

**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:	2025/62/91889/W
Site Address:	Land at Terence Gale Farm, New Hey Road, Outlane, Huddersfield, HD3 3FT
Description:	Relocation of existing building and associated works
Recommending Officer:	Danielle Cooper

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.

John Holmes

AUTHORISED OFFICER

Date: 13th February 2026

Officer Report

2025/91889 – Land at Terence Gale Farm, New Hey Road, Outlane, Huddersfield, HD3 3FT

Site Description

The application site relates to a surfaced yard area which comprises a single storey detached dwelling and a two storey building.

Access to the building is taken from the south west of New Hey Road via a surfaced area which also serves the remainder of the farm complex including the parking area for the main farm dwelling.

The surroundings are remote upland with unconnected properties some distance away from the application building and immediate complex pair of dwellings to the east of the site.

The site is located within the green belt.

Application Proposal

The application is seeking planning permission for the relocation of existing building and associated works.

The proposal is to relocate the existing building within the red line boundary. It will be the same size as the existing building 15m (l) x 6.6m (w) x 5.7m (h) and the materials of the existing building will be reused (green profiled steel roof and wall cladding).

The applicant is proposing to move the building further away from their property to prevent any danger with traffic movements.

The building will be constructed on existing gravel, located northwest of the red line boundary. The gravel appears to have been laid without planning permission, however it is clear that this gravel has been laid for more than 10 years.

Amendments/Negotiations

The agent has submitted a planning statement in response to queries raised by the case officer in regard to the lawful use of the building given the site history.

Public Representation

The application was advertised by way of a site notice, which expired on the 15-Sep-2025. No representations have been received.

Relevant Planning History

1, Pleasant Pastures, New Hey Road, Scammonden, Huddersfield, HD3 3FT

2022/91718

Certificate of lawfulness for existing use of building for repair and refurbishment of plant and machinery

Refused

Dismissed at appeal

Reason:

'The burden of proving relevant facts in this appeal rests on the appellant. On the balance of probability, I find that the evidence is not sufficiently precise or unambiguous to prove that the building has been used continuously for at least ten years for the repair and refurbishment of plant and machinery.'

2017/93200

Formation of new dwelling utilising existing steel frame

Approved 2018

2004/94859

Erection of doffer storage and cattle rearing shed

Approved 2004

Pleasant Pastures, New Hey Road, Scammonden, Huddersfield, HD3 3FT

2020/93739

Demolition of existing agricultural building and erection of new agricultural building

Withdrawn 2021

2015/92641

Prior approval for proposed change of use of agricultural building to 1 dwelling and associated operational development

Approved 2015

92/04630

Agricultural notification erection of implement shed

Approved 1992

Consultation Responses

KC Ecology – No concerns.

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

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
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity

- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

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’.*

The building in question was granted planning permission to be used for agricultural purposes in 2004.

The applicant’s position is that the building has been used continuously for a period exceeding ten years for the repair, refurbishment and sale of plant and machinery, and that this use is therefore lawful and is not used for agricultural purposes. As such the proposal does not fall under any of the exceptions as outlined within Chapter 13 of the NPPF.

A Certificate of Lawfulness for the existing use of the building for the repair and refurbishment of plant and machinery was refused in June 2024, and a subsequent appeal was dismissed, with the inspector concluding that ‘the evidence is not sufficiently precise or unambiguous to prove that the building has been used continuously for at least ten years for the repair and refurbishment of plant and machinery’.

The agent has submitted a planning statement in response to queries raised by the case officer in regard to the lawful use of the building given the site history.

The submitted statement clarifies the established use, addresses concerns raised during previous applications, and provides further evidence demonstrating that the use has existed for the required ten-year period.

The newly submitted evidence involves the following:

- Invoices providing dated and proof of the nature of the work undertaken.
- The continuity of the use over more than ten years.
- The clarification of scrap metal and sales activity removes the ambiguity previously identified.

The LPA consider that the evidence now before the LPA demonstrates the building has likely been used for the repair, refurbishment and sale of plant and machinery for a continuous period of ten years. This is considered in light of the fact there has been a further passage of time since the determination of the previous application seeking a certificate of lawfulness, and the additional information.

To add to the above, the following benefit of the proposed relocation of the building is noted which are considered to represent very special circumstances:

- The proposal seeks to reposition the building further away from the streetscene, while retaining the same overall size and reusing the existing materials. By setting the structure further back, the development is considered to have a reduced impact on the openness of the Green Belt compared with the current arrangement.
- Relocating the building would also enhance the safety of the neighbouring residential property, as the revised position would prevent danger in relation to traffic movements.
- Introduction of an element of soft landscaping upon the site, and ensuring this is achieved through inclusion of an appropriately worded condition which would increase soft landscaping within the site outlined in red upon the submitted application form from that as is currently present.
- Requirement the existing building is removed in its entirety within three months of the commencement of development.
- Restriction upon external storage which is currently being undertaken upon the site, reducing visual and urbanising clutter.

