



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91283/W

To: Philip Fletcher
302, New Road
Staincross
Barnsley
S75 6GP

For: Philip Fletcher

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:-

At: INSTALLATION OF ROOF LIGHTS AND FORMATION OF CAR PARKING
(WITHIN A CONSERVATION AREA)
WAVERLEY HOUSE, WAVERLEY STREET, HUDDERSFIELD, HD1 5NA

In accordance with the plan(s) and applications submitted to the Council on 13-May-2021. The reasons for the Council's decision to refuse permission for the development are:

1. The hard surfaced car parking area to the west of the building of the site, by virtue of introducing a stark urbanising form of development replacing a soft landscaped area along with protected trees which made a positive contribution towards the setting of Waverley House, has caused less than substantial harm to the significance of the non-designated heritage asset of Waverley House and the Greenhead Park/New North Road Conservation Area, as well as detrimental harm to the visual amenities of the locality. There is insufficient scope to mitigate the impacts of the development by means of compensatory tree planting and soft landscaping given the amount of hard surfacing proposed to the west of the building. No public benefits have been demonstrated which would outweigh the harm caused. The proposal is therefore contrary to Policies LP24 (a and i), LP33 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2. The application fails to demonstrate that the amount of parking developed is the most efficient use of land as part of encouraging sustainable travel. Of note, the site is

within a highly accessible location ~45 metres away from the town centre, which has very frequent public transport. In the absence of such information, the application is contrary to Policy LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	9th April 2021
Location Plan at a scale of 1:500 on A4 and 1:1250 on A4	-	-	9th April 2021
Design and Access Statement incorporating Heritage Statement	-	-	9th April 2021
Proposed North Elevation	-	-	21st April 2021
Proposed East Elevation	-	-	21st April 2021
Proposed South Elevation	-	-	21st April 2021
Proposed West Elevation	-	-	21st April 2021
Proposed Second Floor Plan	-	-	21st April 2021
Amended Proposed Block Plan	-	-	2nd September 2021

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 Local Planning Authority raised significant concerns with the loss of the protected trees and soft landscaping for parking to the west of the site as well as the loss of proposed soft landscaping (and likely harm to protected trees) for parking initially proposed to the east of the site. The Local Planning Authority advised the applicant's agent to omit the parking to the east of the site, as well as significantly reduce the amount of hard standing to the west of the site whilst providing compensation/replacement tree planting for the trees removed without the necessary permission. The applicant's agent provided an amended plan with the parking area to the east being omitted, but with limited soft landscaping being provided to the west of the site, noting that the amount of parking provided to the west of the site was necessary. Given this, the Local Planning Authority considered that the applicant would not be willing to provide the amount of landscaping and compensatory tree planting which the Local Planning Authority deemed sufficient to address the conflict with local and national policy. The application has therefore been refused.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly 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 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: 16-Mar-2022

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2021/62/91283/W .

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: Planning and Development Service
Economy and Infrastructure
PO Box B93, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR
