Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2021/61/94719/W

To: Garry Griffiths,
HNA Architects Ltd
Temple House
Temple Street
Oldham
OL1 3NJ

For: Mark Sexton, Wiggett Construction

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-

RESERVED MATTERS APPLICATION (FOR LAYOUT, APPEARANCE & SCALE) PURSUANT TO OUTLINE PERMISSION 2018/91838 FOR ERECTION OF A RESIDENTIAL DEVELOPMENT FORMED OF 25 DWELLINGS

At: LAND OFF, BURN ROAD, BIRCHENCLIFFE, HUDDERSFIELD, HD3 3BT

NOTE Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

In accordance with the plan(s) and applications submitted to the Council on 07-Jan-2022, being matters reserved in a permission granted on 11-Oct-2019 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-

1. In line with Condition 4 of 2018/91838, the development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. a) No development shall commence until the following highway structural details are submitted to and approved by the Local Planning Authority:

i) a full structural dilapidation survey of the existing retaining wall on Burn Road along the site boundary. The survey shall be undertaken by a suitably qualified and experienced structural engineer;
i) a full structural assessment of the existing Yorkshire Water sewer located within the proposed highway footprint and/or influence zone of highway loading (the purpose of which is to determine the sewer's structural adequacy to support highway loading in connection with the details required under part a) iii), iv) and v) of this condition);
ii) a scheme detailing the proposed design and construction details for the new culvert structure/s (including any wing walls) which shall carry the new access road over the un-named watercourse in the centre of the site;
iii) a design scheme for all new retaining walls adjacent to the existing and proposed adoptable highways including any modifications to the existing highway retaining wall abutting Burn Road to form a new access road;
iv) a scheme including cross-sectional information, locations, and proposed design and construction details for all new oversize pre-cast concrete manholes with internal diameter of >0.90m, and their cover slabs located within the proposed highway footprint or influence zone of highway loading.

b) The approved details in part a) iii), iv) and iv) of this condition shall be implemented prior to the commencement of any substructure or foundation works to form dwellinghouses on the site. The implemented works shall be retained thereafter.

b) Pursuant to part a) i) of this condition and prior to any dwellinghouses being occupied for habitation, the following highway structural details shall be submitted to, reviewed and approved by the Local Planning Authority:

v) a post-development structural dilapidation survey of the retaining wall on Burn Road, undertaken by a suitably qualified and experienced structural engineer, which identifies any defects arising in the highway retaining walls due to the works or deliveries associated with the proposed development, as well as the remediation works. Once approved, the defects shall be made good in accordance with the approved remediation works.

Reason: To ensure that any new, modified or dilapidated retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that load-bearing structures are designed to a satisfactory standard prior to their construction which could otherwise be unsafe and elicit abortive works/demolition should the structures be inadequately designed or constructed.

4. An easement strip of not less than 3.0m wide shall be retained between the proposed buildings and the proposed adoptable highway burr walls/ existing highway retaining wall on Burn Road to facilitate access for their future maintenance/ reconstruction.
Reason: To ensure that any new, modified or dilapidated retaining structures can be adequately accessed for future maintenance in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.

5. Details of the facing materials for the externally exposed retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework

6. Cognisant of Condition 20 of 2018/91838, no dwellinghouse shall be occupied until all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Philip Dunbavin Acoustics Ltd dated 26 May 2022 Ref J003824-5593-TD-01 are:
a) completed; and
b) written confirmation that the building has been constructed in line with assumptions in the acoustic report shall be submitted to and approved in writing by the Local Planning Authority
Reason: In the interests of amenity of the occupiers of the development and to accord with the requirements of Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with LP22 of the Kirklees Local Plan

8. The external materials and windows shall be installed in accordance with the specifications outlined within the External Materials Statement by HNAarchitects (Referenced 1354/EMS, dated June 2023). Physical samples of the external materials and windows cited in the statement shall be made available for inspection on-site prior to the commencement of superstructure works. No external finishing materials shall be used in the development of the site until the samples are approved by the Local Planning Authority.
Reason: In the interests of visual amenity, to preserve and enhance the character of the local area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

9/. Where any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

10. Notwithstanding the plans and specifications schedule, all soil and vent pipes are to be located within the internal envelope of each residential unit and shall not project above the roof-slope.
Reason: In the interests of the visual amenity and to accord Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

11/. Notwithstanding the plan and specification schedule, the cills, lintels and mullions present upon the principle elevation of the Type G units (Reference 1354/P/28 Rev C) shall also be installed to the fenestration at the rear of the type G units.
Reason: Plots 14 & 15 are in a visible central position within the site, as such it is necessary to ensure that the quality of the rear elevations are such that the visual appearance of the development is maintained in line with the requirements of the Housebuilders Design Guide SPD and Policy LP24 – Design of the Kirklees Local Plan.

