



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2012/62/92106/E

To: Paul Ibberson,
CadVIS3D (IDCS)
237 Wakefield Road
Lepton
Huddersfield
HD8 0DH

For: G Fisher

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

ERECTION OF SUB-TERRANEAN DWELLING AND ASSOCIATED WORKS

At: DENBY LANE, UPPER DENBY, HUDDERSFIELD, HD8 8XZ

In accordance with the plan(s) and applications submitted to the Council on 10-Jul-2012. The reasons for the Council's decision to refuse permission for the development are:

1. The evidence submitted with the application does not constitute very special circumstances; furthermore, the development of this site due to its form would harm the openness and character of the Green Belt and the proposals are therefore contrary to Part 9 of the National Planning Policy Framework.
2. The applicant has failed to adequately demonstrate that suitable parking and servicing arrangements can be provided within the site without having a detrimental impact on the openness and character of the Green Belt. In light of this, the application fails to comply with Policy T10 of the Unitary Development Plan and Part 9 of the National Planning Policy Framework.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design and Access Statement			10.07.12
Topographical Survey	2286CT-2		10.07.12
Development Brochure			10.07.12
Proposed Floor Plans, Elevations and Site Plan	A(10)-01		10.07.12

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 refuse permission for the proposed development or 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 you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- 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:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 17-Jan-2013

Signed: 

Jacqui Gedman
Director of Place

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 and view existing planning applications and decisions' and by searching for application number 2012/62/92106/E.

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