Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2021/60/93399/W

To: Paul Briggs,
Northern Design Partnership
The Chapel
Mill Moor Road
Meltham
Holmfirth HD9 5JU

For: Mr & Mrs Clayton

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:-

OUTLINE APPLICATION FOR DEMOLITION OF AGRICULTURAL AND STORAGE BUILDINGS AND ERECTION OF RESIDENTIAL DEVELOPMENT (& DWELLINGS)

At: LAND ADJACENT TO, 569 , NEW HEY ROAD, MOUNT, HUDDERSFIELD, HD3 3XN

In accordance with the plan(s) and applications submitted to the Council on 25-Aug-2021, subject to the condition(s) specified hereunder:-

1. No development shall be commenced until full details of the scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, the application for approval shall be made not

later than the expiration of three years beginning with the date of this permission.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the access and layout details of the development hereby approved shall be carried out in accordance with the plans and specifications schedule listed in this decision notice.
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with policies LP1, LP2, LP3, LP11, LP7, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP43, LP51, LP52, LP53 & LP58 of the Kirklees Local Plan, the Kirklees Highways Design Guide, Kirklees Housebuilders Design Guide and policies within Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework

5. Prior to the commencement of development, excluding demolition, a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. These shall be so retained for the lifetime of the development.
Reason: To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property and in accordance with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principles 2 and 8 of the Council's adopted House Builders Design Guide SPD.

6. Notwithstanding the details displayed on the approved layout plan 2120-01 revision C, no development (excluding demolition) shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details displayed on the approved plans and retained thereafter.
Reason: To ensure a suitable access and layout in the interests of highway safety, to mitigate flood risk arising from surface water run-off and in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, policies within Chapters 9 and 14 of the National Planning Policy Framework, Principle 12 of the Council's adopted Housebuilders Design Guide SPD and the Council's adopted Highways Design Guide SPD.

7. Prior to the commencement of development, the sightlines of 2.4m x 43 metres shall be cleared of all obstructions to visibility exceeding 1 metre in height and thereafter these shall be retained free of any such obstruction.
Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan, policies within Chapter 9 of the National Planning Policy Framework and the Council's adopted Highways Design Guide SPD.

8. Prior to the commencement of development of the dwellings and garages above slab level, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwellings hereby approved and shall be retained thereafter.
Reason: In the interest of visual amenity and highways safety, to provide adequate waste storage and collection arrangements and to accord with Policy LP24 (d(vi)) of the Kirklees Local Plan, Principle 19 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 9 and 12 of the National Planning Policy Framework

9. Prior to the first occupation of any of the dwellings hereby approved, one electric recharging point shall be installed within the dedicated parking area of each dwelling hereby approved. 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: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework and Principle 18 of the Council's adopted Housebuilders Design Guide SPD.

10. Before the development commences, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways including any modifications to the existing retaining wall on A640 New Hey Road, as well as a timetable for such works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the timetable for such works and thereafter retained.
Reason: In the interests of protecting highway safety and to ensure the appropriate stability of banking within and adjacent to the site and to accord with Policies LP21, LP24 and LP53 of the Kirklees Local Plan and Policies in Chapters 9, 12 and 15 of the National Planning Policy Framework. This is a pre commencement condition as specific design details need to be approved before works commence as they could influence the overall construction of the whole site.

11. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 1 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with others of similar size and species.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

12. Notwithstanding the submitted plans and information, including the Arboricultrual Method Statement by JCA Arboricultural & Ecological Consultants Limited (ref: 17231-C/AJB) received on 28th June 2022, prior to the commencement of development a revised Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: So as to protect to viability of the protected mature trees within and adjacent to the application site, in the interest of visual amenity and to accord with Policies LP24(i) and LP33 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the proposal protects trees of high amenity value and protected trees before any demolition works or other development commences.

13. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

14. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 13, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

18. Prior to the commencement of development (excluding demolition), a report specifying the measures to be taken to protect the development from noise from all

significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

a) Determine the existing noise climate
b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The dwellings shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: To ensure future occupants of the development benefit from a good standard of amenity in accordance with policies within Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

19. Prior to the commencement of development hereby approved (including any demolition work), the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Table 18 of the Air Quality Assessment by Redmore Environmental (ref: 5499r1) (dated: 11th April 2022) and retained for the duration of the demolition and construction period.
Reason: To ensure any development, including demolition, does not result in undue harm to the living environment of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

20. Prior to the commencement of development (excluding demolition), a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, percolation tests, and long-term maintenance of drainage, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

21. Prior to the commencement of development (excluding demolition), a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in strict accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

22. Prior to the commencement of development (excluding demolition), an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out at Plots 3 and 5 without the prior written consent of the Local Planning Authority.
Reason: To safeguard the special character and openness of the Green Belt, to prevent the overdevelopment of the site which could materially harm the visual amenities of the locality and compromise the amenity for future occupants and to comply with Policies LP24 and LP58 of the Kirklees Local Plan, Principles 2 and 17 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

23. 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) no development included within Class A of Part 2 of Schedule 2 to that Order (apart from any means of enclosure expressly allowed by the reserved matters permission in relation to 'landscaping' with respect to condition 1) shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual and residential amenity, to preserve the special character and openness of the Green Belt and in accordance with Policies LP24 and LP58 of the Kirklees Local Plan, Principles 2 and 6 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

24. The residential development hereby approved shall not exceed a maximum number of 5 dwellings.
Reason: For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development in accordance with policies LP1, LP2, LP3, LP11, LP7, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP43, LP51, LP52, LP53 & LP58 of the Kirklees Local Plan, the Kirklees Highways Design Guide, Kirklees Housebuilders Design Guide and policies within Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	314750	-	25th August 2021
Site Layout Plan	2120 01	C	27th June 2022
Site Sections	2120 02	B	27th June 2022
Planning Supporting Statement by Robert Halstead Chartered Surveyors and Town Planners	-	-	25th August 2021
Appendix A – Site Photographs	-	-	25th August 2021
Appendix B – Location of Site Photographs	-	-	25th August 2021
Preliminary Ecological Appraisal by JCA Limited Arboricultural & Ecological Consultants	17231a/INIT	-	31st August 2021

dated 15/06/21			
Bat Emergence and Re-Entry Survey Report by JCA Limited Arboricultural & Ecological Consultants dated 15/07/21	17231b/FS	-	31st August 2021
Air Quality Impact Assessment by Redmore Environmental dated 11th April 2022	5499	r1	11th April 2022
Arboricultural Report and Arboricultural Impact Assessment by JCA Limited Arboricultural & Ecological Consultants	17231/AJB	-	28th June 2022

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 requested amended plans to reduce the amount of built development so that the development was more sensitive to its context. Officers also raised concerns in relation to the impact upon trees on and around the site as a result of the development and highways safety matters. In addition, Officers requested an Air Quality Impact Assessment to ensure future occupiers would benefit from an adequate living environment.

Following discussions with the applicant's agent a revised layout with a reduced number of dwellings has been provided which is considered to integrate with the existing development. An amended Arboricultural Impact Assessment was submitted to support the altered layout and Officers are content with the findings of this. An Air Quality Impact Assessment has also been submitted which has addressed the concerns of Officers. The highways safety concerns have also been resolved following discussions between KC Highways Development Management and the applicant's agent.

The applicant's agent has agreed to the pre-commencement conditions attached.

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

Digital Infrastructure: Fibre to The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost-effective provision of fibre infrastructure in the future.

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. Alternatively the forms and supporting guidance for submitting an application can be found online at Kirklees Council Planning Website .**

- **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.**

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 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 at the Planning Inspectorates 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: 15-Nov-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 Planning Services website at Kirklees Council Planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2021/60/93399/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