12/. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

a) timetable of all works;
b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
c) the parking of vehicles of site operatives and visitors;
d) details and location of signage;
e) loading and unloading of plant and materials;
f) storage of plant and materials used in constructing the development;
g) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
h) measures to control and monitor the emission of dust and dirt during construction; i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
k) artificial lighting used in connection with all construction related activities and security of the construction site;
l) site manager and resident liaison officer contact details (including their remit and responsibilities); and
m) details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF as well as Policies LP51 and LP52 of the Local Plan.
This pre-commencement condition is necessary to ensure that environmental protections are in place to preserve the amenity of residents prior to development commencing with practices that may otherwise harm residential amenity.

Outline Permission:
This notice is supplementary to the decision notice made under outline permission 2018/91838 and should be read together alongside any other reserved matters decision notices that are also made in relation to the outline permission.

Retaining Structures:
It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on 01484 225616 who can advise further on this matter. More information on highway design specifications, including Highway Structures, can be found via the following link: https://www.kirklees.gov.uk/beta/regeneration-and-development/highways-guidance-and-standards.aspx

Highway Structures:
All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450-Inspection of Highway structures. See https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/ highways-guidance-and-standards.aspx for further details.

Retaining Wall Materials: The facing material of the retaining walls on the site should be agreed in conjunction with the AiP process with the Local Highway Authority.

Superstructure Definition: For the purpose of interpretation, the definition of 'superstructure' is the part of a building or construction entirely above its foundation or basement.

Combined Sewer Overflow: The proximity of an existing combined sewer overflow to the site may mean a loss of amenity for future residents. In order to minimise the risk of odour, noise and nuisance, water industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing combined sewer overflow. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

CEMP Construction Environmental Management Plan -Footnote
Noisy construction related activities should not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours on Saturdays
With no noisy activities on Sundays or Public Holidays
Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	1354/LP	-	07/01/2022
External Materials Statement	1354-EMS Dated June 2023	-	30/01/2024
Additional Model Run Summary Issued (Compiled)	SHF.1935.001.HY.R.004.A	-	05/08/2022
Hydraulic Modelling Compiled	SHF.1935.001.HY.R.001.A	-	15/08/2022
Appendix D - Retaining Wall Calculations	4872-22 AIP	-	17/08/2022
Phase II Ground report	B22335-JNP-11-00-RP-G-1001	-	17/08/2022
CEMP	By Wiggett Construction	-	17/08/2022
Ecology Extended Phase 1 Habitat Survey	Dated July 2022	-	17/08/2022
Noise Assessment	J003824-5593-TD-01	-	17/08/2022
Transport route for deliveries	-	-	17/08/2022
Existing Cross Sections	1354-P-EX-02	-	17/08/2022
Proposed Floor Plans – House Type B	1354-P-102	-	17/08/2022
Swept path analysis	24030-HYD-XX-XX-DR-TP-0001	P01	17/08/2022
Swept path analysis	24030-HYD-XX-XX-DR-TP-0002	P01	17/08/2022
Visibility Splay	24030-HYD-XX-XX-DR-TP-0003	P01	17/08/2022
Forward visibility	24030-HYD-XX-XX-DR-TP-0004	P01	17/08/2022
Plot 10 refuse collection	24030-HYD-XX-XX-DR-TP-0006	P01	17/08/2022
Viability Assessment	Dated July 2022	-	31/08/2022
Viability Appraisal Submission – Budget Costs	-	-	04/10/2022
Viability Appraisal – Abnormal Costs Statement	-	-	06/10/2022
Viability Appraisal – Clarification questions	220906 Land at Burn Road_Clarification Questions_v1	-	06/10/2022
Burns Rd - Viability Assessment - WCL Construction Base Cost supporting information	-	-	06/10/2022
Viability Appraisal Submission - Calculations	-	-	06/10/2022
Appendix C - Phase II Ground Report	4872-22 AIP		10/10/2022

