Our Ref: MJT/JMT/1523

19 June 2023

Kirklees MDC.,
Planning Services,
PO Box B93,
Civic Centre III,
Huddersfield,
HD1 2JR.

Dear Sir / Madam,

RE: SECTION 73 APPLICATION TO VARY CONDITION NO.3 ATTACHED TO PLANNING PERMISSION NO 2021/62/94591/E 'ERECTION OF EQUESTRIAN STORAGE BUILDING AND CONVERSION OF EXISTING STORAGE BUILDING TO STABLES'– STOCKSGATE FARM, 20 STATION ROAD, STOCKMOOR, HUDDERSFIELD, HD4 6XN – J MUNNELLY

Please find attached the above-mentioned application which has Planning Portal reference PP-12249525. I confirm that the application fee has been paid via the Planning Portal.

Submitted in support of the application is the following information:

(i) Completed application form;
(ii) This submission letter; and
(ii) Planning Support Statement.

For clarification, this application seeks the variation of condition No.3 attached to the subject planning permission. The condition is framed as follows:

"The development hereby approved should be used by the owners of the adjacent dwelling Stocksgate Farm, 20 Station Road, Stocksmoor, Huddersfield, HD4 6XN and should not be used for commercial purposes or sold or rented separately."

The stated reason for the imposition of the condition as set out in the decision notice is as follows:

"In the interests of highway safety in accordance with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF."

PO Box 788, Wakefield, WF1 9UX
Tel. 01924 366733 Email: mail@townsendplanning.co.uk

The submitted Planning Support Statement, which details the planning history of the site and government policy and guidelines, demonstrates that the condition should be varied for the reasons set out. By reference to the NPPF, PPG and Circular 11/95, it is clear that the condition does not pass the "six tests" set out for conditions as will be fully demonstrated.

It is considered that by reference to the reasons for the imposition of the condition; the highways consultation report; and the officer delegation report, there was no basis to impose the condition and equally no basis to retain the condition in its current form. The Council are invited to vary the wording of the condition as follows:

"The development hereby approved shall be used by the owner/applicant for their private use only and shall not be used for commercial purposes or sold or rented out separately."

This reworded condition will deliver the highway officer's requirement in the interest of highway safety. Such a condition will pass the "six tests".

It is clearly the case that planning permission to vary the condition should be approved. There was no justifiable basis in planning or highway terms to impose the condition in the first instance nor to now retain the subject condition in its original form. The applicant is happy to discuss the exact rewording of any new proposed condition if the above wording is not acceptable to the Council.

Should the Council require any further information or wish to discuss the matter in more detail, please do not hesitate to contact me. In any event, I would be grateful if you would contact me prior to drafting up your recommendation for determination.

Yours faithfully,

Michael Townsend BA (Hons) MRTPI
Chartered Town Planner

Encs