



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92564/W

To: Andy Rushby,
Assent Planning Consultancy Ltd
Assent House
4, Navigation Court
Calder Park
Wakefield
WF2 7BJ

For: M George

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:-

DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF DETACHED DWELLING

At: THE BARN, 17, JAGGER LANE, KIRKHEATON, HUDDERSFIELD, HD5 0QZ

In accordance with the plan(s) and applications submitted to the Council on 20-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 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, to preserve the openness of the Green Belt and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, PLP24 and PLP59 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. Details of the roof covering for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before works to construct the roof commence. The roof shall be installed in accordance with the approved details and thereafter retained as such.

Reason: In the interests of the character and appearance of the area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 and PLP57 of the Publication Draft Local Plan.

4. The external boundary treatment of the site shall be a timber or metal post and rail fence with a maximum height of 1.2m. The boundary treatment shall be installed before the dwelling is first occupied and thereafter retained as such. 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 other fences, walls or other means of enclosure shall be erected to the external site boundaries without the prior written consent of the Local Planning Authority.

Reason: In the interests of the character and openness of the Green Belt and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 and PLP59 of the Publication Draft Local Plan.

5. The buildings identified as 'existing buildings to be removed' on approved drawing number 1284-15-005 Rev B that lie to the south east of the new dwelling shall be surveyed for the presence of bat roosts by a suitably qualified ecologist and the findings of the survey submitted to and approved in writing by the Local Planning Authority before the buildings are demolished.

Where the results of the survey demonstrate that bats may be affected by the demolition and it can be demonstrated that a Natural England European Protected Species (EPS) licence will not be required, a written method statement (based on the format of Natural England's EPS licence application method statement) detailing how the demolition shall be completed without harm to any bats, shall be submitted to and approved by the Local Planning Authority before any works to demolish the buildings take place. The demolition shall then be carried out in accordance with the approved method statement.

Reason: To protect the biodiversity of the site and to accord with the National Planning Policy Framework Chapter 11 and Policy PLP30 of the Publication Draft Local Plan.

6. The buildings identified as 'existing buildings to be removed' on approved drawing number 1284-15-005 Rev B that lie to the south east of the new dwelling shall be removed pursuant to the requirements of condition 5 and before the main roof structure of the dwellinghouse is completed. The buildings shall be removed in their entirety and the ground where the buildings stood (where it is outside of the application site boundary) shall be seeded within the first available planting season and thereafter left as open grassland/meadow.

Reason: The removal of these buildings is necessary in order to preserve the openness of the Green Belt and for the development to comply with chapter 9 of the National Planning Policy Framework and PLP59 of the emerging Local Plan.

7. 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 extensions or outbuildings included within Classes A, B, C, D and E of Part 1, Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To maintain the openness and character of the Green Belt given the scale of the building granted by this permission and to accord with policies in Chapter 9 of the National Planning Policy Framework and emerging Policy PLP59 of the Publication Draft Local Plan.

8. Below ground drainage ducts and service entry points shall be sealed where they enter the building.

Reason: So as to protect the development from any potential landfill gas hazard and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and Policies in the National Planning Policy Framework.

9. Cavities adjacent to or below ground level and trenches serving the items referred to in condition 8 shall be ventilated.

Reason: So as to protect the development from any potential landfill gas hazard and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and Policies in the National Planning Policy Framework.

10. An electric vehicle recharging point shall be installed within/on the approved dwelling before it 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 Part 4 of the National Planning Policy Framework "Promoting sustainable transport", the West Yorkshire Low Emissions Strategy, Policy PLP24 of the Publication Draft Local Plan and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

11. A Schwegler type nest box or terrace suitable for swifts, sparrows or starlings shall be installed on the exterior of the dwellinghouse before the dwelling is first occupied. This shall be erected at least 2 metres above the ground and not on a north facing wall. The bird box/terrace so installed shall thereafter be retained.

Reason: To enhance the biodiversity of the development in accordance with Policy PLP24 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

12. A Schwegler type bat box shall be erected at the top of the north east facing gable of the dwelling before the dwelling is first occupied. The bat box shall thereafter be retained.
Reason: To enhance the biodiversity of the development in accordance with Policy PLP24 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

13. 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 windows other than those expressly authorised by this permission shall be formed within the north east facing elevation of the dwelling without the prior consent of the Local Planning Authority.
Reason: In the interests of residential amenity and to accord with Policy BE12 of the Kirklees Unitary Development Plan, PLP24 of the emerging Local Plan and the Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20/7/17
Proposed Plans & Elevations	1284-15-005	Rev B	20/7/17
Planning Statement	Prepared by Assent Planning, June 2017	-	20/7/17
Design Statement	Prepared by France & Associates	-	20/7/17

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 application was considered to be acceptable in its submitted form and therefore amendments/further information was not required.

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: 15-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 2017/62/92564/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
