

**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**

Reference no. 2025/N /93442/W

Site Address	Totties Garden Centre And Nursery, Downshutts Lane, Totties, Holmfirth, HD9 1AU
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Description	Prior notification for erection of agricultural building
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Recommending Officer	Molly Storer
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DECISION - DETAIL WITHHELD – PRIOR APPROVAL 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: 07-Jan-2026

Officer Report – 2025/93442

Site Description

The application site related to land in association with Totties Garden Centre and Nursery located on Downshutts Lane in Holmfirth. The land on which the agricultural building will be situated is northeast of the garden centre. To the east of the proposed location there is a pond (~15m away) and another agricultural building (~42m away). To the north and west of the site there is open land.

Access to the site will be gained from Downshutts Lane and then via a track to the east of the site (Cabin Lane). The site is within the Green Belt on the Kirklees Local Plan.

Description of Proposal

The proposed building's footprint would be 30m x 15m (450m²).

The agricultural barn will be a steel framed building clad with insulated metal sheeting in Juniper Green colour. The roof will have translucent roof lights. The structure will also have two roller shutter doors to allow for tractor and machinery access / use and two pedestrian access doors.

The submitted application form states that the building will provide a multi-functional space that can be adapted for the seasonal needs of the business. For example it will be used for "Lambing" in spring and for storing hay and winter feed. It will also be used for storing agricultural machinery. In November and December it will be used for harvesting and netting Christmas trees.

The application form states that the land on which the proposed development would be located has been in agricultural use for at least 60 years.

In terms of whether the proposed development is reasonably necessary for the purposes of agriculture, the submitted application form sets out that the proposed agricultural barn will be a multi-function space. This is necessary to cater for the various seasonal and overlapping needs of the agricultural business. It will support agricultural activities including; Lambing, storage of Hay and winter feed, harvesting and storage of trees prior to sale, storage of agricultural machinery and tractors, recycling our tree waste into kindling. The storage of agricultural machinery is currently outside which is quickly depreciating and as a consequence requiring more maintenance.

The barns main functions will change with the seasons and demand, as does the applicants agricultural work. It is necessary as the building will provide space between Christmas and "Lambing time" to help support income

generation for the agricultural business helping secure a future as a local business and employer.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been received.

Planning History

Totties Garden Centre has had a number of applications such as for extensions and continued use however the land on which the agricultural barn is to be situated has no previous applications.

Land to the east of the site is subject to a number of applications all relating to agricultural developments.

In 2007 planning permission 2007/94739 for the erection of a new modular garden centre building to replace existing buildings, alterations to the existing entrance point, formation of a new access road within the site and formation of an extended car park to the rear of the site (within a conservation area) was refused.

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.

The applicant claims the agricultural unit is 5.8 hectares in area although the location plan with a red and blue line boundary only encompasses 3.8 hectares. The applicant's statement suggests other land is farm within the local vicinity but does not identify where this is or whether it forms part of the agricultural and sales use subject to this application. The applicant has not demonstrated that permitted development rights apply to the development proposed in the red line boundary.

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;	The parcel of land is listed as less than 0.4 hectares in the submitted application form however the red line indicates it would form part of the entire unit and the proposal is processed on this basis.
(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;	None of the listed has taken place.
(c) It would consist of, or include, the erection, extension or alteration of a dwelling;	No works are proposed that relate to a dwelling.
(d) It would involve the provision of a building, structure or works not designed for agricultural purposes;	The proposed building would be for lambing, storage of Hay and winter feed, harvesting and storage of trees prior to sale, storage of agricultural machinery and tractors, recycling tree waste into kindling in

	association with the existing agricultural use of land surrounding the site. The design of the building is such it would be able to be used in connection with the established agricultural uses already taking place. It is considered the building the subject of this application is designed for agricultural purposes.
(e) The ground area would be covered by – 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;	The building's footprint would not exceed 1000 square metres.
(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;	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;	The building would be 7 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;	the site would be beyond 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;	The development would not be used for accommodation of livestock or for the storage of slurry or sewage sludge as set out in paragraph D.1 (3).
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;	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.	It is not proposed that the building will be used for the storage of waste for either.
the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument	The proposal is not within the curtilage of a scheduled monument.

