

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2026/44/91077/W
Site Address:	Harroyd Farm, Dean Brook Road, Netherthong, Holmfirth, HD9 3TE
Description:	Discharge of details reserved by condition 9 (contamination) on previous permission 2021/94712 for variation conditions 2 (plans), 4 (materials), 5 (improvements to private access) on previous permission 2017/92774 for demolition of existing agricultural barns/outbuildings and erection of dwelling, agricultural hay/feed barn and implement barn
Recommending Officer:	John Holmes

DECISION – APPROVE DISCHARGE OF CONDITION

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27-Jul-2026

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2021/94712 and permission granted for variation conditions 2 (plans), 4 (materials), 5 (improvements to private access) on previous permission 2017/92774 for demolition of existing agricultural barns/outbuildings and erection of dwelling, agricultural hay/feed barn and implement barn

The applicant is now seeking to discharge Condition 9 (contamination).

ASSESSMENT

Condition 9

The condition states the following:

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

The following has been submitted:

- Letter dated 22nd February (ref: DUN_DUR_M751_Letter for Harroyd Farm, Dean Brook Road, Netherthong_02_01)
- Application Form

The Council's Environmental Health Team have been consulted regarding the submitted detail. They have set out that they are informed that the asbestos located towards the south of the site (in WS02 and WS05); underwent quantification testing indicating the asbestos to be present at concentrations of 0.001% and 0.005% respectively. They go on to set out that remediation works were considered to be required in relation to the asbestos identified in

WS02 and WS05 only, the lead contamination identified in WS01 would be covered by hardstanding areas, removing any potential pathway. They acknowledge that the letter author confirms validation works of excavation and removal of asbestos containing ground around WS02 and WS05 by Foxhall Environmental Services Ltd to Bradley Park Landfill Site in Huddersfield. Finally they note that the letter author verifies area WS02: northeast end of barn, has been covered by external stone paving and area WS05: south end of barn is now a kitchen (internal) and external stone paving and that photographs have been provided.

They go on to advise that on the basis of the professional judgement of the report author and the evidence and interpretations presented in a letter for Harroyd Farm, Dean Brook Road, Netherthong_02_01 by Dunelm, ref.: DUN_DUR_M751, dated 22nd February 2023; they have no objection to the discharge of condition 9.

Having regard to the submitted detail and response of the Environmental Health Team it is considered that the submitted scheme meets the requirements of condition no.9 and can therefore be discharged.

DECISION LETTER TEXT

Condition 9

The following has been submitted:

- Letter dated 22nd February (ref: DUN_DUR_M751_Letter for Harroyd Farm, Dean Brook Road, Netherthong_02_01)
- Application Form

The details submitted for this condition are considered to be acceptable, and this condition is therefore discharged on the basis of the submitted detail. It is a requirement of this condition that the scheme be completed before the development is brought into use and retained thereafter.