Burns Road, Birchencliffe	4872-22 AIP	-	10/10/2022
Appendix A - TAS	4872-22 AIP	-	10/10/2022
Appendix B - Highway Retaining Wall Drawing	4872-22 AIP	-	10/10/2022
Independent Viability Assessment Review	V1.0	-	30/10/2022
Tree schedule	6724.01	B	31/01/2023
Tree survey	PD.6724.TSR.REV C.JAN23	C	31/01/2023
Proposed Run Summary Issued Compiled	SHF.1935.001.HY.R.003.A		13/02/2023
Hydraulic Modelling Report	SHF.1935.001.HY.R.002.A	-	13/02/2023
Applicants response to Viability Assessment	Dated 20th February 2023	-	20/02/2023
SW Drainage Plots 1 to 13 A1.000-1.003.1, 30, 100+30%CC yr	1298	D	30/01/2024
SW Drainage Plots 14 to 25 B1.000-1.004.1, 30, 100+30%CC yr	1298	D	30/01/2024
Updated viability summary for phase 1	230320 Burns Rd, Birchencliffe v2 MS	-	22/03/2023
Updated Appraisal for phase 1	230320 Burns Rd, Birchencliffe v2 PC	-	22/03/2023
Technical Note - Hydraulic Modelling Exercise	SHF.1935.001.HY.R.004.A – Grimescar Dike, Huddersfield		23/03/2023
100% Blockage Comparison	SHF.1935.001.HY.D.001.A	-	23/03/2023
Stage 1 Road Safety Audit	MCA.HYD.025		06/04/2023
Proposed Floor Plans – House Type D	1354-P-103	A	06/04/2023
Proposed Floor Plans – House Type D1	1354-P-104	A	06/04/2023
Proposed Floor Plans – House Type D2	1354-P-105	A	06/04/2023
Visibility splay layout	1354-23m	-	04/05/2023
Revised viability submission	Dated 11th May 2023		11/05/2023
Swept path analysis	24030-HYD-XX-XX-DR-TP-0004-P01	-	11/05/2023
Tree survey and root protection area	6724.01	C	17/05/2023
Swept path analysis	24030-HYD-XX-XX-DR-TP-1001-P02		15/06/2023
Swept path analysis	24030-HYD-XX-XX-DR-TP-1002-P02	-	15/06/2023

Swept path analysis	24030-HYD-XX-XX-DR-TP-1003-P02	-	15/06/2023
Proposed Floor Plans – Apartment Type H	1354-P-109	-	19/06/2023
Proposed Floor Plans – House Type G	1354-P-108	C	19/06/2023
Proposed Cross Sections	1354-P-301	C	19/06/2023
Proposed Street Elevations	1354-P-302	D	19/06/2023
Proposed Floor Plans – House Type F	1354-P-107	-	17/08/2023
Viability Appraisal – Market Sale Appraisal	220629 Burns Rd, Birchencliffe V1 MS	-	11/10/2023
Viability Appraisal – Policy Compliant Appraisal	220629 Burns Rd, Birchencliffe V1 PC	-	11/10/2023
Proposed Elevations – House Type B	1354-P-202	A	11/10/2023
Proposed Elevations – House Type D	1354-P-203	A	11/10/2023
Proposed Elevations – House Type D1	1354-P-204	A	11/10/2023
Proposed Elevations – House Type D2	1354-P-205	A	11/10/2023
Proposed Elevations – House Type F	1354-P-207	A	11/10/2023
Proposed Elevations Apartments – House Type H	1354-P-209	A	11/10/2023
Proposed Elevations – House Type G	1354-P-208	D	11/10/2023
Biodiversity Impact Assessment	Land off Burn Road, Huddersfield - 2022	A	23/10/2023
Biodiversity Metric 3.1 auditing and accounting for biodiversity calculation tool	Burn Road, Huddersfield - 2022	A	23/10/2023
Ecological Design Strategy (EDS)	Burn Road, Huddersfield 2023	B	10/11/2023
Landscaping proposals	6724.03	G	10/11/2023
Proposed site layout (POS)	1354/P/004	-	08/12/2023
Viability - Final with appendices	220704 Burn Rd, Birchencliffe FVA v4_JDM -		21/12/2023
Existing topography survey	BURN ROAD HUDDERSFIELD-PLOT 250	-	21/12/2023
BNG Calcs Jul'22	6724	-	21/12/2023
Gas monitoring	B22335	-	21/12/2023

QED calibration Report November 2019 (2)	November 2019 (2)	-	21/12/2023
QED calibration Report	26.06.20 (2)	-	21/12/2023
Noise impact assessment	J003824-5593-TD-01	-	21/12/2023
Archaeological WSI	Dated September 2021	-	21/12/2023
Hydraulic Modelling report	SHF.1935.001.HY.R.002.A	-	21/12/2023
CEMP	By Wiggett Construction and Wiggett Homes	A	21/12/2023
Tree protection plan	6724.02	D	21/12/2023
Arboricultural Impact Assessment and Method Statement	MG.6724.AIA&AMS.	D	21/12/2023
Drainage Layout	1298-900	P3	21/12/2023
Post Dev Areas	1298-701	P3	21/12/2023
Flood Routes	1298-702	P3	21/12/2023
Proposed Site Layout Plan (trees) Proposed Site Layout – Roof Plan	1354-P-001 1354-P-002	V P	31/01/2024 12/01/2023

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 Planning 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. In this instance, amendments have been sought as part of the application process.

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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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 at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **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.**

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

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 or 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**
  28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.**
- **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/appeal-planning-decision. 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: **07-Feb-2024**

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:

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