

Ref: BB/6322/01

Kirklees Council  
Planning and Development  
Huddersfield  
HD1 9EL



29<sup>th</sup> May 2026

Dear Sir/Madam,

**PRIOR APPROVAL APPLICATION UNDER SCHEDULE 2, PART 3, CLASS Q OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015**

**1. Introduction**

This Covering Letter accompanies an application for Prior Approval for the proposed change of use of an agricultural building to six no. dwelling houses under provisions set out within Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (GPDO). The proposed development relates to the conversion of 2 existing agricultural barns to the rear of Fleece Farm, South Crosland (hereafter referred to as the 'site').

This application is the resubmission of a previous application on the same site for the same proposed development. The previous application was refused on 6<sup>th</sup> February 2026 (application ref: 2025/CLASS Q/93450/W).

This application is formed of this Covering Letter alongside a full Planning Statement which sets out all other documents associated with this submission. This Covering Letter sets out the background to the previous Prior Approval Application and runs through the reason for refusal that was issued as part of that decision.

**2. Background**

As set out above, the site has previously been subject to a Prior Approval application for the same proposed development (application ref: 2025/CLASS Q/93450/W). The application was submitted in December 2025 with contact being made by the case officer on 3<sup>rd</sup> and 4<sup>th</sup> February 2026 requesting agreement on proposed conditions and further clarifications on the materials proposed. Approval was provided by Peacock + Smith on the proposed conditions and clarification was made on the materials proposed during a phone call with the case officer. Following this, contact was made by a Deputy Team Leader at the Council who raised concerns in relation

to the extent of works required to create the access and associated vehicular parking and how they could be lawfully undertaken. A request was made for an Extension of Time to 2<sup>nd</sup> March 2026 to allow for a site visit to be undertaken, however no opportunity was provided to respond to the email correspondence with a decision notice being issued the next day. With a decision notice being issued so close to the correspondence with the Team Leader, it is understood that no site visit was undertaken for this application, and thus a decision was issued that failed to take into account the existing context of the site.

Rather than appealing the decision made by the Council, the Applicant has chosen instead to resubmit the application as this allows more time for positive discourse with the Council in relation to overcoming the reason for refusal. More detail on this is provided below.

### **3. Addressing the reason for refusal**

The previous Prior Approval application was refused for the following reason:

*“The buildings do not have suitable existing access to a public highway contrary to subparagraph 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).”*

The officers report which accompanied the decision noted that the proposed development failed to meet the requirements set out in subparagraph Q.1(p) of the Class Q criteria as there was not suitable existing access to a public highway, citing that:

*“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.”*

The Report also refers to an analysis of aerial imagery from 2021 when referring to the proposed access.

In response to this, the Applicant has sought legal advice from Clarion Solicitors who have provided a note in support of this resubmission (ref: KLB/443047.1) which outlines the legal tests for suitable access and refers to three recent appeal cases which have set precedents for what is a relatively new feature of the Class Q criteria. The note concludes that the existing access is in good physical condition, are safe, practical and there are no legal constraints on the use of the access and therefore there are no material reasons that the existing access road in the Prior Approval application would meet the criteria in paragraph Q.1 (p).

The block plan accompanying this application (ref: ODS\_24/943) has been revised to show the existing areas of hardstanding across the wider site and includes images which clearly show the existing materials on site. The existing hardstanding comprises of concrete, which is in place across the site, including within the barns that are proposed for demolition (under approved application ref: 2025/90570). Once these barns have been demolished under that separate consent, there will be a clear and legible access between the front of the site and the barns proposed for conversion to the rear of the site. No engineering operations will be required to bring this surface up to a standard suitable for use by a domestic vehicles and therefore no additional planning permission is required to lawfully use the existing hardstanding on site as access and car parking to the proposed dwellinghouses.

Given that this application is a resubmission rather than an appeal, the Applicant wishes to engage in proactive discussions with the Council on this application and would be happy to arrange a guided site visit so that the existing hardstanding can be viewed in its full context and its suitability for domestic use can be evidenced.

#### **4. Conclusion**

It is therefore considered that criteria p of Schedule 2, Part 3, Class Q of the GPDO is met and the building does have suitable existing access to the public highway. All other criteria of this part of the GPDO were agree upon at the time of the previous application. It is therefore considered that the proposed development complies with all relevant criteria of Class Q and should be approved without further delay.

Should you have any questions in relation to this Prior Approval application, please do not hesitate to contact me.

Yours sincerely,

**Ben Brown**  
**Senior Planner**