

**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. 2026/CL/91505/W

Site Address	Fleece Farm, 15, Midway, South Crosland, Huddersfield, HD4 7DA
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Description	Prior notification for change of use of agricultural building to 6 dwellings and associated works
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Recommending Officer	Nicole Helliwell
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DECISION – DETAILS 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.**

John Holmes

AUTHORISED OFFICER

Date: 14-Jul-2026

Officer Report

Reference No. 2026/CLASS Q/91505E

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

Proposal: Prior notification for change of use of agricultural building to 6 dwellings and associated works

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 proposal seeks 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 Velux lights with the roof planes. New doors would be installed within the eastern and 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

- **2025/93450:** Prior notification for change of use of 2 agricultural buildings to 6 dwellings. Planning application details | Kirklees Council – Refused

The reason for refusal of this case was on the basis of 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).

As part of this application additional information has been submitted, including a document providing a legal opinion which sets out the following at paragraph 2.3:

The Proposed Block Plan reference (20)003 dated 02/04/2026 accompanying the Prior Approval application clearly shows how access to the public highway will be achieved following the approved demolition of two agricultural buildings. The photographs on this drawing show the existing condition of the hardstanding, in and around the buildings to be demolished, which will facilitate the access arrangements. It is not intended that any operational development which requires planning permission (which is not already in place) will be carried out on the Site for the access or parking arrangements

- **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

The assessment of this application is undertaken in cognisance of the previously refused prior approval application.

History of Negotiations

No amendments were sought or received during the course of the application.

Representations

The application was publicised by site notice, which expired on 9th July 2026. As a result of the above publicity, two representations have been received. The comments made have been summarised below:

- Being a neighbour, I would support this application as long as the farming side of operations ceases.

- The extra 14 car spaces cannot be alongside the tractors, trailers HGVs etc that already visit the site daily. If this is instead of then I fully support the application.
- The farm is lovely but if it's not a viable option to continue farming then housing is ok in my opinion.
- My concern is what then happens to the fields owned and used by the farm?
- My other question is what happens to James Lane at the side of the proposed properties, currently used to get to the farm buildings at the rear, (where the proposal is going to be.) I do not want cars using James lane to get to the houses.
- I wish to comment on EXIGO Project Solutions document and the inaccuracies within it There is no Church in South Crosland (closed Sept 2024) and there is no public house (now a pair of semi-detached houses).
- Yes, the roads have a 30 mph limit but few vehicles adhere to this, in fact, many increase their speed around the bend towards the farm.
- Midway is a 'rat-run, drivers avoiding main roads ie Lockwood and Manchester Road. New housing estates at Netherton, Helme and soon to be completed around 700 houses at Crosland Hill and a new development at Henry Frederick Avenue all prove Midway is not a country road. 'Lightly trafficked' it is not very busy between 7 am and 7 pm weekdays.
- Will the agricultural machinery movements be removed?
- What is the future plan for the farm if the two barns are demolished what happens to the livestock

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
 - (i) 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,
- (a) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (b) 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
 - i) 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,
- a) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- b) 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—

(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— i) on 24th July 2023, or i) 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,	Pass: The site is an existing agricultural unit.
(b) In the case of a site that was (but is no longer) part of an established agricultural unit – i) the site was part of an established agricultural unit on 24th July 2023, i) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been	Pass: The site is an existing agricultural unit.

part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or ii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose	
(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,	Pass: <i>The floor space of each dwelling would not exceed 150 square metres.</i>
(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 – 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 i) 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,	Pass: <i>The number of dwellings does not exceed 10 or 1000 square metres.</i>
(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	Pass: <i>The application form states that the site is not occupied under an agricultural tenancy.</i>
(f) less than 1 year before the date development begins – i) an agricultural tenancy over the site has been terminated,	Pass: <i>The site is not under an agricultural tenancy, nor has been in the past year.</i>

and i) 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;	
(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,	Pass: No development under Class A(a) or B(a) has taken place within the agricultural unit.
(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— i) extension of the building allowed by paragraph Q.1(i); i) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),	Pass: The development would not result in the external dimensions of the buildings extending beyond the external dimensions of the existing.
(i) the development under Class Q(b) would result in an extension that— i) has more than one storey, i) is sited anywhere other than to the rear of the existing building, ii) extends beyond the rear wall of the existing building by more than 4 metres, iii) has eaves the height of which exceed the height of the eaves of the existing building, iv) is higher than whichever is the lower of—	Pass: The development would accord with the requirements of (i).

