

Planning Application Decision Notice

To: Nicholas Green
42, Scar Lane
Milnsbridge
Huddersfield
HD3 4PN

For: Nicholas Green

Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2013/62/91077/W

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:-

FORMATION OF DROPPED KERB TO ENABLE ACCESS TO DRIVEWAY (WITHIN A CONSERVATION AREA)

At: 42, SCAR LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4PN

In accordance with the plan(s) and applications submitted to the Council on 08-Apr-2013, except as amended or specified, details of which can be found in the table below. The reasons for the Council's decision to refuse permission for the development are:

1. The site is of insufficient size to accommodate a vehicle turning area to allow vehicles to enter and leave the site in a forward gear and nor can adequate sight lines be achieved without entering third party land. Consequently the access if approved would lead to reversing manoeuvres into and out of the access onto Scar Lane which is a busy classified highway and opposite the junction of Britannia Road. Furthermore, the character of Scar Lane is such that it does not have a number of driveways accessing onto it. As such, although the new access would bring benefits to the occupiers of this property given the lack of alternative parking opportunities, this is not sufficient to outweigh the detriment that would be caused to highway safety and efficiency. As such, to permit this development would be contrary to Policy T10 of the Unitary Development Plan.

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

Plan Type	Reference	Version	Date Received
Location Plan (scale 1:1250)			8 April 2013
Block Plan (scale 1:200)			8 April 2013
Design & Access Statement			8 April 2013

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise considered whether there were solutions to secure development. However for the reason set out in this notice the development proposed would not improve the environmental condition of the area and would not constitute sustainable development.

Site Notice

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local 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.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks 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 12 weeks of the date of this notice, whichever period expires earlier.
- Planning Appeals can be made online at www.planningportal.gov.uk/pcs or in writing on a form that must be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website www.planning-inspectorate.gov.uk.
- 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.

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: 30-May-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 2013/62/91077/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
Strategic Investment Service
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