Assessment

The application form states that the land on which the proposed development would be located has been in agricultural use for at least 60 years. However, an enforcement notice was issued on the 7 February 2007 against the growth of retail sales within the site where an unauthorised material change of use from agriculture to a mixed use of agriculture and retail sales had occurred. The requirements of the notice regularised the use as a garden centre with under enforcement to contain sales to a specific area in the south west corner of the site. The notice granted deemed planning permission for a mixed use for horticulture and retail sales over the entire site

Whilst it is agreed that there is an agricultural use at the site the application form states that the agricultural use supports the retail use also at the site. This adheres to the planning permission granted under the deemed planning permission in 2007. However, this also demonstrates that the site remains a mixed use site with no clear functional or physical divide between either use whereby it can be said that two distinct and separate planning units exist. Moreover, the planning statement confirms that the purpose of the building is to house sheep whilst lambing which are farmed for use within the garden centre café. The remaining area of the agricultural areas are used for the production of Christmas trees for sale through the garden centre. Whilst the applicant claims the garden centre only covers less than 5% of the whole area, it does not follow that the retail sales must be ancillary to an agricultural use simply because it is small ¹. The garden centre retails most produces imported into the site and whilst some of the Christmas trees produced on the site are sold through the centre this is seasonal and only occurs for a limited number of months. The garden centre is a “stand alone” use which does not wholly rely on the agricultural use for its existence and consequently is capable of being considered a primary use benefiting from the deemed planning permission. The applicant has not demonstrated any significant change in circumstances to show the garden centre can be considered ancillary.

¹ *Main v Secretary of State for the Environment* (1998) 77 P. & C.R. 300; [1999] J.P.L. 195

The Court has held² that a planning permission granted by virtue of Article 3(1) and Part 6, Class A of the GPDO 2015 (as amended) do not apply to a planning unit comprising a mixed use of agriculture and another primary use.

Notwithstanding the above 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. For completeness should an appeal decision arise and as part of the assessment the Local Planning Authority should consider whether or not it would have been minded to grant prior approval or notify that prior approval would not be required.

Siting, design and external appearance

Siting

The submitted plans titled 'Site Plan' and 'Location Plan' demonstrate the siting of the building. The location of the building would be adjacent to a pond and ~42m away from another agricultural building with an unadopted access track separating the two sites. Whilst the building which is proposed would protrude beyond the southern elevation of the adjacent agricultural building to the east, making it in closer proximity to the nearest adopted highway, and closer in proximity to the highway to the west, there would still remain a separation distance of 220m to the nearest adopted highway.

It is considered that the siting of the building would appropriately integrate with the existing layout of the site and the proposal would be viewed as part of the cluster of agricultural buildings within the site. The siting of the proposed agricultural building is therefore considered acceptable.

Design and External Appearance

The materials, size and design of the building is that which would typically be expected to be seen as part of an agricultural holding. It is considered that it would be unreasonable of the LPA to require a higher standard of design of the building particularly when taking account of the other buildings which the proposal would be sited adjacent to and would read as being part of the agricultural undertaking in connection with the existing buildings. It is therefore considered that the design and external appearance of the building is acceptable.

Conclusion

² *Lyons vs Secretary of State for Communities and Local Government [2010] EWHC 3652*

The applicant has not demonstrated that the agricultural unit exceed 5 hectares but in any event it has been shown that permitted development right under Class A of Part 6 cannot apply in this instance.

RECOMMENDATION – Refusal

Decision Authorisation – Delegated Powers

Application number – 2025/93442

I refer your submission for agricultural development as described above.

The proposal as submitted is unacceptable due to the site as shown within the red line boundary constituting a unit less than 5 hectares but notwithstanding this, the unit is also not acceptable as the uses within the unit operate as a mixed use of agriculture and garden centre thus contrary to the provisions of Schedule 2, Class A, Part 6, of the General Permitted Development (England) Order 2015 (as amended). Prior approval is therefore required and the application is refused.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location plan	PP-14490552v1	15/12/2025
Block plan	OS 100054135	15/12/2025
Proposed site plan	OS 100054135	15/12/2025
Proposed elevations	-	15/12/2025
Supporting statement	-	15/12/2025
Application Form	-	15/12/2025

Report Dated:

5 th 2026	January
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