

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no. 2025/CL/92186/E

**Site Address Headlands, Falhouse Lane,
Whitley, Dewsbury, WF12 0NJ**

**Description Prior notification for change of
use of agricultural building to 1
dwelling**

Recommending Officer Elenya Jackson

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.**

East Team

AUTHORISED OFFICER

Date: 15-Sep-2025

Officer Report

Reference No. 2025/CLASS Q/90997/E

Site Address: Headlands, Falhouse Lane, Whitley, Dewsbury, WF12 0NJ

Proposal: Prior notification for change of use of agricultural building to 1 dwelling

Site Description

The application relates to an agricultural building located south of Falhouse Lane. The site is not currently a working farm and the details provided demonstrate it is unknown when the barn ceased being used. The main farm building associated with the land is located to the north. The site is not within a conservation area, nor are there any listed buildings nearby or PROW.

Description of Proposal

The proposal seeks a change of use of the existing agricultural buildings to one dwelling and the erection of an extension together with operations to alter the buildings appearance to facilitate the conversion of the building to residential use under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q

The entire building would have a width of 14m with a depth of 7.5m a maximum height of 4.2m. The proposed extension would account for 2.9m of the width of the proposal and have a height of 2.6m.

The proposal would include the entire western elevation featuring a zinc cladding, the majority of the south, north buildings external materials and the roof of the building being replaced with zinc cladding.

Furthermore, 13 windows would be installed into the building with a large full length glazed wall in the southern elevation of the building.

Relevant Planning History

N/A

History of Negotiations

No amendments were sought or received during the course of the application.

Representations

The application was publicised on the council website. As a result of the above publicity, no representations have been received.

Procedural Matters and Policy Context

The proposal is defined as development within Section 55 of the Town and Country Planning Act 1900. The General Permitted Development Order 2015 Schedule 2 Part 3 Class Q permits the following development:

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.]

Proposals pursuant to Class Q are permitted subject to limitations set out in Paragraph Q.1 and subject to conditions set out in Q.2.

What works are permitted under the Class Q permitted development rights for change of use from an agricultural building to residential use?

The right allows either a change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use:

Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond

what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. For a discussion of the difference between conversions and rebuilding, see the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1)* and *Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin) as referenced in the NPPG.

For the proposals to be considered conversion, the nature and extent of the works need to fall short of a rebuild. None of the proposed works falls outside the operations listed in paragraph Q.1(i) of the GPDO or in the NPPG. However, in *Hibbitt, Green J* held that:

“...the concept of “conversion” is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a “conversion” then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1.”

The structural report provides details that the structure is largely sound however the existing rafter structure requires intermediate columns to support permanent loads, decayed materials will need to be replaced and the existing pad foundations have not been determined.

The submitted proposed plans state that the external walling will be the existing cladding on the existing building on the east elevation, but the majority of the external walls would be replaced with zinc cladding and the roof.

Overall, it appears from the information provided that all, or at least the vast majority, of the existing external walling and roofing material is to be replaced. The structural report indicates the existing floor slab is not level and will be covered with new flooring. While the structural capability of the existing supporting members of the building are claimed to be sound, the new building nonetheless, consists of replacing practically all of the existing wall materials and where not, additional works to cover the walling materials are proposed. Overall, very little of the existing building envelope is capable or proposed to be retained. It is therefore considered that the buildings as they currently stand, would not be capable to function as converted dwellings without the significant degree of proposed building works. In this case, the proposed works would be considered so extensive as to comprise rebuilding and therefore cannot be considered within the definition of “conversion.”