aa) the highest part of the roof of the existing building, or (bb) a height of 4 metres above the ground, v) extends beyond a wall that forms a side or principal elevation of the existing building, or vi) 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— aa) the hard surface was not provided on the land on or before 24th July 2023, or aa) 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,	
(j) the development under Class Q(b) would consist of building operations other than – i) the installation or replacement of – aa) windows, doors, roofs, or exterior walls, or bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and ii) partial demolition to the	Pass: <i>It is considered that the proposed building operations would not exceed the limit of those listed above.</i>

extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);	
(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 – i) a site of special scientific interest; i) a safety hazard area; ii) a military explosives storage area;	Pass: <i>The site is none of the above.</i>
(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	Pass: <i>The buildings do have suitable existing access to a public highway.</i> <i>This conclusion is drawn following submission of additional details and information since the previously refused application seeking prior approval.</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

- a) 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,
- a) noise impacts of the development,
- b) contamination risks on the site,
- c) flooding risks on the site,
- d) 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,
- e) the design or external appearance of the building, and
- f) 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 Ecology - No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

Assessment

The following matters are considered in the assessment below:

- 1) Transport and highways impacts of the development
- 1) Noise impact of the development and siting of the building(s)
- 2) Contamination and flood risk of the site
- 3) The design or external appearance of the building(s)

- 4) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use
- 5) Impact on the amenity of future occupiers
- 6) Representations
- 7) Conclusion

1. Transport and Highways Impacts of the Development

This is a prior notification application for the change of use of two 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.

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 it is expected that most trips are to be made by private car. KC Highways DM 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. No vehicular access from the proposal site would be allowed along the PROW.

The site benefitted from pre-application highways advice as part of 22/21248 and was previously refused for Prior Notification as 25/93450 due to the proposed buildings not having a suitable existing access to a public highway. The current application is virtually identical to the previous refusal but is accompanied by a Legal Advice Note from Clarion Ref: KLB/443047.1 and the Transport Note as submitted with the previous application.

It is noted that the red-line boundary shown on the location plan (reference no. (EX) 002) does not connect with the adopted highway and as such makes the development site landlocked, however, the block layout (reference no. (20)002) and proposed block layout plans (reference no. (20)003) both show a larger red-line boundary that does connect to the adopted highway. Confirmation should be sought as to the full extent of the red-line boundary and if it connects to the adopted highway network. This was highlighted with

the previous application's Highways response and clarification that the proposal site is not landlocked is still required.

The accompanying Legal Advice Note indicates that the access will be across the existing hard-standing as shown on the proposed block layout drawing (reference no. (20)003), however, the red line boundary on the location plan has not been adjusted to indicate this. There is no indication within the cited planning appeals listed in the Legal Advice Note that the application sites covered did not have a red line boundary that connected to the adopted highway network.

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. KC Highways DM 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. Without this information officers cannot assess the safety of the proposed access.

The proposals are for 6 two-bedroom dwellings and to follow local guidance this would require 2 off-street parking spaces per dwelling with one visitor parking space per 4 dwellings. The proposed block layout (reference no. (20)003) 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. This should be conditioned.

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 we would need to see details of a suitable bin collection presentation point located at the rear of the footway where any bins won't 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 from the Kirklees Cleansing department document and found 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.

1. 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.

2. 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.

3. 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 velux lights 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.

4. 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.

5. 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.

6. Representations

Two representations have been received during the course of the application. The comments made have been addressed below:

- Being a neighbour, I would support this application as long as the farming side of operations ceases.

Officer Response: *This comment has been noted.*

- The extra 14 car spaces cannot be alongside the tractors, trailers HGVs etc that already visit the site daily. If this is instead of then I fully support the application.

