

**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 /91921/E

Site Address	Spen House, Spen Lane, Gomersal, Cleckheaton, BD19 4AD
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Description	Prior notification for erection of agricultural building
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Recommending Officer	Nicole Helliwell
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DECISION - DETAIL WITHHELD – PRIOR APPROVAL REFUSED

**I hereby authorise the refusal 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: 07-Aug-2026

Officer Report

Reference No. 2026/N/91921/E

Site Address: Spen House, Spen Lane, Gomersal, Cleckheaton, BD19 4AD

Proposal: Prior notification for erection of agricultural building

Site Description

The application relates to a parcel of land located off Spen Lane in Gomersal, Cleckheaton. The site comprises 9 hectares of land and is allocated as Green Belt on the Kirklees Local Plan. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

Prior notification is submitted under Class A of Part 6 of the Town and Country Planning (General Permitted Development) (Order 2015 (as amended) for the erection of an agricultural building. The detached building would be used to store farm equipment and machinery, hay and to house cattle during the winter months. The structure would measure approximately 50m in length, approx. 10m in width and approx. 8m overall in height with an overall footprint of approx. 519m². The submitted plans confirm that the building would be constructed from green plastic coated sheeting for the upper walls and stone for the lower sections and would incorporate a dual-pitched roof finished in green plastic coated sheeting.

History of Negotiations/Amendments Received

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

Relevant Planning History

- **2026/90565:** Certificate of lawfulness for proposed erection of agricultural building. Planning application details | Kirklees Council – Cert of Lawful Opps Refused
- **98/92188:** Demolition of existing house and erection of dwelling. Planning application details | Kirklees Council – Conditional Full Permission
- **97/92729:** Extensions and Improvements. Planning application details | Kirklees Council – Conditional Full Permission
- **96/92325:** Erection of extension and alterations. Planning application details | Kirklees Council – Conditional Full Permission

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.

Procedural Matters and Policy Context

The proposal is defined as development within Section 55 of the Town and Country Planning Act 1900. 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

a) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

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;	Pass: The site is part of a parcel in excess of 1 hectare.
(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;	Pass: None of the listed has taken place.
(c)it would consist of, or include, the erection, extension or alteration of a dwelling;	Pass: No works are proposed to a dwelling as part of the application.
(d)it would involve the provision of a building, structure or works not designed for agricultural purposes;	Pass: The proposed building would be used to store farm equipment and machinery, hay and to house cattle during the winter months.
(e)the ground area which would be covered by— (i)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	Pass: The building's footprint would not exceed 1000 square metres.

(ii)any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres,	
(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;	Pass: 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;	Pass: The building would have an overall height of 8m.
(h)any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	Pass: The site is not within 25 metres of a metalled part of a trunk road or classified 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;	Fail: The proposal would consist of the erection of an agricultural building that would be used for the accommodation of livestock and is within 400 metres if the curtilage 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;	Pass: 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	Pass: It is not proposed that the building will be used for the storage of waste for a biomass boiler or anaerobic digestion system.
(l)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	Pass: The proposal is not within the curtilage of a scheduled monument.

Assessment

Sub-paragraph A.1(i) of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015, states that development is not permitted if *“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;”*

As this application is for the erection of an agricultural building which would be used for the accommodation of livestock, it is considered that the proposal would fail to accord with sub-paragraph A.1(i) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.

Furthermore, the applicant has not demonstrated that the existing use of the land is in use for agriculture and used for the purposes of a trade or business. Whilst a ‘deed plan’ and associated letters of support have been submitted with the application, this does not demonstrate that agriculture within a defined agricultural unit is taking place within the site; nor that the size of building proposed is reasonably necessary.

Under Planning application reference no. 2026/90565, officers noted the following:

“Google Earth imagery does not provide any demonstrable evidence to indicate any agricultural activities have been undertaken over any significant period since 2002. Some land to the east of the proposed building has some evidence of grass clipping in 2015 although there is no clear evidence this formed part of any established agricultural unit has includes the land subject to this application.”

The information provided by the applicant within the application form confirms that the building would be required to store farm equipment and machinery, hay and to house cattle during the winter months. Even if the applicant provides evidence that the land is used for agriculture in connection with a trade of business, the applicant has not demonstrated that the scale of the building is reasonably necessary. The building has a floor space of 519 square metres which would be far in excess of the space required for the proposed use. Therefore, the applicant has not satisfied the Local Planning Authority that the building is reasonably required for agricultural purposes within any agricultural unit.

Conclusion

On this basis, it is concluded that the proposal would fail to accord with sub paragraph A.1(i) and would not be permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015. Under these circumstances prior approval of the development would be required and is refused. An application for full planning application would be required if the applicant wishes to pursue planning permission for the building.

Recommendation: Approval of Details Withheld

Authorisation: Delegated Powers

Application Number: 2026/91921

Officer Recommendation: Refusal of Details

I write to inform you that prior approval would be required and is refused for your submission of details relating to the above application as it cannot be considered for the purposes of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because it would consist of the erection of an agricultural building used for the accommodation of livestock within 400m of a protected building contrary to sub-paragraph i of Class A, Part 6. It also has not been demonstrated that the existing use of the land is in use for agriculture which is so used for the purposes of a trade or business or that the size of the building is reasonably necessary for the proposed use.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	10/07/2026
Proposed	26/16	-	10/07/2026
Supporting Letter	-	-	10/07/2026

Report Dated: 28/07/2026