



**Town and Country Planning Act 1990**

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

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

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**Application Number: 2022/62/91176/E**

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**To:** Michael Powell,  
Peacock and Smith  
Central House, 47, St Paul's Street  
Leeds  
LS1 2TE

**For:** Beneficial

**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 WORKSHOP/STORAGE BUILDING**

**At:** THE OLD STONE YARD, NEAR BANK, SHELLEY, HUDDERSFIELD, HD8  
8LS

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**In accordance with the plan(s) and applications submitted to the Council on 04-Apr-2022. The reasons for the Council's decision to refuse permission for the development are:**

1. The previous and existing uses as an external stone yard (now a tree/log storage yard) had/has an open-air character and the proposed workshop/storage building already in situ with associated parking and turning would have a significantly greater impact on the character and openness of the Green Belt. As such the proposed development would be inappropriate development in the Green Belt. The very special circumstances put forward do not out-weigh the harm to the Green Belt. This is contrary to Chapter 13 of the National Planning Policy Framework and Policy LP59 of the Kirklees Local Plan.

2. The proposed workshop/storage building already in situ, by virtue of its scale and massing would fail to respect or enhance the predominantly open character of the landscape. This would not promote good design and is contrary to Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

3. The constructed purpose built industrial/business unit, together with associated turning area and close boarded fencing, separating it from the remainder of the site, results in a spatial enclosure and fragmentation of the approved log storage yard into separate business units. It changes the permitted use of the land and significantly impacts upon openness of the Green Belt. This would be inappropriate development in the Green Belt.

The very special circumstances put forward would not out-weigh the harm of the proposed building, (which is also part of an unauthorised business park emerging more widely), on the Green Belt and visual amenity of the area. This is contrary to Chapter 13 of the National Planning Policy Framework and Policy LP59 of the Kirklees Local Plan.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	-	1/04/2022
Site Plan	1622 203 A	1/04/2022
Existing Site Plan Landscaping	1622 210 A	1/04/2022
Elevations as Constructed	1622 102 A	1/04/2022
Floor Plans as Constructed	1622 103 A	1/04/2022
Planning Statement	-	1/04/2022
Landscape Statement	-	1/04/2022
Flood Risk Assessment	-	1/04/2022

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 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. A meeting was held with the applicant and agent in which concern was raised to the principle of development and the impact to the Green Belt. The agent provided comments on what they considered the three key elements in determining the application (that impact on openness, green belt policy and the NPPF and very special circumstances) in an email of 8th July 2022. They also provided response to officers' invitation to provide evidence as to why the proposed commercial unit should be at this tree / log storage site and not at a commercial / business park in the district. However, it was not considered that the evidence submitted and very special circumstances put forward outweighed the harm to the Green Belt.

## **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](http://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 speedier 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](mailto: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.

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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 31-Oct-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 2022/62/91176/E .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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