It is therefore considered that the very special circumstances submitted as explained above are valid, and on the basis of inclusion of the conditions it is

considered there is a cumulation of circumstances in this case which can be considered to be very special circumstances which clearly outweigh the harm of the development by reason of inappropriateness / any other harm.

In this case, the principle of development is therefore considered acceptable, and in accordance with the aforementioned policies. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

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'.

As the proposal is to relocate the existing building further back from New Hey Road and the building will be the same size and existing materials reused, the LPA considers the impact on visual amenity of the countryside setting to be acceptable as the proposed position will bring mass away from the street scene, as well as the footprint and height of the building remaining the same which ensure the visual impact of the building is negligible.

A condition will be implemented to ensure the existing building is removed, in addition conditions will be included requiring a scheme of soft landscaping to be submitted and also requiring the building to be constructed from the materials as set out in the plans and of a dark green colour finish including access points.

On the basis of the inclusion of the recommended conditions the visual impact of the development is considered to be similar to that as exists already. The inclusion of a scheme of landscaping will soften the impact and the inclusion of a condition requiring no external storage would have an additional benefit of reducing clutter / sprawl of associated paraphernalia across the site.

The locality is generally of an open countryside character, free from development. The proposal would not significantly alter this given it would see existing lawful structures re sited elsewhere within the site and there is considered to be a level of mitigation / benefit to the re siting when considered in conjunction with the other aforementioned conditions.

Subject to conditions the 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. Policy LP52 seeks to ensure emissions as a result of development(s) are acceptable.

The application proposes to relocate the existing building north west of the site. The use of the building will remain as existing, and as a result it is not envisaged that noise and general activities from the site would significantly increase given the scheme falls within the same parameters as that which exists and operates at site already.

It is also noted that a single storey dwelling located within the site appears to use the same access. As such, the submitted planning statement states that the applicant is proposing to move the building further away from their property to prevent any danger with traffic movements. The relocation of the building is therefore considered to improve the current situation, as a greater separation distance will be introduced.

The proposal is therefore considered to comply with policies LP24 & LP52 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 proposal will be set back from the highway, leaving sufficient room for vehicles to enter, make a turning manoeuvre and exit the site in forward gear without any interference. Access to the dwelling on site will also not be disrupted.

As the size, scale and use of the building will remain, it is not considered to result in any increased vehicle movements than the existing situation.

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.

Contaminated land

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The proposed development is not situated on land identified as potentially contaminated; a condition is therefore recommended in relation to unexpected contamination, to protect construction workers during the build and any future site users. The development would comply with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 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 submitted application form outlines that the application falls under the de-minimis exemption as the existing building will be located on hardstanding and no new hardstanding is proposed. Therefore, BNG is not required under this application. KC Ecology have also reviewed the proposed development and raise no comments.

On the basis there is an increase in soft landscaping upon the site, it is considered this would constitute a level of ecological enhancement which would meet the requirements of policy LP30.

Subject to condition the proposal is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan.

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 pre-dates 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 it is considered reasonable not to require the applicant to put forward any specific resilience measures in this case. The nature of the use of the building and the method of construction is such that its relocation / removal and construction of a replacement would not significantly impact in this regard given the materials of construction are easily recyclable.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a planning condition restricting these in this case, however a footnote shall be added.

Representations

None.

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: 2025/91889
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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Within three months of the commencement of the construction of the building hereby approved, the existing building annotated 'Existing shed to be relocated shown dotted' upon submitted drawing ref: 01revC shall be permanently removed from the site.

Reason: To prevent the proliferation of buildings within the site and to safeguard the openness and the visual amenity of the area in accordance with Policy LP24 of the Kirklees local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

4. The walling and roofing materials of the building hereby approved shall be constructed using profiled steel sheeting and profiled steel wall cladding of a dark green colour finish. The hinged door and roller shutter openings of the building hereby approved shall be of a dark green colour finish. The materials of construction and colour finish hereby approved shall be retained thereafter.

Reason: In the interests of visual amenity and to preserve the open character of the green belt to accord with Policy LP24 of the Kirklees local Plan and the aims of Chapters 12 and 13 of the National Planning Policy Framework.

5. No external storage shall be undertaken within the red line boundary of the submitted location plan ref: 25 06 01 C, received 11/08/2025.

Reason: In the interests of visual amenity and to preserve the open character of the green belt to accord with Policy LP24 of the Kirklees local Plan and the aims of Chapters 12 and 13 of 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 198 of the National Planning Policy Framework.

7. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall be completed within the first planting season following the development being brought into use. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. 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. The areas indicated for use as soft landscaping shall be retained as soft

landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity, to preserve the open character of the green belt and ecology to accord with policies LP24 and LP30 of the Kirklees Local Plan and the policies contained within Chapters 12 and 15 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
Grouped Plans and Elevations	01 C	-	11 August 2025
Supporting Statement	-	-	09 July 2025
Climate Change Statement	-	-	04 August 2025
Supporting Statement	-	-	20 January 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.

