



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92024/W

To: Philip Fletcher
273, Park Road
Barnsley
S70 1QL

For: J Heeley

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 DETACHED DWELLING (MODIFIED HOUSETYPE)

At: ABINGER FARM, SCHOLES MOOR ROAD, SCHOLES, HOLMFIRTH, HD9
1RU

**In accordance with the plan(s) and applications submitted to the Council on
25-Jul-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 the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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, in the interests of the openness of the Green Belt, highway safety, the amenity of future residents and to accord with Policies BE1, T10, D12A and BE2 of the Kirklees Unitary Development Plan, PLP24 and PLP57 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. The dwelling hereby approved shall be faced in regular coursed natural stone.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Green Belt and character of the buildings on the adjacent site in accordance with Policies BE2(i) and BE11(i) of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework, Policy PLP24 of the Publication Draft Local Plan.

4. The roof of the hereby approved dwelling shall be completed using natural stone slates and thereafter retained in such materials.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Green Belt and character of the buildings on the adjacent site in accordance with Policies BE2 (i) and BE11(i) of the Kirklees Unitary Development Plan, guidance in the National Planning Policy Framework and Policy PLP24 of the Publication Draft Local Plan

5. The domestic curtilage to the hereby approved dwelling shall be limited to the areas outlined red as shown on the submitted location and site block plan, to be bounded by 1200mm high dry stone walling along the full east (rear) and southern boundaries before occupation of the dwelling and thereafter retained as such.

Reason: In the interests of protecting the openness of the Green Belt and to avoid encroachment into the countryside in accordance with Policies in Chapter 9 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the openness and character of the Green Belt and historic agricultural vernacular of the nearby adjacent buildings and to accord with Policy D12A of the Kirklees Unitary Development Plan and Policies set out in Chapter 9 of the National Planning Policy Framework as well as Policy PLP57 of the Publication Draft Local Plan.

7. All doors and windows frames shall be of timber construction and retained as such thereafter.

Reason: In the interests visual amenity and to protect the character and appearance of the Green Belt and to preserve the character of the adjacent buildings in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework Chapters 7 and 9.

8. A scheme for the proposed vehicular access detailing full sections with suitable gradients and any necessary drainage proposals, lining and surface finishes associated to the proposed vehicular access shall be submitted to and approved in writing by the Local Planning Authority before construction of the proposed vehicular access commences. Thereafter the development shall be completed in accordance with the all the approved details and shall have been certified in writing as complete by the Local Planning Authority, prior to the occupation of the hereby approved dwelling.

Reason: In the interests of amenity and highway traffic safety, to ensure the works approved preserve the character and openness of the green belt in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policies in Chapter 9 of the National Planning Policy Framework as well as Policy PLP21 of the Publication Draft Local Plan.

9. The development shall not be brought into use until all areas indicated to be used for private drives and parking areas have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) those areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.

Reason: In the interests of amenity and traffic safety, to avoid potential flood risk and in accordance with Kirklees Unitary Development Plan Policy T10 and advice in the National Planning Policy Framework as well as Policies PLP21 and PLP22 of the Publication Draft Local Plan.

10. The development shall not be brought into use until visibility splays of 2.4m x 124m along Scholes Moor Road have been completed. Thereafter, these visibility splays in which there shall be no obstruction to visibility above the level of the adjacent verge shall be retained.

Reason: In the interests of traffic safety and to ensure adequate visibility splays are provided prior to occupation of the dwelling in accordance with Policy T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy as well as Policy PLP21 of the Publication Draft Local Plan.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy D2 of the Unitary Development Plan as well as the aims of the National Planning Policy Framework as well as Policy PLP34 of the Publication Draft Local Plan.

12. Notwithstanding the details shown on the submitted plans and information, one woodcrete sparrow terrace nest box shall be installed, integral to the new dwelling, on the north west elevation at least 4 metres from the ground and not located above windows or doors, during the construction phase. The bird nest box shall be retained thereafter.

Reason: So as to enhance the biodiversity of the site through the provision of a bat roost feature in accordance with the aims of chapter 11 of the National Planning Policy Framework and Publication Draft Local Plan Policy PLP30.

13. An electric vehicle recharging point shall be provided in the integral garage or parking area before the dwelling 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 PLP24 and PLP21 of the Kirklees Publication Draft Local Plan.

14. The hard core surface to the areas forming the car park area beyond the application red line adjacent to the southern boundary, and menage, east of the application site boundary, in land edged blue, shall be restored to grazing land by treating it in the following way:

- Following the removal of the existing surfacing material, the area shall be ripped to a depth of 450mm at spacings of not more than 750mm to relieve any compaction.
- Immediately following ripping, the surface of the area shall be spread evenly with topsoil to a depth of at least 200mm and graded to tie into the level of the surrounding land.
- Following the completion of soil spreading, the area shall be grass seeded and a grass sward developed.
- If any part of the grass sward fails to develop, such part shall be cultivated and reseeded after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.

Cultivation and seeding shall only take place in dry weather conditions between March and September. The development shall be completed in accordance with the above details and shall have been certified in writing as complete by the Local Planning Authority, prior to the occupation of the hereby approved dwelling and thereafter retained in its restored appearance.

Reason: In the interests of visual amenity and to preserve the character and openness of the Green Belt complying with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, advice in the National Planning Policy Framework and Policy PLP 57 of the Publication Draft Local Plan

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location site/block plan (red and blue line)	Streetwise		25 July 2017
Floor plans, front and rear elevations			25 July 2017
Side elevations			25 July 2017

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. Other than the agreement to extension of time no negotiations were considered necessary as the submissions with the application are acceptable. The case officer undertook and sought agreement of the above conditions, from the applicant/agent, who formally agreed to these in an email dated 28th December 2017.

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.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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: 28-Dec-2017

Signed:



Naz Parkar
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 2017/62/92024/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