Permitted Development

Q. Development consisting of –

- (a) a change of use of –
 - (i) a building that is part of an established agricultural unit and any land within that building’s curtilage, or
 - (i) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in subparagraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if—

<p>(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—</p> <ul style="list-style-type: none">(i) on 24th July 2023, or(i) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,	<p>Pass: <i>The site is not an existing agricultural unit.</i></p>
<p>(a) In the case of a site that was (but is no longer) part of an established agricultural unit –</p> <ul style="list-style-type: none">(i) the site was part of an established agricultural unit on 24th July 2023,(i) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period	<p>Pass: <i>The site is an existing agricultural unit. The applicants Design and Access Statement states the agricultural activities ceased before the 20 March 2023.</i></p>

<p>of at least 10 years before the date development under Class Q begins, or</p> <p>(ii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose</p>	
<p>(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,</p>	<p>Pass: <i>The dwelling would not exceed 150 square meters.</i></p>
<p>(d) the development under Class Q (together with any previous development under Class Q) within the original limits of an established agricultural unit would result in –</p> <p>(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or</p> <p>(i) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,</p>	<p>Pass: <i>The number of dwellings does not exceed 10 or 1000 square metres.</i></p>
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>Pass: <i>The application form states that the site is not occupied under an agricultural tenancy.</i></p>
<p>(f) less than 1 year before the date development begins –</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p>	<p>Pass: <i>The site is not under an agricultural tenancy, nor has been in the past year.</i></p>

<p>(i) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;</p>	
<p>(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,</p>	<p>Pass: No development under Class A(a) or B(a) has taken place within the agricultural unit.</p>
<p>(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—</p> <ul style="list-style-type: none"> (i) extension of the building allowed by paragraph Q.1(i); (i) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i), 	<p>Pass: The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing buildings.</p>
<p>(i) the development under Class Q(b) would result in an extension that—</p> <ul style="list-style-type: none"> (i) has more than one storey, (i) is sited anywhere other than to the rear of the existing building, (ii) extends beyond the rear wall of the existing building by more than 4 metres, (iii) has eaves the height of which exceed the height of the eaves of the existing building, (iv) is higher than whichever is the lower of— <ul style="list-style-type: none"> (aa) the highest part of the roof of the existing building, or 	<p>Fail: The applicant has not provided any information to demonstrate the proposed extension is sited on any existing hardsurface. Google imagery, suggests the proposed extension would not be sited on any existing hardsurface.</p>

<p>(bb) a height of 4 metres above the ground,</p> <p>(v) extends beyond a wall that forms a side or principal elevation of the existing building, or</p> <p>(vi) (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—</p> <p>(aa) the hard surface was not provided on the land on or before 24th July 2023, or</p> <p>(aa) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,</p>	
<p>(j) the development under Class Q(b) would consist of building operations other than –</p> <p>(i) the installation or replacement of –</p> <p>(aa) windows, doors, roofs, or exterior walls, or</p> <p>(aa) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and</p> <p>(i) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>	<p><i>Fail:</i> <i>It is considered that the proposed building operations would exceed the limit of those listed.</i></p>

(k) the site is on article 2(3) land	Pass: <i>The site not located on article 2(3) land.</i>
(l) the site is, or forms part of – (i) a site of special scientific interest; (i) a safety hazard area; (i) (ii) a military explosives storage area;	Pass: <i>not applicable</i>
(m) the site is, or contains, a scheduled monument;	Pass: <i>The site is not, nor does it contain, a scheduled monument.</i>
(n) the building is a listed building.	Pass: <i>The building is not a listed building.</i>
(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or	Pass: <i>The dwelling would accord with the Nationally Described Space Standards.</i>
(p) the building does not have suitable existing access to a public highway	Pass: <i>The building has suitable existing access to a public highway.</i>

Curtilage

The following is the definition of ‘curtilage’ taken from Part 3 Class X; “curtilage” means, for the purposes of Class Q, R or S only –

- a. the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- a. an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;

The curtilage identified to serve the development would be located immediately adjacent to the proposed dwelling and would not be larger than the land area occupied by the building. This is consistent with the definition of curtilage as prescribed in Part 3 of Class X.

Conditions for Class Q Development

Where the proposal is development under Class Q(a) together with development under Class Q(c), the proposal is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (a) transport and highways impacts of the development,
- (a) noise impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site,
- (d) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (e) the design or external appearance of the building, and
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The application for Prior Approval is to be submitted and assessed in accordance with the 'Procedure for applications for prior approval under Part 3', as outlined in Section W of Part 3.

