

Enquiries to: Lucy Taylor

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Date: 25-Apr-2023  
Our Ref: 2023/90682

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
(ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA  
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL,  
BUSINESS AND SERVICE USES TO DWELLINGHOUSES  
APPLICATION NUMBER: 2023/90682  
AT: 21, St John's Road, Huddersfield, HD1 5BW**

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 01-Mar-2023.

**Prior approval of a proposed change of use of a building from commercial, business and service uses to dwellinghouses**

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) precludes any grant of planning permission where the gross floor area of any new dwelling does not exceed 37 sq metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The requirement to meet national space standards was introduced to prior approval applications on 6th April 2021.

The proposal would fail to comply with requirements as set out by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Article 3(9A) by not meeting the required space standards.

Part 2A of Part 3, paragraph W of the Town and Country Planning (General Permitted Development)(England) Order (as amended) states that the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouse. In this instance it is considered inadequate natural light is provided into communal living spaces within flats 3, 5 and 7.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	2837-LOC	-	1.3.23
Existing floor plans	2837-01	-	1.3.23
Proposed elevations	2837-02	-	1.3.23
Proposed floor plans	2837-(100)04B	-	10.3.23
Proposed elevations	2837-(100)03	-	10.3.23

### **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he/she 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 [The Planning Inspectorates Website](#) . Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#).

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.

#### **Customer Feedback**

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](mailto: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