

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/Z4718/W/22/3290253

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Mr Richard Morton

Company/Group Name

KCS Development Ltd

Address

[Redacted Address]

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mrs Emma Winter

Company/Group Name

Carter Jonas

Address

[Redacted Address]

Phone number

[Redacted Phone Number]

Email

[Redacted Email]

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Kirklees Metropolitan Council

LPA reference number

2019/90902

Date of the application

19/03/2019

Did the LPA validate and register your application? Yes ☒ No ☐

Did the LPA issue a decision? Yes ☒ No ☐

Date of LPA's decision 09/07/2021

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☐ No ☒

Does the appeal relate to an existing property? Yes ☒ No ☐

Address Land rear of, 271 Cliffe Lane
Gomersal
Cleckheaton
BD19 4SB

Is the appeal site within a Green Belt? Yes ☐ No ☒

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes ☒ No ☐

If YES, please state below the revised wording

Outline application for the demolition of one dwelling and erection of 98 dwellings with consideration for access landscaping and layout

Please attach a copy of the LPA's agreement to the change.
☒ see 'Appeal Documents' section

Area (in hectares) of the whole appeal site [e.g. 1234.56] 3.6 hectare(s)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes ☐ No ☒

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development. ☒
2. Refused permission to vary or remove a condition(s). ☐
3. Refused prior approval of permitted development rights. ☐
4. Granted planning permission for the development subject to conditions to which you object. ☐
5. Refused approval of the matters reserved under an outline planning permission. ☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above). ☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes

☒

No

☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes

☐

No

☒

2. Hearing

☐

3. Inquiry

☐

H. FULL STATEMENT OF CASE

☒ [see 'Appeal Documents' section](#)

Do you have a separate list of appendices to accompany your full statement of case?

Yes

☒

No

☐

☒ [see 'Appeal Documents' section](#)

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)

Yes

☒

No

☐

☒ [see 'Appeal Documents' section](#)

(b) Have you made a costs application with this appeal?

Yes

☐

No

☒

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

☐

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

☒

Owner's Name:

Daniel and Susan Sykes

Address at which notice was served:

c/o Steven Gilbey, Eatons Solicitors

Date the notice was served:

06/01/2022

Owner's Name:

Beverley Bartley

Address at which notice was served:

c/o Steven Gilbey, Eatons Solicitors

Date the notice was served:

06/01/2022

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

- (a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☒
- (b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐
- (b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☒
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form). ☐
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☒
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☒
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision. ☒
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application. ☒
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☒
07. A copy of the design and access statement sent to the LPA (if required). ☒
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application; ☐
- (b) all plans sent at outline application stage; ☐
- (c) the original outline planning permission. ☐
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application. ☐

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mrs Emma Winter

Date

07/01/2022 02:33:31

Name

Mrs Emma Winter

On behalf of

Mr Richard Morton

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	DESCRIPTION OF DEVELOPMENT
Document Description:	A copy of the LPA's agreement to the change.
File name:	Amendment to description of development.docx
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Appendix 1 - Decision Notice.PDF
File name:	Appendix 2 - Officers Report dated December 2019.pdf
File name:	Appendix 3 - Extract from minutes 19 December 2019 Planning Committee Kirklees Council.pdf
File name:	Appendix 4 - 2019-90902_Delegated+Report_882664.PDF
File name:	Appendix 5 - Carter Jonas Committee Speech 1st July 2021.pdf
File name:	Appendix 6 - Extract from minutes 1 July 2021 Planning Committee Kirkless Council.pdf
File name:	Appendix 9 - Email from landowners solicitor to Kirklees Council confirming S106 circulation.docx
File name:	Appendix 10 Section 106 Agreement signed by all.pdf
File name:	Appendix 10 - 2021.06.22 S110780001 Power of Attorney 001.pdf
File name:	Appendix 11 - Deveer Quarters letter to Carter Jonas.pdf
File name:	Appendix 11 - KCS - Gomersal - final form Section 106 Agt- New Mortgagee Redline 06.01.2022.docx
File name:	Appendix 12 - Letter from Eastons.pdf
File name:	Appeal Statement Cliffe Lane Gomersal - FINAL 060122.docx.pdf
File name:	Appendix 7 - Documents submitted as part of planning application 2019.90902.docx
File name:	Appendix 8 - Documents submitted during the application.docx
File name:	Appendix 13 - List of documents superseded during the application.docx
File name:	APPENDIX 14 - APPROVED DOCUMENTS.docx
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	Appeal Statement Appedicies.docx
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	Appendix 10 Section 106 Agreement signed by all.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	2019-90902_+Application+Forms_744294.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	Appendix 1 - Decision Notice.PDF
Relates to Section:	SUPPORTING DOCUMENTS

Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	1332 PL100 Location plan.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	1332 PL100 Location plan.PDF
File name:	1332 PL101 proposed site plan.PDF
File name:	1332 Affordable Housing Layout Revision A_.PDF
File name:	15-398-001.03 Transport Assessment.PDF
File name:	15-398-001.03 Transport Assessment with Appendices 1 to 8.PDF
File name:	15-398-001.03 Transport Assessment Appendices 17 to 30.PDF
File name:	15-398-001.03 Transport Assessment Appendices 9 to 16 (1).PDF
File name:	15-398-002.02 Travel Plan with Appendices.PDF
File name:	2019-90902_+Air+Quality+Assessment_740109.PDF
File name:	2019-90902_+Noise+Assessment_740101.PDF
File name:	Design and Access v1.4-compressed.PDF
File name:	Drainage Flood Risk Statement.PDF
File name:	Ecological Appraisal_Final.PDF
File name:	Geoenvironmental Desk Study.PDF
File name:	Gomersal residential-dwelling-units_supplementary-information.PDF
File name:	Gomersal SCI (REV B).PDF
File name:	Heritage Assessment.PDF
File name:	Landscape Design Specification.PDF
File name:	Landscape Plan.PDF
File name:	Planning Statement - Cliffe Lane (REV C).PDF
File name:	Soft Landscaping.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	5B Full list of plans and docs submitted with application reference 20190902.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
File name:	05 (c) list of all plans, drawings and documents upon which the LPA made their decision.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	15-398 Stage 1 RSA Designer's Response - Rev A - June 2019.PDF
File name:	15-398-ATR-002 Rev B - Turning Head Swept Path Analysis - Kirklees Refuse Vehicle.PDF
File name:	15-398-SKH-005 Rev B - Proposed Access Arrangement Option 2 - 6m Wide Access.PDF
File name:	787-LA1B.PDF
File name:	1332 PL 02F SITE LAYOUT.PDF
File name:	1332 PL 101B site layout.PDF
File name:	1332 PL 101G site layout.PDF

File name:	1332 PL 102B Affordable Housing Layout.PDF
File name:	1332 SK 14A site sections A & B.PDF
File name:	1332 SK 20A SITE DENSITY.PDF
File name:	1332 SK 20B SITE DENSITY.PDF
File name:	1332 SK 21.PDF
File name:	1332 SK 22 site sections C.PDF
File name:	1332 SK 23 PHASING.PDF
File name:	1332 SK 24 ADJACENT.PDF
File name:	4730 - Drainage Flood Risk Statement - Land at Cliffe Lane_Ferrand Lane,____.PDF
File name:	4730-JPG-ZZ-00-DR-D-1500_Highway_Gradients - gb edit.PDF
File name:	1332 PL10M Site Layout.PDF
File name:	2019-90902_+Design+and+Access+Statement_ADDENDUM.PDF
File name:	2019-90902_+Drainage++Foul+Sewerage+Assessment_777345.PDF
File name:	2019-90902_+Flood+Risk+Assessment_ADDENDUM.PDF
File name:	2019-90902_+Transport+Assessment_Second Addendum.PDF
File name:	2019-90902_+Travel+Plan_779963.PDF
File name:	2019-90902_Coal Mining report.PDF
File name:	2019-90902_Draft Heads of Terms.PDF
File name:	2019-90902_Rapid Health Impact Assessment.PDF
File name:	Affordable Housing Layout Dwg. No. PL 102E.PDF
File name:	Bin Store Layout.PDF
File name:	Constraints Plan dated May 2019.PDF
File name:	Covering Letter Carter Jonas 6 December 2019.PDF
File name:	Covering Letter Carter Jonas 13 December 2019.PDF
File name:	Covering Letter Carter Jonas 20 November 2019.PDF
File name:	Flood Risk - Summary of results for 30 year return period (+30%).PDF
File name:	Flood Risk - Summary of results for 100 year return plus 30%.PDF
File name:	Landscape Design Description.PDF
File name:	Outfall Optiosn prepared by JPG.PDF
File name:	Phasing Plan - Feb 2020.PDF
File name:	Planting Schedule.PDF
File name:	Schematic Drainage Layout prepared by JPG P06.PDF
File name:	Schematic Drainage Layout prepared JPG P08.PDF
File name:	Soft Landscaping Specification.PDF
File name:	Covering Letter Carter Jonas 20 May 2019.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
File name:	6 B0 A list of additional plans, drawings and documents sent to the LPA which didn't form part of the original application.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Design and Access v1.4-compressed.PDF
Completed by	MRS EMMA WINTER
Date	07/01/2022 02:33:31