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

PLANNING PERMISSION FOR DEVELOPMENT

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: 2022/70/92828/E

To: Wesley Dodds,
Enjoy Design Ltd
The Old Brewery
High Court
Leeds
LS2 7ES

For: Martin Rapley, Yelcon 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 permits:-

VARIATION CONDITION 1 (PLANS) ON PREVIOUS PERMISSION 2019/91638 FOR RESERVED MATTERS APPLICATION FOR ERECTION OF 27 DWELLINGS PURSUANT TO OUTLINE PERMISSION 2017/92233 FOR ERECTION OF UP TO 34 DWELLINGS

At: LAND AT ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD, HD8 8DY

In accordance with the plan(s) and applications submitted to the Council on 23-Aug-2022 [together with those plans and application(s) submitted to the Council on 11-Jul-2017 and incorporated into planning permission 2017/92233 granted on 21-Mar-2018] and subject to the condition(s) specified hereunder:-

1. 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 Policies LP21, LP22, LP24 and LP33 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

2. Prior to any superstructure works commencing, details of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing stonework, roofing and window frames shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained for the lifetime of the development.
Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the occupation of the first dwelling house within the development, details of the proposed boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority to include the following:

I. An assessment of the works required to repair/replace the existing stone perimeter wall;
II. Details of the proposed height, materials and method for ensuring a continuous stone boundary wall or details of a suitable alternative replacement to stone;
III. In the event of an alternative replacement to stone in accordance with (ii), details of its proposed height, materials and justification for using a material other than stone;
IV. A timescale for the implementation of the boundary treatment.

The scheme shall be carried out in accordance with the approved details and completed prior to the occupation of the final dwelling house within the development or an alternative timescale as agreed by (iv) above.
Reason: In the interests of highway safety, the visual amenity and character of the surrounding area and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

4. No above ground works shall take place until 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, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out 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 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, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site throughout the construction period.
Reason: In order to protect visual amenity and the long term viability of the trees and to accord with policy LP33 of the Kirklees Local Plan.

6. The approved Detailed General Arrangement and Planting Plan Drawing Reference: RFM-XX-00-DR-L-0003 Revision PL06, as well as the Planting Schedule Reference RFM-XX-00-DR-L-0004 Revision PL02 shall be implemented so that planting is carried out no later than the first planting season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP32 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the occupation of the final dwelling house within the development, all the works required for the provision of equipped play area(s) shall be completed in accordance with the EN1176 Playground Equipment Standard. Works shall be completed as detailed in the approved Detailed General Arrangement and Planting Plan Drawing Reference: RFMXX-00-DR-L-0003 Revision PL06 and the Proposed Play Equipment Reference RFM-XX00-SK-L-0001. The play equipment shall be maintained and if necessary replaced by the appointed Management Company, thereafter.
Reason: To ensure the provision of adequate play facilities within the site at an appropriate time and to guarantee their long term future, in accordance with Kirklees Council Local Plan Policies LP47, LP48 and LP50 and Chapter 8 of the National Planning Policy Framework.

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless:

I. A competent ecologist has undertaken a survey of vegetation for active birds' nests immediately before the vegetation is cleared; and
II. The ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework

9. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies “Guidance on the permeable surfacing of front gardens (parking areas)” published 13/5/2009(ISBN 781409804864) as amended or superseded. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained thereafter, free of obstructions and available for the use specified on the listed plans.
Reason: In the interests of the free and safe use of the highway in accordance with Policies LP22 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework.

10. No dwelling shall be occupied, until details showing the provision of bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use prior to first occupation and retained throughout the lifetime of the development.
Reason: To comply with the Council’s sustainability objectives by promoting modes of sustainable travel in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and chapter 9 of the National Planning Policy Framework.

11. Before development commences, 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 before first occupation and shall be so retained thereafter.
Reason: To meet the operational needs of the Waste Collection Authority and avoid any adverse impact on visual and residential amenity set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document. This is a pre-commencement condition to ensure appropriate measures for waste storage and collection are appropriately designed and agreed to avoid any potential operational, visual and residential amenity issues prior to construction.

12. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: To meet the operational needs of the Waste Collection Authority set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document. This is a pre-commencement condition as construction works may have an impact on waste collection and the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

13. The proposed development shall be undertaken in accordance with the approved boundary treatment details, as shown on Site Plan Drawing Number 00-103 Revision Q and Detailed General Arrangement and Planting Plant Drawing Reference: RFM-XX-00-DR-L-0003 Revision PL06. The boundary treatment shall be installed before the dwelling to which the boundary treatment relates is first occupied and shall thereafter be retained.
Reason: In the interests of visual amenity, in order to ensure that character of the area is safeguarded in accordance with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

14. No dwelling shall be occupied until the works associated with widening the existing access road and provision of the adjacent footway leading to the site hereby approved shall be laid out, hard surfaced sealed and drained in accordance with a specification submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

15. No dwelling hereby approved shall be occupied until the access points to the public bridleway Kirkburton 187, Stretchgate (Reference: KIR/187a/10) as shown on approved Site Plan Drawing Number 00-103 Revision Q are constructed to adoptable standards and the steps constructed to conform with Part M4(2) section 2.11 of the Approved Document M of the Building Regulations 2010. The proposed access points shall be retained for public use thereafter.
Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policies LP20, LP21, LP23 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

