

**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: | 2025/62/91413/W |
| Site Address: | 1000, New Hey Road, Outlane, Huddersfield, HD3 3FJ |
| Description: | Erection of agricultural building and associated works |
| Recommending Officer: | Edward Cheseldine |

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: 18 November 2025

Officer Report

2025/91413 - 1000, New Hey Road, Outlane, Huddersfield, HD3 3FJ

Site Description

1000 New Hey Road is a plot of land of roughly a triangular shape. The plot includes a farmhouse and several single-storey outbuildings including shipping containers.

At the time of the site visit, officers observed several large vehicles and trails on the site. Dog kennels were located to the west of the site, on the norther boundary sits a large outbuilding, shipping containers were also present.

The site is accessed from New Hey Road by a hard surfaced driveway.

In terms of the wider area, Motorway M62 is located to the north of the site, separated by a line of trees and shrubs. To the south is a pub which includes residential accommodation above.

Application Proposal

The applicant is seeking permission for the erection of an agricultural building. The building will 18.20m(w) x 9.10m(d) x 4.53m(h). It will be formed with natural stone-faced courses and metal sheeting sides and roof. It will contain three openings on the north elevation.

The building will be used to store plant equipment and feed, bedding and animal supplies for use of a farming operation.

Amendments/Negotiations

Officers requested the height, scale and level of enclosure of the agricultural building was reduced. The initial plans were for four sections used to store machinery, hay and a drive through section. It was requested if the section used to store hay could be open sided, and the drive through section removed. These requests were made to reduce the harm to the openness of the Green Belt.

The following amendments were received.

- Height of the structure from 6.81m to 4.53m
- Width reduced from 22.00m to 18.20m
- The roller door for the section soring hay has been removed.

Amended plans were received and accepted. It was accepted the scale of the building would satisfy

There are a number of storage containers on the site that are used for temporary storage. It was requested the containers are removed and replaced by the agricultural building pursuant to this application. – This was accepted by the agent.

It was requested the orientation of the building was altered. The orientation of which has not been changed. However site sections indicate the building will be a suitable scale, therefore the position of the building is considered acceptable.

Public Representations

The application was advertised by way of a site notice, that expired on 14 July 2025. As a result of the publicity, 1 representation was received.

The following comments were received:

- The scale of the building is not necessary for farming
- The occupant owns a dog grooming building which will fund the project
- The height of the building and material on the side elevation is out of character with the area
- The proximity to the road will mean it stands out further as it stands almost as high as the house
- Shrubs to screen the yard would not disguise the building
- Development's proximity to the road has caused the removal of grass banks and caused slippage, further works could cause slippage to the roadway.
- Groundworks have caused flooding to neighbouring properties.
- Development has caused the removal of wildlife habitats on green belt land, this development would cause further removal of habitats.
- The application discusses theft, but a large scale building with roller shutter doors would only increase unwanted interest in the property.

A number of comments were made in reference to change of use of buildings and a use on the site which is not agricultural. Whilst these comments have been noted, the application is being assessed on its own merits as an agricultural storage building.

These comments will be considered throughout the report with a summary of the comments formed in the *Representations* section of the report.

Relevant Planning History

None relevant.

Consultation Responses

KC Ecology – No objection, following the submission of a BNG report and metric.

KC Environmental Health – Informal consultation on 13 November. Recommended a condition for unexpected land contamination.

West Yorkshire Water – Recommended a condition for a scheme for surface water drainage.

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 3** – Location of New Development
- **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.*

NPPF Paragraph 154, states, development in the Green Belt is inappropriate unless one of the following exceptions applies: a) buildings for agriculture and forestry.

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 applicant has submitted a planning statement with the following details on the use of the building. It will be used to store farm machinery and equipment used for the keeping of animals and storage of hay. The applicant has supplied details of the number and type of animals located on the site, including land titles and the location of additional parcels used in connection with the farming use. Officers noted during a site visit machinery and materials are openly stored within the curtilage. It appears they are used in connection with agricultural. Machinery included tractors, balers and trailers.

Existing outbuilding on the site include a chicken coup, stables, lambing shed and several containers. It is noted there is limited existing storage for the farming operation, and the yard has been utilised to store much of this machinery. There are several storage containers on site as identified on drawing reference HD3-02 revB.

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

The proposed building will be situated adjacent to existing structures associated with agricultural activities. It is intended to store machinery and bales, which require adequate separation from other buildings to allow for safe and efficient manoeuvring into the unit. The proximity to the surrounding buildings is considered appropriate for its intended use.

The nearest residential dwellings are located north-west of the agricultural building at Lower Royal George (51 metres) and 1 New Hey Road (68 metres). The building will be used to store machinery and hay, animals will not be housed within the proposed unit. Due to the items being stored within the proposed unit, it is not considered it will be to the detriment of neighbours, this too will be explored in the *Impact on Residential Amenity* section of the report.

