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

Enquiries to: Katie Chew

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Tom Gallivan,
Dot Surveying Ltd
14, Inverleith Place
Edinburgh
EH3 5PZ

Our Ref: 2022/94090
Date: 14-Feb-2023

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 - APPLICATION NO:2022/N /94090/W
DEVELOPMENT: PRIOR NOTIFICATION FOR PROPOSED 5G TELECOMS INSTALLATION: H3G 15M STREET POLE AND ADDITIONAL EQUIPMENT CABINETS NEW HEY ROAD, OAKES, HUDDERSFIELD, HD3 4GQ

I refer to your submission of details relating to the above development received by the Council on the 21-Dec-2022.

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused.

The reason for this is:

1. The proposed mast by reason of its siting, overall height and appearance, would introduce a visually intrusive and incongruous feature within the street scene, adding to visual 'clutter' and appearing out of scale with the surrounding residential properties. The proposed development would therefore be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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2. The proposed mast, by reason of its close proximity, overall height and appearance, would appear incongruous and visually intrusive, creating a harmful overbearing impact on habitable room windows and front garden/amenity space belonging to adjacent neighbouring property no. 364 New Hey Road. The proposed development would therefore be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. In the absence of the submission of clear and precise plans outlining the location of the proposed telecommunications mast, a full and proper assessment of the impact of the proposal upon highways safety cannot be undertaken contrary to Policy LP21 of the Kirklees Local Plan, the Council's adopted SPD and Chapter 9 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
001 Drawing Register	KKS26014_KKS287_TM_HD0302_GA_REV_B	B	22nd December 2022
002 Site Location Plan	KKS26014_KKS287_TM_HD0302_GA_REV_B	B	22nd December 2022
005 Visual Splay Plan	KKS26014_KKS287_TM_HD0302_GA_REV_B	B	22nd December 2022
215 Proposed Site Plan	KKS26014_KKS287_TM_HD0302_GA_REV_B	B	22nd December 2022
265 Proposed Site Elevation	KKS26014_KKS287_TM_HD0302_GA_REV_B	B	22nd December 2022
ICNIRP Declaration – Supporting Information	-	-	22nd December 2022

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Plan Type	Reference	Web ID	Date Received
Mobile UK Briefing Note: 5G and Health – Supporting Information	-	-	22nd December 2022
GPDO Notice by Dot Surveying – Supporting Information	KKS26014	-	22nd December 2022
Site Specific Supplementary Information – Supporting Information	-	-	22nd December 2022
DCMS MHCLG Collaborating for Digital Connectivity Letter – Supporting Information	-	-	22nd December 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 has, 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 no amendments were sought as the proposals were deemed to be wholly unacceptable upon submission. The applicant was provided with the opportunity to withdraw the application to allow a revised location to be discussed with officers, however they did not seek to choose this route and therefore the prior notification application is recommended for refusal.

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If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue 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://acp.planninginspectorate.gov.uk . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

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.

Yours faithfully

Mathias Franklin
Head of Planning and Development