

**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/93450/W

**Site Address Fleece Farm, 15, Midway, South
Crosland, Huddersfield, HD4 7DA**

**Description Prior notification for change of use
of 2 agricultural buildings to 6
dwellings**

Recommending Officer Nicole Helliwell

DECISION – 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.**

John Holmes

AUTHORISED OFFICER

Date: 06-Feb-2026

Officer Report

Reference No. 2025/CLASS Q/93450/E

Site Address: Fleece Farm, 15, Midway, South Crosland, Huddersfield, HD4 7DA

Proposal: Prior notification for change of use of 2 agricultural buildings to 6 dwellings.

Site Description

The application relates to two agricultural buildings situated within the grounds of Fleece Farm in South Crosland, Huddersfield. The site is currently a working farm which comprises numerous agricultural buildings and accommodation belonging to the owner. The buildings on site are highly varied in terms of size, architectural styles, and materials. The site is partially located within the South Crosland Conservation Area and adjacent to 2-8 South Crosland, a row of Grade II listed buildings. Furthermore, bridleway HUD/229/50 is located adjacent to the southern boundary of the application site.

Description of Proposal

The submissions seek a change of use of the existing agricultural buildings to six dwellings together with operations reasonably necessary to convert the buildings to residential use under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q. The submitted plans confirm that six dwellings are proposed across two floors. The dwellings would be faced in the existing concrete panelling to the lower sections and the existing profiled cladding to the upper walls. Furthermore, the roof would remain as existing and each building would feature 12 rooflights with the roof planes. New doors would be installed within the western elevations to allow the buildings to be used as accommodation. Fenestration would also be installed within the east and west facing elevations to allow adequate light. The proposed domestic curtilage would be immediately surrounding the buildings outlined in red on the proposed block plan.

Relevant Planning History

- **2025/90570:** Planning permission for demolition of agricultural buildings (within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **2020/90361:** Demolition of existing livestock building and erection of new livestock building (Within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2018/90360:** Prior notification for construction of silage clamp. [Planning application details | Kirklees Council](#) - Details Approved
- **2014/90222:** Erection of above ground cylindrical slurry store and underground reception pit. [Planning application details | Kirklees Council](#) - Conditional Full Permission
- **2010/93526:** Agricultural Notification for the prior approval of details for a general non livestock agricultural storage building. [Planning application details | Kirklees Council](#) – Details Approved

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 1990. 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 subparagraph (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.”

In this case, the proposal is considered to fall within the definition of “conversion” and would include operations that are reasonably necessary to

convert the agricultural buildings to dwellinghouses. On this basis, the works are considered acceptable.

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
 - 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 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 ii) 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: The site is an existing agricultural unit.</p>
<p>(b) 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, ii) where the site ceased to be part of an established 	<p>Pass: The site is an existing agricultural unit.</p>

<p>agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or</p> <p>iii) 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 floor space of each dwelling would not exceed 150 square metres.</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>ii) 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>Pass: <i>The site is not under an agricultural tenancy, nor has been in the past year.</i></p>

<p>i) an agricultural tenancy over the site has been terminated, and</p> <p>ii) 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> <p>i) extension of the building allowed by paragraph Q.1(i);</p> <p>ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),</p>	<p>Pass: The development would not result in the external dimensions of the buildings extending beyond the external dimensions of the existing.</p>
<p>(i) the development under Class Q(b) would result in an extension that—</p> <p>i) has more than one storey,</p> <p>ii) is sited anywhere other than to the rear of the existing building,</p> <p>iii) extends beyond the rear wall of the existing building by more than 4 metres,</p> <p>iv) has eaves the height of which exceed the height of the eaves of the existing building,</p>	<p>Pass: The development would accord with the requirements of (i).</p>

<p>v) is higher than whichever is the lower of—</p> <p>aa) the highest part of the roof of the existing building, or</p> <p>(bb) a height of 4 metres above the ground,</p> <p>vi) extends beyond a wall that forms a side or principal elevation of the existing building, or</p> <p>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>bb)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>bb)water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse;</p>	<p><i>Pass: It is considered that the proposed building operations would not exceed the limit of those listed above.</i></p>

<p>and</p> <p>ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>	
(k) the site is on article 2(3) land	Pass: <i>The agricultural buildings are not located on article 2(3) land.</i>
(l) the site is, or forms part of –	Pass: <i>The site is none of the above.</i>
<p>i) a site of special scientific interest;</p> <p>ii) a safety hazard area;</p> <p>iii) a military explosives storage area;</p>	
(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 buildings are not listed.</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	Fail: <i>The buildings do not have suitable existing access to a public highway (discussed in more depth within the ‘transport and highways impacts’ section of the following report).</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