Officer Response: *The proposals potential impact on the highway network has been assessed within the 'Transport and Highways Impacts of the Development' section of the report.*

- The farm is lovely but if it's not a viable option to continue farming then housing is ok in my opinion.

Officer Response: *This comment has been noted.*

- My concern is what then happens to the fields owned and used by the farm?

Officer Response: *This matter would not constitute a material planning consideration.*

- My other question is what happens to James Lane at the side of the proposed properties, currently used to get to the farm buildings at the rear, (where the proposal is going to be.) I do not want cars using James lane to get to the houses.

Officer Response: *The proposals potential impact on the highway network has been assessed within the 'Transport and Highways Impacts of the Development' section of the report.*

- I wish to comment on EXIGO Project Solutions document and the inaccuracies within it There is no Church in South Crosland (closed Sept 2024) and there is no public house (now a pair of semi-detached houses).

Officer Response: *This comment has been noted.*

- Yes, the roads have a 30 mph limit but few vehicles adhere to this, in fact, many increase their speed around the bend towards the farm.

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- Midway is a 'rat-run, drivers avoiding main roads ie Lockwood and Manchester Road. New housing estates at Netherton, Helme and soon to be completed around 700 houses at Crosland Hill and a new development at Henry Frederick Avenue all prove Midway is not a country road. 'Lightly trafficked' it is not very busy between 7 am and 7 pm weekdays.

Officer Response: *The proposals potential impact on the highway network has been assessed within the 'Transport and Highways Impacts of the Development' section of the report.*

- Will the agricultural machinery movements be removed?

Officer Response: *The proposals potential impact on the highway network has been assessed within the 'Transport and Highways Impacts of the Development' section of the report.*

- What is the future plan for the farm if the two barns are demolished what happens to the livestock

Officer Response: *This matter would not constitute a material planning consideration.*

7. 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) in accordance with Part 3, Class Q of Schedule 2 of the Order.

Recommendation: **Grant Prior Approval**

Decision Authorisation - Delegated Powers

Application Number: 2026/91505

Officer Recommendation: Grant Prior Approval

Conditions and Reasons:

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision

notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. No groundworks (other than those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

3. Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

4. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 3. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Before any construction or enabling work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- a) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: This pre-commencement condition is necessary to protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the development being brought into use, the sightlines of 2.4m x 43m along Midway shall be shown on a plan and presented to the Local Planning Authority for written approval and afterward these visibility splays be cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction throughout the lifetime of the development.

Reason: This pre-commencement condition is in the interests of highway safety and to ensure adequate visibility in accordance with Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking and re-enacting that order any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 5m from the back of the footway on Midway and shall be hung as to only open inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the Highway in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. Prior to occupation of the development hereby approved, all areas shown on the approved plans to be used by vehicles and pedestrians, including roads, footways/paths, cycle tracks, loading, servicing and parking areas shall be laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: This condition is necessary to ensure satisfactory arrangements are implemented in relation to waste, in the interests of highway safety, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

11. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP must also include the following specific plans / documents:

- Mitigation / precautionary measures Bank Wood (LWS)

Reason: This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. No works are to commence unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants

<http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

NOTE: Public bridleway HUD/229/50 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works The Council's public rights of way unit may be contacted by telephone

01484 221000 and ask for Sharon Huddleston or via the email address publicrightsofway@kirklees.gov.uk

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Block Plan	(20)002	-	02/06/2026
Proposed GA Barn 1	(20)001	-	02/06/2026
Proposed GA Barn 2	(20)001	-	02/06/2026
Proposed Block Plan	(20)003	-	02/06/2026
Bat Emergence Survey	22849a/RPS	-	02/06/2026
Bat Emergence Survey Report	ER-8821-01	-	02/06/2026
Phase 1 Environmental Desk Study Report	C5361/25/E/8261	-	02/06/2026
Structural Inspection Report	25294-SIR-001	-	02/06/2026
Transport Note	-	-	02/06/2026
Planning Statement	6332	-	02/06/2026

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. In this instance, the alterations required would be beyond the scope of the application. As such, no amendments were sought thereafter.