

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning (General Permitted Development) (England)  
Order 2015 - Schedule 2, Part 6**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -  
NOTIFICATION OF AGRICULTURAL DEVELOPMENT**

<b>Reference no.</b>	<b>2025/N /91663/E</b>
<b>Site Address</b>	<b>Heights Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4BW</b>
<b>Description</b>	<b>Prior notification for excavations or deposits of waste material</b>
<b>Recommending Officer</b>	<b>Nina Sayers</b>

**DECISION - REFUSED**

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

Kevin Walton

***AUTHORISED OFFICER***

**Date: 15-Jul-2025**

## **Officer Report – 2025/91663**

### **Site Description**

Heights Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4BW is an agricultural site covering a total of 100ha. The application relates to a 0.3ha plot of land set north-east of the existing buildings relating to Heights Farm. The site is located within the Green Belt on the Kirklees Local Plan.

### **Description of Proposal**

The application is seeking the prior notification for the excavations or deposits of waste material.

The proposed building's footprint would 29.20 x 49.76 m (1450m<sup>2</sup>). The application form states the total volume would be 4000m<sup>3</sup>.

The proposal would include excavation of a total depth of 2.7m. All excavated materials would be retained within the agricultural holding.

The waste material would be comprised of organic slurry (manure/water etc) from livestock on the farm.

The application form states that the total area of the entire agricultural unit is 100 hectares in area and the land on which the proposed development would be located has been in agricultural use for 100 years.

### **History of negotiations/amendments received**

No amendments were sought or provided.

### **Planning History**

**2007/90947:** Change of use, extensions and alterations to convert existing farm buildings to 5 no. Dwellings and erection of detached garage block with bin and cycle store and formation of new access road. Conditional Full Permission.

**2010/91806:** Extension to time limit for implementing existing permission 2007/90947 for change of use, extensions and alterations to convert existing farm buildings to 5 dwellings and erection of detached garage block with bin and cycle store and formation of new access road. Extension to time limit – grant.

**2011/92184:** Agricultural notification for erection of agricultural building. Details approved.

**2014/93813:** Erection of 1no. 50kw wind turbine with hub height of 24.8m and maximum tip height of 34.5m. Conditional Full Permission.

**2016/90525:** Discharge of Condition 5 (Site Investigation Report) for previous application 2014/93813 for erection of 1no. 50kw wind turbine with hub height of 24.8m and maximum tip height of 34.5m. Discharge of condition(s) approved.

**2016/93222:** Alterations to convert barn to dwelling. Conditional Full Permission.

**2018/90695:** Demolition of existing building and erection of new dwelling. Conditional Full Permission.

**2018/92915:** Discharge condition 9 (site investigation) on previous permission 2018/90695 for demolition of existing building and erection of new dwelling. Discharge of condition(s) approved.

**2020/92641:** Prior notification for erection of agricultural building. Details approved.

**2025/90402:** Prior notification for excavations or deposits of waste material. Approval of details withheld.

### **Representations**

As this is an application for prior approval, no advertisement of the application has been undertaken by the LPA in accordance with The General Permitted Development Order 2015, Schedule 2, Part 6, Class A. No representations have been received during the course of the application.

### Consultation Responses

No consultations took place during the course of this application.

### Procedural Matters and Policy Context

The above described proposal is defined as development within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015, Schedule 2, Part 6, Class A permits the following development:

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –

- a) works for the erection, extension or alteration of a building; or
- a) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

A.1 outlines when development is not permitted.

(a) The development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;	<b>Pass:</b> The site is part of a parcel in excess of 1 hectare.
(b) It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;	<b>Pass:</b> None of the listed has taken place.
(c) It would consist of, or include, the erection, extension or alteration of a dwelling;	<b>Pass:</b> No works are proposed to a dwelling.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	<b>Pass:</b> The proposed building would be for the storage of slurry and is therefore considered to be designed for agricultural purposes.
(e) The ground area would be covered by – (i) Any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or (ii) Any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;	<b>Pass:</b> The proposal would not be for the purposes of accommodating livestock or any plant or machinery

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;	<b>Pass:</b> The building would not be within 3 kilometres of an aerodrome.
(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;	<b>Pass:</b> The building would not exceed 12 metres in height.
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	<b>Pass:</b> the site would not be within 25 metres of a classified or trunk road.
(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;	<b>Fail:</b> the building is ~382 metres from the curtilage of protected building 4 Taylor Fold and is proposed for the storage of slurry.
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	<b>Pass:</b> Not applicable.
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building.	<b>Pass:</b> The building is not for waste from a biomass boiler or an anaerobic digestion system.

### **Assessment**

Paragraph (2) of Class A.2 requires the developer to apply in writing to the local planning authority for a determination as to whether the prior approval is required for siting, design and the external appearance of the building. As part of the assessment the Local Planning Authority should determine whether or not the proposal complies with the requirements and conditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2. Part 6, Class A.

#### **Siting, design and external appearance**

The proposal is not considered to benefit from permitted development rights; however, Class A of Part 6 of the GDPO, requires the Local Planning Authority to further assess the proposals in relation to the conditions of Part 6. As noted above, the main criteria to assess are the siting, design, and external appearance of the building under A.2(i).

#### **Siting**

The proposal is for the erection of a slurry bag. It would be located within an agricultural site, adjacent to existing agricultural buildings which would reduce

the prominence of the proposed slurry bag and would lesser the impact on the openness of the green belt and open setting of the site. The proposal would, as outlined above, be located within 400m of residential properties which is not considered an appropriate location.

Design and materials used

The proposal is for a slurry bag which, whilst not visually appealing, it would be in keeping with the agricultural setting of the site and the location near existing buildings mitigates the visual impact particularly as the slurry bag is set down and surrounded by a bund.

**Conclusion**

The purpose of the prior notification process is to apply to the Council to determine whether prior approval would be required as to the siting, design, and external appearance of the building.

In this instance, it is concluded that the proposal would fail to accord with sub-paragraph A.1(i) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. Under these circumstances prior approval of the development would be required and is refused. An application for full planning application would be required if the applicant wishes to pursue planning permission for the development.

**RECOMMENDATION – Refused**

**Decision Authorisation – Delegated Powers**

**Application Number – 2025/91663**

**Officer Recommendation – Refusal**

I write to inform you that prior approval would be required and is refused for your submission of details relating to the above application as it cannot be considered for the purposes of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because it would consist of the erection of a building within 400m of a protected building contrary to sub-paragraph i of Class A, Part 6.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Forms	-	-	17/06/2025
Location Plan	687-A11		17/06/2025
Site Plan as Proposed	687-A01	B	17/06/2025
Excavation works for Alligator Bagtank Capacity 4000m <sup>3</sup>	P2500XXX		17/06/2025

**Report**

14/07/2025

**Dated:**