- b) 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 to the east and west of the buildings 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,
- b) noise impacts of the development,
- c) contamination risks on the site,
- d) flooding risks on the site,
- e) 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,
- f) the design or external appearance of the building, and
- g) 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 Environmental Health – No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

KC Ecology - 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 two existing agricultural buildings to six dwellings within a farmyard with an existing access off Midway, a 30mph two-way single carriageway rural distributor road of approximately 7m width with a footway on the side of the application site and street lighting present. Therefore, KC Highways Development Management were formally consulted on the proposal.

The site is approximately 120m from stops on a low frequency bus route and approximately 520m from stops on a high frequency bus route. The site is approximately 1km from the closest convenience store and other retail and services. The DfT Connectivity Tool gives a score of 51 and a driving score of 82 which is regarded as very high for driving and so officers would expect most trips to be made by private car. KC Highways Development Management would not expect a development of this size to generate sufficient trips as to have a severe impact on the operation or efficiency of the local highway network, however, officers would expect an intensification of use of the access with the development.

PROW bridleway HUD/229/50 runs adjacent to the proposal site along James Lane, and this must not be interfered with or obstructed, prior to, during or after development works.

The access is existing over a dropped kerb crossing and is currently used by farm traffic. It measures approximately 6m wide and this would be acceptable for two cars to pass. It is noted that the access is gated and officers would like to see either the gates removed or set back 5m from the rear of the highway to allow a car to pull clear of the highway while waiting for the gates to be opened and this should be conditioned.

No visibility splays have been submitted for the access. As the proposal would intensify the use of the access, Officers would like to see visibility splays of 2.4m x 43m clearly displayed on a drawing. These should be to the nearside kerb and cross nothing greater than 1m in height. If these full visibility splays cannot be achieved then officers would be happy to see a reduction in the Y-length of the splay based on observed 85th percentile speed data obtained from an ATC on Midway and constructed to Manual for Streets calculations. This should be conditioned for highway safety reasons.

The proposals are for 6 two-bedroom dwellings and to follow local guidance they would require 2 off-street parking spaces per dwelling with one visitor parking space per 4 dwellings. The proposed block plan shows that 12 resident spaces and two visitor spaces can be provided with suitable turning and manoeuvring space and this is acceptable. The parking areas should be either finished with a permeable surface or include suitable drainage if an impermeable surface is to be provided, no water run-off should be allowed to enter the highway.

As the development is accessed by a private driveway, the Kirklees Waste Strategy team have indicated that a refuse collection wagon would not access the site and so officers would need to see details of a suitable bin collection presentation point located at the rear of the footway where any bins would not obstruct the access to the site or the footway or highway for highway safety reasons and this should be conditioned. Details of the requirements can be obtained here: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

As such, the proposals are considered to be acceptable to Highways Development Management subject to the recommended conditions.

Procedural Matter in relation to Highways Impact

The extent of the works required to accommodate the development would see the creation of an access across part of the site where there is currently no access in place. In addition, there would be the creation of a large area of vehicular parking.

The proposed works to create the access and parking area would fall beyond the scope of that which is permitted by class Q which permits the change of use of a building, associated extension and building operations reasonably necessary to convert the building.

In the absence of a lawfully constructed access and parking arrangement, whilst those shown on the submitted plans are considered suitable by the Highways Team, they would not be able to be lawfully constructed by virtue of Class Q of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). In addition, there is no planning permission in place which would permit the construction of this access and parking area.

It is therefore the case that the works to create the access and parking arrangements shown on plan could not be lawfully undertaken and to permit the proposed change of use the subject of this application could lead to a

scenario whereby there is no suitable access and off street parking provided for 6.no dwellings.

Therefore, whilst it is demonstrable that a suitable access arrangement could likely be put in place, there is no lawful basis for securing this access / parking arrangement or for its construction. Therefore, the transport and highway impacts of the development cannot be concluded to be acceptable given there is no existing access / parking area which can be lawfully utilised.

The submitted planning statement sets out the following in relation to Q.1(p): *'Access to the public highway is achieved through the demolition of agricultural buildings on site to lead on to Church Lane and Midway, as approved through planning permission 2025/90570. Following the demolition of these buildings, the remaining hardstanding will provide a suitable material for the access route.'*

However, review of the planning permission referred to (2025/90570) clear demonstrates that the consent was on the basis of the following description 'Planning permission for demolition of agricultural buildings'. The plans submitted as part of 2025/90570 do not set out the access shown in the plans submitted as part of this application seeking prior approval. The description of development for 2025/90570 only permits demolition.

It is therefore concluded that there is no permission in place to allow for the lawful construction of the access shown on the submitted plan. Analysis of aerial imagery from 2021 shows that the access has not been constructed at that time and therefore it is not possible for the access to have been constructed and become lawful by virtue of the passage of time.

On the basis the buildings do not have suitable existing access to a public highway the development is considered to be contrary to Q.1(p) of Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and would not have an acceptable transport and highways impact.

2. Noise Impact on the Development

The proposal is unlikely to create a significant level of noise disturbance which would be harmful to any neighbouring occupiers. However, there is a working farm within the immediate vicinity of the property. The potential impacts of noise from these noise sources on the intended occupiers of the development must be established. For these reasons, KC Environmental Health have recommended a condition requiring the submission of a noise report.

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.

A Phase 1 Environmental Desk Study by Rogers Geotechnical Services Ltd (dated 8th September 2025, reference no. C5361/25/E/8261) has been received in support of the application. The report states that the site is approximately 0.86 hectares and consists of agricultural barns associated with a dairy farm. The site is predominantly hardstanding with some areas of exposed soil. A site walkover by RGS was undertaken on 22nd August 2025 identified asbestos-containing roofing materials; however, these were reported to be in good condition, and no other visible evidence of contamination was observed.

The report identifies the site as being in agricultural use since at least the mid-19th century, with development of the existing farm buildings from around 1964. The site is not located within a high coal mining development risk area, and no further assessment in respect of coal mining legacy is considered necessary.

A conceptual site model is presented in Section 3 of the report. Based on the historical and current use of the site, a number of potential contamination sources have been identified. The report therefore recommends a limited intrusive investigation comprising three soil sampling locations with chemical analysis. No on-site or off-site sources of ground gas have been identified. The report notes that if significant thicknesses of made ground or organic fill are encountered during ground investigation or construction works, then ground gas monitoring may be necessary.

KC Environmental Health have reviewed the submitted report and consider it acceptable in principle. However, the recommended intrusive ground investigation should be secured by condition and undertaken prior to the commencement of development. In any future intrusive investigation report, the scope and sampling methodology of the investigation must be fully justified in accordance with BS 10175 and associated good practice.

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

The design of the dwellings would be somewhat determined by the existing buildings, the form of which is to be mostly retained. The submitted plans confirm that the dwellings would be faced in the existing concrete panelling to the lower sections and the existing profiled cladding to the upper walls. Furthermore, the roof would remain as existing and each building

would feature 12 rooflights with the roof planes. 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 buildings and the surrounding rural character.

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

The dwellings would be situated on land within a complex of agricultural buildings. The buildings are served by an existing access track which is accessible by vehicle or foot. The site is also located reasonably close to bus routes and local services. 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 two storey, two bedroom dwelling should have an internal floor area of 70m² for 3 people and 79m² for 4 people.

The proposed floor plans demonstrate that the properties would have two double bed spaces and would have an internal floor space of approximately 140.2m². It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light and off road parking would also be provided on site. Furthermore, private outdoor amenity spaces are proposed in the space between both buildings. For these reasons, 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: 2025/93450
Officer Recommendation: Refuse Prior Approval
Reason for Refusal:

1. The buildings do not have suitable existing access to a public highway contrary to sub-paragraph Q.1 (p) 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
Block Plan	(20)002	-	15/12/2025
Proposed GA Barn 1	(20)001	-	15/12/2025
Proposed GA Barn 2	(20)001	-	15/12/2025
Block Plan	(20)002	-	15/12/2025
Proposed Block Plan	(20)003	-	15/12/2025
Preliminary Ecological Appraisal	22849/RPS	-	08/01/2026
Bat Emergence Survey	22849a/RPS	-	15/12/2025
Bat Emergence Survey Report	ER-8821-01	-	15/12/2025
Phase 1 Environmental Desk Study Report	C5361/25/E/8261	-	15/12/2025
Structural Inspection Report	25294-SIR-001	-	15/12/2025
Drainage Strategy	23484	-	15/12/2025
Transport Note	-	-	15/12/2025
Planning Statement	6332	-	15/12/2025

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.

No requests for further information were undertaken in the assessment of this prior approval application as the proposed development would not benefit from a general planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

