KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR DEMOLITION OF BUILDINGS – Town and Country Planning (General Permitted Development) Order 2015 (amended) – Class B, Part 11 of Schedule 2.

Reference No:	**2026/N /90525/W**
Site Address:	adj, 61, Leymoor Road, Longwood, Huddersfield, HD3 4SW
Description:	Prior notification for demolition of buildings
Recommending Officer:	John Holmes

DECISION – Prior Notification - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 28-Jul-2026

SITE DESCRIPTION

The site relates to an outbuilding within an urban area in proximity to Leymoor Road, Huddersfield. The locality is predominantly residential with terraced properties located to the east and west of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks determination for whether prior approval is required for the method of demolition of the existing building complex as well as means of restoring the site.

During the course of the application a preliminary bat roost assessment was submitted. This identified a requirement for an emergence survey to be undertaken to ascertain whether bats were present.

- Bat emergence and re entry survey dated 7th June 2026.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

Notice served pursuant to Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to allow for the submission of further information in relation to impact of the methods of demolition / restoration of the site upon bats.

Following on from this, no further information has been received.

PLANNING HISTORY

There is no planning history for the site

REPRESENTATIONS

The Local Planning Authority did not publicise the Prior Notification application, as the duty lies with the applicant to advertise their intention to demolish the building. A photo of a site notice at the site has been provided by the applicant's agent. It is considered that the Prior Notification application met the conditions of Schedule 2, Part 11, Class B.2 (b) of the Town and Country Planning (General Permitted Development) Order 2015, with regard to publicising the application and the applicant's contact details.

In this case the following summarised representations have been received:

- Concerned the application is not official
- Dispute the claim the buildings have been derelict for over 40 years and are structurally unsound.
- Previous removal of buildings in the 70s saw toilets associated with neighbouring dwellings removed and not replaced.

- Concerns the proposal may lead to a legal dispute as there is a right of way around the outbuildings and the applicant needs to ensure they do not encroach into this.
- Tenants in neighbouring dwellings have rights to use the outbuildings and some still do
- Disagree the building is structurally unsound and could be repaired / maintained
- Bats nest and roost in the building
- Deeds state access to the outbuildings is provided for
- Previous removal of toilets from the building in 1979 was done so unlawfully
- Access to the buildings is permitted in deeds for neighbouring occupiers
- Where will necessary vehicles park during the demolition phase
- The proposal should not lead to rights of access being blocked
- Likely the demolition phase would see blocking of accesses

These are addressed and taken into account in the 'Assessment' section of this report.

CONSULTATIONS

KC Ecology: Confirms that the building to be demolished displays features that would be suitable for roosting bats. They further confirm that as a result, a Preliminary Bat Roost Assessment, and any subsequent presence / absence surveys, will need to be conducted prior to determination.

Following receipt of the response of KC Ecology notice was served advising the required information would need to be submitted before the application could be processed.

A Preliminary Bat Roost Assessment and an Emergence Survey was subsequently submitted as part of the application.

KC Ecology were further consulted in light of the further submitted detail, and advised the following:

> *I have reviewed the Preliminary Roost Assessment (ArbTech, 2026) and the Bat Emergence and Re-Entry Survey Report (ArbTech, 2026). The reports identified that no bats were roosting within the building to be demolished, and therefore no protected species licence will be required. Bats were identified commuting across the site, and the ivy on the building could be used by breeding birds.*

This is taken into account in the assessment of the application.

Procedural Matters and Policy Context

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ["GPDO"].

Assessment

An application has been submitted for determination as to whether prior approval for the method of demolition and/or restoration of the site is necessary and is required to be determined under Class B of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ["GPDO"]. This requires a site notice to be displayed on or near the land for not less than 21 days.

Class B of Part 11, Schedule 2 of the GPDO gives Permitted Development rights for demolition that has obtained prior approval. An Application for Prior Notification of Proposed Demolition triggers a 28-day process in which the Local Planning Authority has to determine whether or not formal approval is needed for the works. If so, then details of the method of the demolition and means of restoring the site need to be approved.

Part B.2 of Part 11 of Schedule 2 of the GPDO makes it clear that such prior approval is not needed for demolition that is considered to be 'excluded demolition'. 'Excluded demolition' is defined at Para B.3 (GPDO) to mean 'any development on land which is the subject of a planning permission, for the redevelopment of the land'.

There are no current extant planning consents relating to the existing buildings. Therefore, the development set out in the prior notification application does not fall into the category of 'excluded demolition'. Furthermore, the development is not considered to be 'urgently necessary in the interests of health and safety'.

