PLANNING APPEAL

STATEMENT OF CASE

ERECTION OF DETACHED DWELLING AND RENOVATION OF EXISTING OUTBUILDING

GREEN MOUNT

CINDER HILLS ROAD

HOLMFIRTH

HD9 1EE

Ref: Kirklees Council

Application No: 2022/62/93692/W

Appellant: Mr A Robinson

June 2024

This appeal statement has been prepared by Andy Rushby BA(Hons), BTP, MBA, MRTPI, on behalf of the appellant.

Reason for Refusal (Decision Notice dated 5 January 2024)

1.The achievable visibility splays, as indicated on drawing 1307-101a within the submitted Highway Statement, would be 2.0m x 9.0m in each direction. It has not been demonstrated by means of a speed survey that these would provide adequate visibility or that such a large shortfall from standard visibility splays would be justified in this instance. Furthermore, it has not been demonstrated by means of a formal swept path diagram that a fire service vehicle would be able to gain access to the new property via the access track. It is therefore considered that the erection of a new dwelling would be detrimental to the safety and convenience of highway users and would not result in a development that would function well or provide a safe environment for future users, contrary to the aims of Policy LP21 of the Kirklees Local Plan, Policy 11(1) of the Holme Valley Neighbourhood Development Plan and paragraph 135(a & f) of the National Planning Policy Framework

Appellant’s Case

1. In summary, it is the appellant’s case that the proposed development has been refused by the Local Planning Authority (LPA) solely on highway grounds as set out above. No other reasons for refusing the application have been included in the decision.

2. Therefore, the appellant’s case is set out in Appendix A attached to this Statement of Case. This appendix contains a Proof of Evidence provided by Paragon Highway Consultants, which deals robustly with the reason for refusal set out above. The Proof of Evidence concludes, at paragraph 5.2 –

“…evidence shows that the local highway network and site access arrangements operates safely, and there is no evidence that the small increase in trips associated with the development would cause a safety concern insofar as meeting the test within NPPF (paragraph 115) with regard to justifying refusal”

3. The conclusion continues, at paragraph 5.3 –

“Therefore, the level of traffic generated by the proposals can easily be accommodated and will have no material impact on the safe operation of the local highway network or existing site access and will not significantly add to congestion at the peak times on the local network”

4. In addition, this Proof of Evidence refers, at paragraph 4.18, to the use of “rural rescue pumps” used by the local fire service to access properties within the Holmfirth area which may accessibility issues. As well as such vehicles, the appellant would also install a sprinkler system within the dwelling and most likely a fire suppression system, which can

be used to contain any fire within the room of origin and also provide a 'compensatory measure'. An automatic water fire suppression system (AWFSS) controls a fire to a small size, reducing the production of smoke and toxic gases and preventing the fire from spreading beyond the room of origin. The appellant would agree to a condition to provide such a system to the satisfaction of the LPA.

5. To conclude, the appellant contends that the proposed development is capable of approval subject to reasonable and necessary conditions and respectfully requests that the Secretary of State allows this appeal.