculture or forestry;

- b) The building is sited in close association with existing agricultural buildings, unless there are clear and demonstrable reasons for an isolated location;
- c) There will be no detriment to the amenity of nearby residents;
- d) The design and materials should have regard to relevant design policies and not materially detract from their setting.

The application is supported by a planning statement that includes the following details. The building will be used to store machinery and equipment used for the harvesting of hay and upkeep of the additional land parcel. They are applying for a new storage building due to replace agricultural buildings that are to be removed to implement planning permission reference 2023/93013. The applicant has supplied land deeds of the land under their ownership.

From the submitted information and history of the site, Officers are confident there is an agricultural use within the wider land parcels and the proposed building will be used to store equipment and machinery which is used for the purposes of agriculture.

Buildings which are used to store equipment and machinery are situated 100m to the north-east of the application site. However, permission 2023/93013 will see these buildings be removed and replaced with residential dwellings. The proposed agricultural building will be located near a gravel track that links the access road to the commercial stable buildings. It is positioned at the northern aspect of the site, which is close to other built form, so not to appear isolated within the open landscape.

An assessment of residential amenity will be explored in the *Impact on Residential Amenity* paragraph below. It is considered that given the scale of the development and the placement of the existing buildings in relation to occupied dwellings, the possibility of adverse impacts arising from noise, odours and other factors is negligible.

The building has an agricultural appearance due to its simplistic form and external materials. It will be a green colour which will blend the building into the landscape.

In addition to the agricultural building, a section of hardstanding material will be constructed to link the building to the existing access track. The material change is appropriate for its use and is a proportionate scale when considering the types of vehicles that will be housed in the building.

For the purposes of the impact, as outlined in the above section, the proposed development meets the exemption listed under paragraph 154 a) of the NPPF and the criteria set out within Policy LP54 of the Kirklees Local Plan.

Impact on Visual Amenity

Policy LP24a) of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and landscape'.

Notwithstanding the impact to the Green Belt which has been assessed in the above paragraph, development concerns the formation of an agricultural building in close proximity to dwellings on Soureby Cross Way. The building will be placed 25.00m from the nearest residential dwelling. The ground level at this point is relatively level. In terms of an impact to the surrounding built form, the scale of the structure is considerate to the nearby dwellings, so not to dominate them. The length of the building goes from north to south placing the bulk of the structure away from the buildings. The height of the building is not considered to compete with the height of the building row when considering the distance of separation. In addition, the agricultural building is positioned close to Soureby Cross Way, whereby when the building is viewed from medium and long distances it will not appear stark or isolated.

Development is therefore considered to respect the character of the surrounding built form and landscape, according with LP24a of the Kirklees Local Plan.

Impact on Residential Amenity

LP 24b) of the Kirklees Local Plan calls to respect the amenity of neighbouring occupiers.

The application proposes a new agricultural building which will be used for the storage of vehicles and machinery.

The nearest noise sensitive receptor is approximately 25m away from the site. It is considered that given the scale of the development and the placement of the existing buildings in relation to occupied dwellings, the possibility of adverse impacts arising from noise, odours and other factors is negligible.

None of the dwellings on Soureby Cross Way will have a direct view of the agricultural building. 22 Soureby Cross Way is set at an acute angle to the building. Given the distance and angle of outlook, development will not lead to a loss of outlook or a loss of light.

The proposal therefore complies with LP24 of the Kirklees Local Plan.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The proposed development would make use of the access track leading from Soureby Cross Way to the existing site. A hard surfaced area would be constructed to the north of the building for access. The building will lead to a modest intensification of the use of this part of the site, however this will be for vehicles movements linked to the agricultural land holding. It would likely not lead to a material increase in use that would significantly impact upon traffic movements on the existing highway network for other vehicles.

It is considered that the development would have no material impact on the safe use of the highway and would accord with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Ecology & Biodiversity Net Gain

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), the applicant must provide a biodiversity uplift of at least 10%.

The applicant has supplied information in support of achieving a Biodiversity Net Gain of 10%.

It should be noted by that statutory Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. The preferred sequential method for providing BNG is as follows:

1. On-site
2. Local Habitat Bank
3. Other land within applicant's ownership (local)
4. National habitat bank
5. Statutory credits

The applicant has outlined that the BNG will be provided on site through a planting scheme.

Unless exempt, every planning permission granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The statutory biodiversity gain requirement (and its reason for imposition) does not require to be secured via a planning condition nor do they require a Section 106 agreement.

