



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2020/60/92350/E

To: Nolan Tucker,
Deloitte LLP
1, City Square
Leeds
LS1 2AL

For: C C Projects

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:-

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (USE CLASS C3) OF UP TO 181 DWELLINGS, ENGINEERING AND SITE WORKS, DEMOLITION OF EXISTING PROPERTY, LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED INFRASTRUCTURE

At: LAND SOUTH OF, HEYBECK LANE, CHIDSWELL, SHAW CROSS,
DEWSBURY

In accordance with the plan(s) and applications submitted to the Council on 22-Jul-2020. The reasons for the Council's decision to refuse permission for the development are:

1) The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Site Location Plan	00-501	Rev B	
Parameter Plan	00-211	Rev C	
Heybeck Lane, Illustrative Site Layout Plan	00-101	Rev D	23/07/2020
Visualisation 1			05/12/2022
Demolition Plan of Existing Properties – Heybeck Lane	00-702		23/07/2020
Proposed Site Access 1 – 39 Heybeck Lane	A13398-T-002	Rev E	10/10/2022
Junction Improvement Proposal (Junction 3)	A13398-T-048	Rev B	27/10/2022
Extents of Conditions Survey	A13398-T-063	Rev B	30/04/2024
Planning Statement	Deloitte, June 2020		23/07/2020
Design and Access Statement	Enjoy Design, February 2020		14/08/2020
Masterplan Framework	Enjoy Design, February 2020		14/08/2020
Landscape Appraisal	Re-form, RFM-XX-00-L-RP-0002, November 2019		23/07/2020
Sustainability Statement	Delta Simons, 18-0864.05, 28/02/2020	Issue 3	23/07/2020
Transport Assessment	Pell Frischmann, A13398/VAA, 15/05/2020	Version F2	23/07/2020
Framework Travel Plan	Pell Frischmann, A13398/VAA, 11/06/2020	Version F3	23/07/2020
Heritage Assessment	Cotswold Archaeology, 661161 18467, October 2018		14/08/2020
Site plan (trial trenching plan)	Project No. X655, Fig. 2		28/09/2022
Geophysical Survey Report	Magnitude Surveys, MSSE562, 09/12/2019		14/08/2022
Phase 1 Geoenvironmental Desk Study Report	Patrick Parsons, H18017, 11/12/2019	Rev 3	14/08/2020
Coal Mining Risk Assessment	Patrick Parsons, H18119A CMRA, 11/12/2019	Rev 2	14/08/2020
Health Impact Assessment	Deloitte, February 2020		23/07/2020
Air Quality Assessment	Delta Simons, 18-0864.02, 17/01/2020	Issue 3	19/08/2020
Noise Impact Assessment	Delta Simon, 18-0864.03, December 2019	Issue 1	23/07/2020
Flood Risk Assessment and Drainage Strategy	Patrick Parsons, H18119, 11/12/2019	Rev 1	14/08/2020
HSI Assessment & Report	Brooks Ecological, R-3280-01, 16/03/2018		23/07/2020
Ecological Summary Note	Brooks Ecological, P-4536-01-A, 13/12/2019		23/07/2020

Barn Owl Scoping Assessment & Report	Brooks Ecological, R-3280-02, 06/04/2018		23/07/2020
Ornithological Summary (Breeding Birds)	Brooks Ecological, R-3280-03, 22/10/2018		23/07/2020
Badger Assessment & Report	Brooks Ecological, R-3280-04, 16/04/2018		23/07/2020
Bat Roost Suitability Assessment & Report	Brooks Ecological, R-3280-05, 02/06/2018		23/07/2020
Bat Activity Survey	Brooks Ecological, R-3280-06, 01/11/2018		14/08/2020
Bat Roost Suitability Assessment	Brooks Ecological, R-3280-10, 21/08/2018		23/07/2020
Bat Emergence Survey	Brooks Ecological, R-3280-11, August 2018		23/07/2020
Addendum to Reports ER-3280-10 & ER-3280-11	Brooks Ecological, EL-3280-01A, 23/08/2022		01/11/2022
Water Vole Report	Brooks Ecological, R-3280-07.1, 06/09/2018		23/07/2020
Reptile Survey	Brooks Ecological, R-3280-08, 03/10/2018		23/07/2020
Hedgerow Assessment & Report	Brooks Ecological, R-3280-09, 02/07/2018		23/07/2020
Ecological Impact Assessment	Brooks Ecological, R-3280-12-A, 13/12/2019		23/07/2022
High-Level Biodiversity Net Gain Assessment	Brooks Ecological, ER-6441-02, 01/11/2022		01/11/2022
Biodiversity Metric 3.1 Calculation Tool	Brooks Ecological, 05/10/2022		01/11/2022
Arboricultural Impact Assessment (including Tree Survey)	Brooks Ecological, AR-3280-02 AIA, 06/12/2019		23/07/2020
Statement of Consultation	Deloitte, February 2020		14/08/2020
Response to comments raised by Chidswell Action Group	Brooks Ecological, L-6441-01, 11/10/2022		01/11/2022
Deloitte letter 22/09/2021			23/09/2021
Church of England Church Commissioners letter 30/11/2022			06/12/2022
Deloitte letter 06/11/2025			06/11/2025
Technical response letter (undated)	Lucion		17/11/2025

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.

Where 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 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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 [the Planning Inspectorate website](#)
Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- 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: 27-Jan-2026

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2020/60/92350/E.

If a paper copy of the decision notice or decided plans are required please email dc.admin@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: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