The building has an agricultural appearance due to its simplistic form and external materials of natural stone and dark metal sheeting.

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 erection of an agricultural building within a collection of buildings associated with 1000 New Hey Road. The site is relatively isolated with the nearest building being, Lower George Royal Inn located 51.00m to the south-west. It will set back from the public footpath on New Hey Road by 27.00m. In terms of land levels, the area where the building will be erected is set down from New Hey Road due to the changing gradient of the land in this area. Due to the distance the building will be set back from the roadside, changing land levels and height of the structure, it is not considered the building will dominate the area. There is currently natural screening from the tree line which will further reduce the visual impact of the building. Additionally, the building is located within the farm group. Due to these factors, it is considered the development accords with LP24a of the Kirklees Local Plan and Chapter 12 of the NPPF.

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, equipment and animal feed.

The nearest noise sensitive receptor is approximately 51.00m to the south-west of the storage building, which is the residential accommodation above the Lower Royal George Pub. The storage building will be used to house machinery and equipment of an agricultural nature. It is considered that given the scale of the development and the placement of the proposed building in relation to residential properties, the possibility of adverse impacts arising from noise, odours and other factors is negligible.

Residential accommodation above the pub will not have a direct view of the building. There are side windows on the pub building at a first-floor level, however due to distance, it will not result in a loss of outlook that would impact the amenity of residents or result in a loss of light.

The proposal therefore complies with LP24b 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 storage building would make use of an existing access; vehicles are currently used on site. The proposed building will be used to house farm vehicles which are currently used within the site. Access to the rear of the site will be maintained. 1000 New Hey Road will maintain an

independent parking area. It is therefore not considered there will be an impact to the existing highway network and there is sufficient parking within open areas on the site and at the dwelling. There is a water sewage station located to the south of the proposed building, which the site shares its access with. As a result of the proposed building access to the adjacent site will be retained.

The development therefore complies with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

Biodiversity Netgain

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 has submitted a BNG report and BNG metric demonstrating an off-site uplift of 12.05% will occur through the creation of grassland. In order to secure the habitat uplift, an informative footnote will be attached to the conditions listed that this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Ecology

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.

The development site is located adjacent to an area of woodland and it included within a twice buff alert layer and in close proximity to a swift alert layer as indicated on the Council's GIS mapping system. Development will result in the erection of a new building.

In support of the application a preliminary ecological appraisal was submitted, authored by Root3, reference R3-841-03-EC-01. This was reviewed by KC Ecology who accepted the report, noting that due to the proximity of

development to the adjacent trees, and due to the site being within a twice (protected species) alert layer further details of a sensitive lighting strategy & a hedgerow and tree protection plan were recommended. Due to the proximity of habitats and scale of development these details will be conditioned.

Water Infrastructure

Policy LP28 of the Kirklees Local Plan relates to drainage and the safe disposal of water throughout the district.

A Yorkshire Water sewage station is located south-west of the application building. They were consulted on the application due to the proximity of the infrastructure unit. In terms of access, Yorkshire Water commented that, '*There is a sewage pumping station (SPS), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.*' They made no further recommendations in terms of access.

In terms of drainage, Yorkshire Water recommended the site is properly drained to ensure surface water is not discharged into the local public sewerage system.

In terms of the requirements of Kirklees Planning Authority, development does not meet the threshold for consultation of the Lead Local Floor Authority. It is the landowner's responsibility the drainage system meets the requirement of Flood and Water Management Act 2010 and Building Regulations Part H (Drainage and waste disposal). It is considered a secondary planning condition requiring a drainage system would be unreasonable considering drainage of surface water is covered by other regulatory bodies.

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.

KC Environmental Health were consulted on 13 November in respect of land contamination. They confirmed due to the proposed use, the application requires a condition relating to if unexpected contamination. As groundworks are proposed, an unexpected contamination condition and footnote will 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. KC Environment Health, confirmed the condition will be suitable so long as a restrictive condition that the building is used for the purposes of agricultural storage throughout its lifetime.

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

- The scale of the building is not necessary for farming

Officer Comment: The scale of the building has been reduced from the initial proposal. A condition will be set that the building shall not be used for purposes outside of an agricultural storage use.

- The occupant owns a dog grooming building which will fund the project
- Officer Comment:* Evidence has been submitted confirming that the site is associated with a genuine and ongoing agricultural use.

Visual Amenity:

- The height of the building and material on the side elevation is out of character with the area.
- The proximity to the road will mean it stands out further as it stands almost as high as the house
- Shrubs to screen the yard would not disguise the building

Officer Comment: The building will be formed of reclaimed natural stone and metal sheeting, it is set back from the roadside by an appropriate distance when considering its height. The materials used are appropriate when considering the surrounding environment.