KC Ecology have reviewed the BNG metric and the report that submitted. They initially requested amendments to the documents. Upon a secondary review, they acknowledged the details were acceptable and a 12.05% habitat uplift would occur when the landscaping scheme is planted.

In this case, in the event that planning permission be approved, it is recommended a condition be attached to the decision notice, that the proposed landscaping scheme shall be implemented by the end of the first planting season following the erection of the agricultural building and shall thereafter be retained to ensure an uplift occurs.

As per Policy LP30 of the Kirklees Local plan, a biodiversity uplift is required. As the site includes a landscaping scheme, that will provide a biodiversity uplift, LP30 would be satisfied.

The site is not within an alert layer for protected or notable species, however the site is located in an area close to wildlife habitats including a non-coniferous woodland which is 220m to the south of the site. The area of land is currently grassland without nearby vegetation or other habitats. Given the scale of the development and its close proximity to the edge of development, it is not considered necessary to impose a Construction Environment Management Plan on this occasion.

Land Contamination

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is not located in an area known to be contaminated or have a historic use would be considered to pollute the ground. Nevertheless, as groundworks are proposed, an unexpected contamination condition and footnote would be applied to application conditions to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

Coal Legacy

The applicant has submitted a Coal Mining Risk Assessment. Authored by G&M Consulting, reference C755, dated April 2025. The development site is not within a high-risk coal mining area according to the Council's GIS mapping system. A consultation with The Mining Remediation Authority therefore does not meet the statutory requirements and one was sent in error.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Representations

It has been considered whether the objections brought forward would have a material weight in the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- It is clear that the applicants are linking this development to their development of 8 residential units utilising existing storage space.

Officer Comments: The application has been assessed as a building for agricultural in the Green Belt. Application 2023/93013 relates to the wider land parcel. It pertains the removal of buildings which are used to house machinery and equipment for the management of the agricultural landholding. It has been assessed that due to the history of the site, its existing use and details within the planning statement, there is a genuine need for additional storage in order to manage the remaining land.

- As a resident of Soureby Cross Way I have a concern that the establishment of such storage space may also generate future application for stables (existing being demolished for the same residential development).

Officer Comments: All applications are assessed on their individual merits. This application does not relate to buildings associated with the management or keeping of horses (equestrian) but an agricultural building.

Visual Amenity

- Whilst understanding that the proposed design of the building complies with agricultural standards some consideration should be given to the visual impact across the viewpoint from Soureby Cross Way.'

Officer Comments: The impact to the building group along Soureby Cross Way has been assessed within the *Visual Amenity* section of the report. It is considered the scale and placement of the storage building is considerate to residential dwellings. Furthermore, the building would not compete with the building line of Soureby Cross Way.

Highway Safety

- The use of this specific area for storage may significantly increase traffic on the access road to Soureby Cross Way which is limited already by design.

Officer Comment: Considering the scale of development and the use of the building, an intensification of the access leading from Soureby Cross Way would be from vehicles associate within the agricultural land holding. The increase in use would not be considered to be to the detriment of the existing highway network.

- If the Council were to consider approving this application, then they should also consider a s.106 condition to make improvement to this access road.

Officer Comment: Considering the scale of development and the use of the building, Officers would not consider the development would meet the threshold for a legal agreement or condition as the increase in use is isolated to the existing agricultural land holding.

Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/91253

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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

2. The external materials of the dwelling hereby approved shall be constructed in green plastic coated metal sheets and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 & LP54 of the Kirklees Local Plan, and the aims of chapter 12 & 13 of the National Planning Policy Framework.

3. The approved landscaping scheme /biodiversity netgain plan in shall be implemented by the end of the first planting season following the completion of storage building. The approved landscaping scheme shall, from its completion, be retained throughout the lifetime of the development. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity and to accord with the aims of Policy LP24 & LP35 of the Kirklees Local Plan and to ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all 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 198 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2825/002	-	07 May 2025
Existing Site Plan	2515/005	-	07 May 2025
Proposed Site Plan	2515/003	-	07 May 2025
Proposed Elevation Plan	2515/003	-	07 May 2025
Biodiversity Metric Calculation	-	-	16 April 2025
Biodiversity Net Gain Report	-	-	07 May 2025
Coal Mining Risk Assessment	C755	-	07 May 2025
Planning Statement	-	-	07 May 2025
Climate Change Statement	-	-	07 May 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Throughout the application process, additional information was requested by KC Ecology, to update the BNG metric and provide details in relation to the BNG report. The applicant submitted an updated version of the BNG metric and clarified details within the report which was accepted by KC Ecology.