16. Prior to the first occupation of each dwelling, an electric vehicle recharging point shall be installed at each house as shown on Site Plan Drawing Number 00-103 Revision Q. The cable and circuitry ratings shall be of adequate size to ensure a continuous current demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.
Reason: To promote sustainable travel and to encourage low carbon forms of transport in accordance with Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

17. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: In the interests of the amenity of the locality and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework. This is a pre-commencement condition as construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

18. Prior to the first occupation of any part of the development, a lighting design strategy for biodiversity referring to the off-site woodland and Kirklees Wildlife Habitat Network areas shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) Identify those area or features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
b) Illustrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans, light spill and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: To prevent significant ecological harm and to safeguard the Kirklees Wildlife Habitat Network in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

19. The development shall be undertaken in accordance with the mitigation enhancement measures set out in the approved Biodiversity Management Plan, Reference R-3626-03.2 and shall be completed prior to the first occupation of the dwelling houses. The measures identified in the scheme shall be permanently retained thereafter.

Reason: To ensure ecological compensation and enhancement in accordance with Policy LP30 of the Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.
b) Identification of “biodiversity protection zones”.
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

21. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This is a pre-commencement condition to ensure an appropriately designed drainage scheme can be secured and incorporated into the proposed highway network prior to construction.

22. The development shall be carried out in accordance with the submitted flood risk assessment by ARP ref 1305/11/ARPjc dated 20 January 2020 and details for Flood Compensation by ARP dated 3/3/20, including the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 148.4 m above Ordnance Datum (AOD).
- Flood compensation storage shall be provided as detailed.

These mitigation measures shall be fully implemented prior to first occupation of any of the dwelling hereby approved and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

23. No development shall take place until details of a scheme to eradicate Japanese Knotweed and Giant Hogweed has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.
Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

24. 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 Classes A, B, C, E or F of Part 1, Class A Part 2 of Schedule 2 to that Order shall be made to plots 1 to 6 and plots 10 to 14, as shown on the approved Site Layout Plan, Drawing Number: 00-103 Revision Q hereby permitted, without the prior written consent of the Local Planning Authority.
Reason: In order to ensure that further extensions or outbuildings do not result in harmful overlooking to occupants of neighbouring dwellings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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, and 08.00 and 13.00 hours on 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 new storm water attenuation tanks/pipes/culverts/manholes 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.

NOTE: 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 BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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: Adoption under Section 38 of the Highways Act: 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: The public footpaths and bridleway crossing the site shall not, at any time prior to, during or after building works, be unofficially obstructed or closed without the prior written formal consent of the Council's Public Rights of Way Officers.

NOTE: This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended).

Plans and specifications schedule:

Plan / Document Type	Reference	Version	Date Received
Proposed Site Plan (Enjoy Design)	00-103	BB	08/12/2022
Site Plan (Reform)	RFM-XX-00-DR-L-0001	PL06	09/03/2020
Tree Retention and Removal Plan	RFM-XX-00-DR-L-0002	PL03	09/03/2020
Detailed General Arrangement and Planting Plan	RFM-XX-00-DR-L-0003	PL06	09/03/2020
Buckden House Type Drawings (Plots 17(Handed), 26(Handed) and 27(Handed))	B-01	A	04/02/2020
Chevin House Type Drawings (Plots 22, 23, 24 and 25)	C-01	A	04/02/2020
Chevin Stepped House Type Drawings (Plots 15 and 16)	C-02		04/02/2020

Lilac – Detached House Type Drawings (Plot 18 (Handed)	L-01		04/02/2020
Lilac – Semi Detached House Type Drawings (Plots 06, 07, 08, 09, 19 and 20)	L-02		04/02/2020
Lilac – Terrace (3 units) House Type Drawings (Plots 11, 12 and 13)	L-03	1	04/02/2020
Lilac – Terrace (5 units) House Type Drawings (Plots 01, 02, 03, 04 and 05)	L-04		04/02/2020
Sandringham House Type Drawings (Plots 10 and 21)	S-01	A	04/02/2020
Woodale House Type Drawings (Plot 14)	W-01	A	04/02/2020
Proposed Single Garage GA Drawings	GS-01		04/02/2020
Section Drawings	00-104	C	12/05/2020
Refuse Vehicle Tracking Layout	1305/11/15	C	12/05/2020
Section 38 Layout General Arrangement	1305/11/02.02	D	23/08/2022
Surfacing Layout	1305/11/21	E	23/08/2022
Section 104 Layout	1305/11/03	B	12/05/2020
Footpath Link to Stretch Gate	1305/11/17	A	12/05/2020
Typical Section through Private Drive to Plots 17-21	1305/11/16		12/05/2020
Longitudinal Sections	1305/11/06	A	12/05/2020
Statement on Flood Risk Assessment	1305/11		18/11/2019
Flood Risk Assessment	1305/11/ARPjc		11/02/2020
Flood Compensation Letter (ARP, 3/3/2020)			04/03/2020
Contour Plans	1305/11		04/03/2020
Design and Access Statement		1	04/02/2020
Biodiversity Management Plan	R-3626-03.2		28/01/2020
Site Inspection Report	SI-3626-01		22/10/2019
Planting Schedule	RFM-XX-00-DR-L-0004	PL02	11/03/2020
Landscape Maintenance Specification	RFM-XX-00-RP-L-0001-Management Plan	PL02	11/03/2020
Proposed Play Equipment	RFM-XX-00-SK-L-0001		08/01/2020
Ecological Impact Assessment	R-3626-04		01/11/2019

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.

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: 16-Mar-2023

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 2022/70/92828/E .

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