Environmental Matters:

- Development has caused the removal of wildlife habitats on green belt land, this development would cause further removal of habitats.

Officer Comment: The application is subject to biodiversity netgain legislation. KC Ecology have reviewed the submitted information, they are satisfied a habitat uplift will occur.

Other Matters:

- Development's proximity to the road has caused the removal of grass banks and caused slippage, further works could cause slippage to the roadway.

Officer Comment: Paragraph 197 of the NPPF states, '*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*'.

- Groundworks have caused flooding to neighbouring properties.

Officer Comment: It is the landowner's responsibility the drainage system meets the requirement of Flood and Water Management Act 2010 and Building Regulations Part H (Drainage and waste disposal).

- The application discusses theft, but a large scale building with roller shutter doors would only increase unwanted interest in the property.

Officer Comment: It is not considered the building or its use will result in crime or disorder.

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: 2025/91413

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 LP24 & LP54 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external wall materials shall be constructed with natural stone coursing and dark metal sheeting, the external roofing materials shall be dark metal sheeting, they shall be erected as indicated on drawing ref HD3-04 revB and retained for the lifetime of the development.

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

4. Prior to first use of the building hereby approved, the storage container identified on drawing ref HD03-02 revB received 02 September shall be removed from the entirety of the site.

Reason: For the avoidance of doubt as to what is being authorised by this permission and in the interest of preserving the openness of the Green Belt and visual amenity to accord with Policies LP24 & LP54 of the Kirklees Local Plan and policies with the National Planning Policy Framework.

5. Notwithstanding the provisions of the Use Classes Order 2020 (or any Order revoking or re-enacting that Order) the building hereby approved shall be used solely for the storage of agricultural equipment, produce, or materials associated with agricultural operations. The building shall not be used for any other purpose, including any use falling within a different Use Class, for the lifetime of the development.

Reason: To ensure development is for a genuine agricultural purpose and to assist in safeguarding the countryside from encroachment and to ensure the safe use of the site in accordance with Policies LP53 & LP54 of the Kirklees Local Plan and policies with the National Planning Policy Framework.

6. 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 197 of the National Planning Policy Framework.

7. A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works will be submitted to and approved by the LPA prior to the commencement of works on site, including site clearance and delivery of materials. Hedgerow and tree protection measures will include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any alternative fencing type or position not in accordance with BS 5837:2012 will be agreed in writing by the LPA prior to the start of development. The root protection fencing will define the works exclusion zone around hedgerows and trees. Activities liable to be harmful to hedgerows and trees are prohibited within this exclusion zone, unless agreed in writing with the LPA. The approved hedgerow and tree protection measures will remain in place until the completion of development or unless otherwise agreed in writing with the LPA.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. No works are to commence unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing ref HD3-05 revA. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development.

Reason: In the interests of visual amenity and preserving the characteristics of the Green Belt to accord with Policies LP24 & LP54 of the Kirklees Local

Plan, and policies within Chapter 12 & 13 of the National Planning Policy Framework.

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

BIODIVERSITY NET GAIN – INFORMATIVE NOTE:

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

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
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development

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

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

4.5 Self and Custom Build Development, meaning development which:

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

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

NOTE: Development may not be begun unless: (a) a biodiversity gain plan has been submitted to the planning authority; and (b) The planning authority has approved the plan. The biodiversity gain plan must include: (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; (b) the pre-development biodiversity value of the onsite habitat; (c) the post-development biodiversity value of the onsite habitat; (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development; (e) any biodiversity credits purchased for the development; and (f) any such other matters as the Secretary of State may by regulations specify.

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: 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.

Plans and specifications schedule: -

| Plan Type | Reference | Version | Date Received |
|-----------------------------------|------------------|----------------|----------------------|
| Location plan | - | - | 09 June 2025 |
| Existing site plan | HD3-01 | - | 09 June 2025 |
| Proposed site plan | HD3-02 | revB | 02 September 2025 |
| Proposed floor plans | HD03-03 | revB | 02 September 2025 |
| Proposed elevations | HD03-04 | revB | 02 September 2025 |
| Proposed site sections | HD03-05 | revA | 02 September 2025 |
| BNG metric | R3-841-03-EC-02 | - | 31 October 2025 |
| BNG report | R3-841-03-EC-02 | - | 31 October 2025 |
| Preliminary ecological assessment | R3-841-03-EC-01 | - | 31 October 2025 |
| Agricultural assessment | - | - | 09 June 2025 |
| Design and access statement | - | - | 09 June 2025 |
| Climate change statement | - | - | 09 June 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 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.

The following amendments were received:

- Height of the structure reduced from 6.81m to 4.53m
- Width reduced from 22.00m to 18.20m
- The roller shutter door for the section storing hay has been removed.

