



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/60/92215/E

To: Mannan Iqbal,
Unite Designs
6a, Greenhead Road
Huddersfield
HD1 4EN

For: J Arnold

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

At: OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT
LAND OFF, WOODSIDE LANE, FIXBY, HUDDERSFIELD, HD2 2HA

In accordance with the plan(s) and applications submitted to the Council on 21-Aug-2023. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed scale, appearance and access arrangements of the development, by virtue of the limited width of the plot in comparison to the spatial and verdant character of the surroundings, would appear as a cramped and incongruous visual intrusion, detrimental to the visual amenities and overall character and appearance of the area. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore considered contrary to Policies LP02 and LP24a of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The development is within and well connected to significant wildlife habitats identified within the Kirklees Wildlife Habitat Network and within an area where bats roost and forage. The development has the potential to affect protected habitats and species. Notwithstanding the submission of the 'Preliminary Ecological Appraisal Report. JCA Ref: 19574/AD. Dated 21/11/22', it has not been sufficiently demonstrated that the development would protect, support, contribution or enhance biodiversity as required by Principle 9 of the Housebuilders Design Guide SPD, Policies LP24h), LP30 and LP31 of the Kirklees Local Plan, and Chapter 15 of the National Planning Policy Framework. Therefore, the proposals are not supported.

3. The development site is proximate to large, mature and significant amenity trees protected under Trees Preservation Order (ref: 01/75/g1) and nearby to irreplaceable ancient woodland (Upper Fell Greave) contributing significantly to the character and appearance of the area. In the absence of the submission of an Arboricultural Impact Assessment, it has not been demonstrated that the proposal would avoid direct or indirect impact on these trees' long term viability. The development would be contrary to Policies LP24h) and (i), LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Location, Block, Floor and Layout Plan.	Drawing No. UD-488-01.	Amended.	05/03/2024
Proposed Front and Rear Elevation with Streetscene Plans.	Drawing No. UD-488-03.	Amended.	05/03/2024
Proposed Side Elevation and Streetscene Plans.	Drawing No. UD-488-02.	Amended.	05/03/2024
Phase I Desktop Study and Preliminary Risk Assessment Report	Phase I Desktop Study and Preliminary Risk Assessment Report by Geoenviro Solutions Ltd. Ref: 2825-22 PI. Dated: November 2022.	Version 1.	31/07/2023
Preliminary Ecological Appraisal Report	Preliminary Ecological Appraisal Report. JCA Ref: 19574/AD. Dated: 21/11/22	Amended	28/03/2024
Design and Access Statement.	-	Original	24/07/2023
Climate Change Statement	-	-	24/07/2023

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 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. The case officer considered the application on review and notified that the original proposal would be unlikely to be supported. A modified proposal was received following Officer reiteration of the pre application advice. Further submission included an updated PEA assessment with correct plans for the Ecology Officer to review for their response. The proposal was assessed on the resubmitted plans and determined as such.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

**Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority**

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- 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 Inspectorate website](#)
Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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.

Dated: 31-May-2024

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/60/92215/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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