



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

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

Our Ref: 2023/90198
Date: 16-Mar-2023

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 - APPLICATION NO:2023/N /90198/E
DEVELOPMENT: PRIOR NOTIFICATION FOR PROPOSED 5G TELECOMS
INSTALLATION: H3G 15M STREET POLE AND ADDITIONAL EQUIPMENT
CABINETS WEST PARK ROAD, HEALEY, BATLEY, WF17 7EN**

I refer to your submission of details relating to the above development received by the Council on the 20-Jan-2023.

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

The proposed mast, by reason of its siting, overall height and appearance, would introduce a visually intrusive and incongruous feature within the street scene, appearing out of scale with the surrounding development and failing to respect the open character of the streetscape and wider area. This harm is not outweighed by the benefit of quality telecommunication infrastructure as the applicant has not fully demonstrated the mast and equipment could not be located at a more suitable site within the vicinity of the proposed location. The proposed development would be contrary to policy LP24 of the Kirklees Local Plan and Chapters 10 & 12 of the National Planning Policy Framework.

The proposed location within the grass verge is unlikely to be supported by the Highway Authority by reason of the close proximity to the kerb. Consequently, insufficient detail has been provided to assess the proposals potential impact to the Highway and is therefore contrary policy LP21 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Elevation	kkKS25889_KKS274_TBC_WF0500_GA_REV_A	A	
215 Proposed Site Plan	kkKS25889_KKS274_TBC_WF0500_GA_REV_A	A	
002 Site Location Plan	kkKS25889_KKS274_TBC_WF0500_GA_REV_A	A	
Ionising Statement			
Gov Statement			
Site Specific Supplementary Information			
5G Briefing			

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. Given that the proposal is for a prior notification and issues relate to siting, there were no possible amendments that could have been made to overcome the issues raised whilst remaining within the scope of the application and prior notification procedure.

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.



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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