

**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. 2026/N /90931/E

**Site Address Mount Of Olives Farm, 69, Wyke
Lane, Oakenshaw, BD12 7HL**

**Description Prior notification for erection of
agricultural building**

Recommending Officer Elenya Jackson

DECISION – DETAILS NOT REQUIRED

**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.**

Kevin Walton

AUTHORISED OFFICER

Date: 27-Apr-2026

Site Description

The application site related to land in association with Mount Olives Farm in Oakenshaw. The land on which the agricultural building will be situated is south of Wyke lane and off Oakenshaw Lane.

The site is within the Green Belt on the Kirklees Local Plan.

Description of Proposal

This application is largely a re-submission of application 2026/N/90067/E which was refused due to the proposal being located within 400m of a protected building and its curtilage.

This application relocates the building further south.

The proposed building's footprint would be 30.84m wide and 9.71m tall.

The submitted application form states that the building will be a circular precast concrete slurry storage facility with a roof.

The previous application stated that the proposal was required as 'current legislation, dairy farmers are required to have minimum 6 months of slurry storage on farm to meet Farming Rules for Water. The current slurry storage facility is not adequate as it doesn't have sufficient capacity, and therefore we plan to erect a new slurry storage facility to meet this legislation'.

The application form states that the land on which the proposed development would be located has been in agricultural use for at least 40 years.

History of negotiations/amendments received

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

Planning History

Application 2026/N/90067/E: Erection of agricultural building. Prior Approval required.

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

An informal consultation was held with KC Highways on 28/01/2026 and it was queried how the site would be accessed.

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
 - b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

The applicant claims the agricultural unit is 183 hectares in area.

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 slurry storage.
(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	The building's footprint would not exceed 1000 square metres.

exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;	
(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 proposal would not be within 400m of a protected building.
(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.	The building would not be within 400m of a protected building.
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

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 would be in close proximity Oakenshaw Lane which is an unadopted highway and the proposal would be set a reasonable distance away from the nearest adopted highway; there would still remain a separation distance of approx. 400m to the nearest adopted highway.

It is considered that the siting of the building would be close to a non-adopted highway and located close to an access into the field. It is considered by officers this location would still be characteristic of agricultural buildings. The siting of the proposed agricultural building is therefore considered acceptable.

Whilst in a relatively isolated area and a siting close to the farm complex would reduce the impact of build form on the rural character of the area., the proposed slurry tank is sited significantly away from residential properties. On balance, the isolated siting would protect residential properties from odours. Moreover, the agricultural design would not introduce a building that could not be expected to be seen at a farm setting.

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 for a use of this nature. It is considered that it would be unreasonable of the LPA to require a higher standard of design. It is therefore considered that the design and external appearance of the building is acceptable.

Conclusion

The proposed development is 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), Schedule 2, Part 6, Class A.

RECOMMENDATION – Prior Approval Not Required.

Decision Authorisation – Delegated Powers

Application number – 2026/90931

I refer your submission for agricultural development as described above. The proposal as submitted is acceptable as the proposed development is 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), Schedule 2, Part 6, Class A.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location plan		2/04/2026

Proposed elevations	-	2/04/2026
Supporting statement	-	2/04/2026
Application Form	-	2/04/2026

