



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91640/W

To: Michael Dunn,
S P A C E architecture and design
Lake House
Blackmoorfoot Road
Linthwaite
Huddersfield
HD7 5TR

For: Robert Berry, R. A. Berry And Son Ltd

**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:-**

**ERECTION OF TWO DETACHED DWELLINGS WITH INTEGRAL GARAGES,
EXTERNAL WORKS AND LANDSCAPING**

At: LAND ADJ, 35 /37, DUNFORD ROAD, HOLMFIRTH, HD9 2DR

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

1. The proposal, by virtue of its siting on a visually valuable open space, overly large scale, complicated form, poor and complex visual appearance, and the significant excavation and engineering works required, would be unsympathetic to the character and appearance of the area, would be visually intrusive when viewed from the Holmfirth Town Centre Conservation Area eroding the pleasant open setting of this Conservation Area and the Grade II listed building of No.35,37 Dunford Road. The proposal would therefore cause detrimental harm to the visual amenities of the locality, as well as less than substantial harm to the significance and setting of the Holmfirth Town Centre Conservation Area and the Grade II listed building of No.35.37 Dunford Road. No public benefits have been demonstrated to outweigh the harm caused. The proposal is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2. In the absence of any footway along the site frontage and adjacent to Dunford Road, the proposal would not afford safe access for future pedestrians from the highway network. The proposal would therefore result in a detriment to the safety

and convenience of highway users, notably pedestrians, contrary to Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

3. The application provides insufficient information to determine the impact upon the protected trees within and adjacent to the site as a result of the proposed development as the submitted Tree Survey is 4 years old and the Arboricultural Method Statement refers to a previous proposal at the site. Given the failure to demonstrate that the proposed development would avoid harm to the protected trees on and neighbouring the site, the proposal is contrary to Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The application fails to demonstrate whether the development could be undertaken without causing unacceptable harm to protected species or that it would safeguard the function and connectivity of the Kirklees Wildlife Habitat Network and Kirklees Strategic Green Infrastructure Network. It would therefore conflict with Policies LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	21st April 2021
Location Plan, Block Plan and Streetscene Elevation	16.029(2-)013	A	21st April 2021
Proposed Elevations and Floor Plans	16.029(2-)014	A	21st April 2021
Proposed Visual	16.029(2-)015	-	21st April 2021
Tree Survey by James Royston Arboricultural Consultant	170502	-	3rd June 2021
Arboricultural Method Statement by James Royston Arboricultural Consultant	170502a MA	-	3rd June 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.

Officers raised significant concerns with the applicant's agent regarding the proposal, in relation to the harm of the proposal upon the significance of the Holmfirth Conservation Area and the nearby Grade II listed building and their setting, as well as the harm to the character and appearance of the locality, and the applicant's agent was offered the opportunity to withdraw the application by the 23rd June 2021. The applicant's agent did not agree with the concerns of officers, therefore the application has been determined. Whilst it was considered that further technical documents were also required, these were not requested given fundamental concerns with the principle of the application.

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 <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: 29-Jun-2021

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 Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2021/62/91640/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 Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