This conclusion is drawn having cognisance of the letter submitted as part of this application (dated 3rd February ref: MDL-12562) and the representations received.

From review of the content and photographs within the letter it is not considered that the buildings demolition could be considered urgently necessary in this case and whilst a number of structural defects are identified these are not considered to be to the extent that there is an urgent requirement for the building to be demolished on the basis it is beyond repair.

Where demolition is not 'excluded development' or 'urgently necessary', the applicant is required to apply to the Local Planning Authority (LPA) for the determination as to whether prior approval of the LPA is required as to the method of demolition and any proposed restoration of the site. Initially the LPA served notice to require the submission of further information in relation to the impact of the development upon bats in respect of the method of demolition.

Method of demolition and site restoration

The submitted documents outline that the principles of demolition and restoration is to be determined and notes the outbuilding is single storey and of brick construction. The application form goes on to state that a demolition contractor will be appointed who will responsibly remove the spoil / rubble and dispose of it. It is stated that the proposal would see site restoration consist of levelling the site and enclosing with boundary fencing.

The scale of the development is not considered to be such that details of dust suppression measures or noise controls are necessary. Similarly, whilst the proposal would require the means of demolition to likely involve mechanical demolition processes, the submitted detail sets out a contractor would be employed to undertake the works and in this case, it is considered that further detail for the means of demolition is not required in terms of amenity issues.

The building is within an area with a known presence of bats. A bat survey accompanies this application, and it is determined whether there needs to be a more specialist approach to demolition of the building to ensure the protection of bats including achieving a licence from Natural England if, indeed, there is a bat roost present within the building. The conclusions of the survey are that no bats are roosting in the building, and this has been reviewed by the Council's Ecologist who does not raise objection.

Whilst two conditions are proposed by the Council's Ecologist (submission of a Construction Environmental Management Plan and details of any lighting) it is not considered proportionate or required to include these given the scale of the development and also that the proposal would see the demolition of a building and installation of lighting would need permission in its own right were it to be installed. A condition requiring demolition to take place outside of bird breeding season is recommended to be stipulated to ensure the vegetation upon the building would not lead to nesting birds being affected.

Subject to condition the proposal is concluded to be acceptable.

Representations

The representations received are summarised earlier in this report. They are repeated here for clarity, with the officer response to the summarised representation in italics.

- Concerned the application is not official

This concern is noted, as set out earlier in this report the correct procedure has been followed by the applicant.

- Dispute the claim the buildings have been derelict for over 40 years and are structurally unsound.
- Previous removal of buildings in the 70s saw toilets associated with neighbouring dwellings removed and not replaced.

- Concerns the proposal may lead to a legal dispute as there is a right of way around the outbuildings and the applicant needs to ensure they do not encroach into this.
- Tenants in neighbouring dwellings have rights to use the outbuildings and some still do
- Deeds state access to the outbuildings is provided for
- Previous removal of toilets from the building in 1979 was done so unlawfully
- Access to the buildings is permitted in deeds for neighbouring occupiers
- Where will necessary vehicles park during the demolition phase
- The proposal should not lead to rights of access being blocked
- Likely the demolition phase would see blocking of accesses

These matters cannot be taken into account in the assessment of an application which seeks prior approval for the demolition of a building. The matters relating to legal rights of access / to the building itself are a civil matter between the relevant land owners and not a material planning consideration.

- Disagree the building is structurally unsound and could be repaired / maintained
- Bats nest and roost in the building

These matters are addressed earlier within the 'Assessment' section of this report.

Conclusion

The further submitted detail following the serving of notice by the LPA adequately addresses the areas of concern and prior approval is therefore recommended to be approved.

Recommendation: APPROVE – Prior Approval Required & approved
Decision Authorisation – Delegated Powers
Application number – 2026/90525

I refer to your submission of details relative to demolition proposals as described above. The proposal as described is acceptable and, subject to all works being carried out in accordance with the description contained in the notification, the Council will not require the submission of further details. Prior approval is therefore required and granted on the basis the works described are carried out as such.
No works shall be carried out between February and August to ensure that nesting birds are not affected by the works.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan		25th February 2026

Block Plan	TQRQM26039182043106	25th February 2026
Application form		25th February 2026
Letter dated 3 February 2026	MDL – 12562	25th February 2026
Preliminary Bat Roost Assessment		21st April 2026
Bat Emergence and Re Entry survey dated 7/6/26		11th June 2026