



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92378/W

To: Alan Davies,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

For: L Roberts

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

ERECTION OF EXTENSIONS AND ALTERATIONS TO EXISTING BARNs TO
CREATE DWELLING FORMING ANNEX ACCOMMODATION ASSOCIATED
WITH NETHERWOOD FARM, NETHERWOOD LANE, MARSDEN,
HUDDERSFIELD, HD7 6AT (LISTED BUILDING)

At: NETHERWOOD FARM, OFF MARSDEN LANE, MARSDEN, HUDDERSFIELD,
HD7 6AT

**In accordance with the plan(s) and applications submitted to the Council on
24-Aug-2017, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 Policy D11 of the Kirklees Unitary Development Plan, Sections 9 and 12 of the National Planning Policy Framework, Policies PLP35 and 57 of the Kirklees Publication Draft Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: For the avoidance of doubt as to what is being permitted, so as to ensure the satisfactory appearance of the development on completion, to preserve the character and appearance of the host building and to accord with Policies BE1, BE2 and D11 of the Kirklees Unitary Development Plan, Policies PLP24 and 35 of the Kirklees Publication Draft Local Plan and Chapter 9 of the National Planning Policy Framework.

4. All new and replacement window/door openings shall be of timber framed with a painted finish and recessed back into the openings, prior to hereby approved development being brought into use and thereafter retained.

Reason: To ensure that the works preserve the character and appearance of the Green Belt and host building, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and 35 of the Kirklees Publication Draft Local Plan and Chapter 9 of the National Planning Policy Framework.

5. All roof lights shall be of a conservation type and fitted so as to be flush with the plane of the roof before the converted barn is first occupied and thereafter in retained as such.

Reason: To ensure that the works preserve the character and appearance of the Green Belt and host building, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and 35 of the Kirklees Publication Draft Local Plan and Chapter 9 of the National Planning Policy Framework.

6. The hereby approved annex accommodation shall not be occupied until a dry stone wall has been erected no higher than 1.5m to define the extent of the domestic curtilage, as annotated on the approved block plan Ref 'JOB NO 1730'. Thereafter the wall shall be retained in this position.

Reason: To protect the openness of the Green Belt to avoid the development encroaching into the countryside and to accord with Policy PLP 57 (c) of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework .

7. Prior to occupation of the approved development full details of the septic tank, including

- the capacity of the tank,
- the number of persons it would serve, and
- maintenance details

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details before the approved annex is brought into use and maintained in accordance with the approved details.

Reason: To ensure that adequate and suitable foul drainage is available to serve the development in the interests of the protection of the natural environment and to accord with guidance in the National Planning Policy Framework and to comply with Policy PLP 28 of the Kirklees Publication Draft Local Plan

8. 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. Unless otherwise approved in writing with the Local Planning Authority, 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 with 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 G6 of the Kirklees Unitary Development Plan and the National Planning Policy Framework as well as Policy PLP53 of the Kirklees Publication Draft Local Plan.

9. One electric vehicle recharging point shall be installed within the site before the approved annexe is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Chapter 4 and Chapter 11 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and guidance contained within Policies PLP 24 and PLP21 of the Kirklees Publication Draft Local Plan.

10. The development shall be carried out and completed in accordance with the mitigations/recommendations as set out in sections 6.3 and 6.4 of the accompanying bat survey dated 23rd August 2017 prepared by Middleton Ecological Consultancy.

Reason: So as to protect the ecology of the site in accordance with the aims of chapter 11 of the National Planning Policy Framework as well as Policy PLP 30 of the Kirklees Publication Draft Local Plan.

NOTE: Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The public footpath nos. COL/177/60 and COL/177/70 which runs almost the full length of the access from Marsden Lane and crosses the site in front of the building shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

NOTE: This application permission be read in conjunction with listed building consent 2017/92479.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			11/07/17
Grouped existing floor and elevation drawings			25/07/18
Grouped proposed floor plans and elevations			16/02/18
Proposed site block plan	JOB no. 1730		
Bat survey	Dated 23rd August by Middleton Ecological Consultancy		24th 08/17
Design & access statement			25/07/18
Conservation Heritage assessment			25/07/18

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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer has been working proactively with the agent and secured revised plans which address officers concerns and shared the above conditions with the agent. The decision is based on the revised plans and agreement of the agent to the conditions set out above.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 23-Feb-2018

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/92378/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