Consultation Responses

KC Highways Development Management – No objection subject to recommended conditions

Assessment

The following matters are considered in the assessment below:

- 1) Transport and highways impacts of the development
- 2) Noise impact of the development and siting of the building(s)
- 3) Contamination and flood risk of the site
- 4) The design or external appearance of the building(s)
- 5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use
- 6) Impact on the amenity of future occupiers
- 7) Representations
- 8) Conclusion

1) Transport and Highways Impacts of the Development

The proposal seeks prior notification for the change of use of existing agricultural buildings to a dwelling, which would intensify the domestic use on

site. Therefore, KC Highways Development Management were informally consulted on the proposal.

The site is accessed via hard standing associated with Headlands on Falhouse lane and would be located 75m south of the main road.

In terms of waste collection, no details of a bin collection point has been provided; however, it is considered that this can be secured via condition as there will be an existing facility used by the existing farm house and notwithstanding the extended carry distance is considered acceptable.

It has not been demonstrated using vehicle swept paths that emergency vehicles, can access and turn within the site. However, due to the spacing on site, it is considered these details could be accommodated on site.

Details of bin presentation and collection points have not been provided but it is considered these could also be conditioned.

In conclusion, access, parking and servicing arrangements are considered acceptable. It is considered that traffic associated with the development will have no material impact on the operation or safety of the highway network. Subject to conditions, KC Highways Development Management have no objection to the proposal.

2) Noise Impact on the Development

The site is situated in an isolated location and the proposal is unlikely to create a significant level of noise disturbance which would be harmful to any neighbouring occupiers. Furthermore, there are also no uses or noise pollutants nearby that could be materially harmful to the amenity of any future occupants.

3) Contamination and Flood Risk of the Site

The site does not fall within a flood risk zone and there are no known flood risks associated with the site.

The site of the proposed is situated on a Coal Authority high risk development area. The use of the site previously as a working farm may introduce contamination. The proposed development will involve groundworks, therefore conditions would be required relating to contaminated land.

4) The Design or External Appearance of the building(s)

The design of the dwellings would be somewhat determined by the existing building. The submitted plans confirm that the dwelling would be predominately

faced in zinc cladding.. Although this material palette is not typical for the site and wider area, it is considered that the appearance of the proposed dwellings would be sympathetic to the original building and the surrounding rural character. This is notwithstanding the issue of the works being considered to be a re-build rather than conversion.

5) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use

The dwelling would be situated in a remote location. However, the site is located reasonably close to bus routes. Therefore, it is considered that the location is sustainable.

6) Impact on the Amenity of Future Occupiers

Consideration is required to be given to the impact on the amenity of future occupiers in terms of the gross internal floor area and the adequacy of natural light. The proposal has been considered against the Government's Space Standards for dwellings which suggests that a single storey, 3 bedroom dwelling should have an internal floor area of 74m².

The proposed floor plans demonstrate that dwelling would have floor space of 103m².. It is considered that the proposal would provide an acceptable standard of living for future occupants.

7) Representations

No representations have been received during the course of the application.

8) Conclusion

The proposed development is not considered to benefit from a general planning permission under the provisions of the Town and Country Planning(General Permitted Development)(England) Order 2015 (as amended) in accordance with Part 3, Class Q of Schedule 2 of the Order.

Recommendation: Refuse Prior Approval

Decision Authorisation - Delegated Powers

Application Number: 2025/90997

Officer Recommendation: Refuse Prior Approval

Reasons for Refusal:

1. The building operations described in the application are considered to go beyond works that could reasonably be described as development to convert existing agricultural buildings and as thus considered as a matter of fact and degree to constitute a re-build and therefore cannot benefit from a general planning permission by virtue of Article 3(1) and Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The applicant has also not demonstrated that the proposed rear extension would be sited on any existing hardsurface contrary to sub-paragraph Q.1 (i)(vii) of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	100	P1	08/04/2025
Proposed plans	102	P1	08/04/2025
Existing plans	101	P3	08/04/2025

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 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. In this instance, the construction required would be beyond the scope of the application. As such, no amendments were sought thereafter.