**Planning (Listed Buildings and Conservation Areas) Act 1990**

**REFUSAL OF VARIATION/REMOVAL OF CONDITION ON LISTED BUILDING CONSENT**

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**Application Number: 2022//93303/E**

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**To:** Scott Lonie,
Lonie Lozano Ltd
5, Jilling Ing Grove
Earlsheaton
WF12 8DT

**For:** J Hillam

**The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been refused for the execution of the works referred to:-**

Variation of condition 2 (plans) on previous permission 2022/90989 for increase roof height and alterations to detached garage (Listed Building)

**At:** The Old Rectory, 15, Pinfold Lane, Mirfield, WF14 9PS

**In accordance with the plan(s) and applications submitted to the Council on 11-Oct-2022. The reasons for the Council's decision to refuse consent for the development are:**

1. The proposed external staircase, in terms of its design, appearance and siting would not respect, preserve, or enhance the character of the Grade II* listed building. The development would cause less than substantial harm to the setting of the Grade II* listed building, with no public benefits outweighing this harm. For this reason, the principle of development is considered unacceptable and to permit such a development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan and the guidance set out within Chapter 16 of the National Planning Policy Framework, notably paragraphs 200 and 202.

Plans and specifications schedule:

| Plan Type | Reference | Web ID | Date Received |
|---|---|---|---|
| Proposed Elevations | 170902-GA04G – 3D Views | 955888 | 11/10/2022 |
| Proposed Elevations | 170902-GA03J – Proposed Elevations & Section | 955886 | 11/10/2022 |
| Proposed Floor Plans | 170902-GA02G | 955887 | 11/10/2022 |
| Plans from application 2022/90989 | | | |
| Location Plan | 170901-EX01A | 924066 | 09/05/2022 |
| Grouped Plans and Elevations | 170902-GA01 - Existing | 924064 | 09/05/2022 |
| Conservation/Heritage Assessment | Heritage Impact Assessment | 931386 | 09/05/2022 |

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.

The submitted plans raised significant concerns in terms of the harm that would be caused to the setting of a designated heritage asset. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. As these issues related to the principle of development terms of harm to the listed building, no amendments were sought.

**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.**

**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**

**If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of issue of this notice, appeal to the Secretary of State for the Environment in accordance with Sections 20-21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Authority in regard to the proposed works are in progress.**

**Please note, only the applicant possesses the right of appeal.**

**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:** 06-Dec-2022

**Signed:** 

**David Shepherd**
**Strategic Director Growth and Regeneration**

**Application Plans**

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site

If a paper copy of the decided plan is required please email:

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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Address to which all communications should be sent:

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

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