

Enquiries to: Laura Yeadon

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Date: 10-Nov-2023

Our Ref: 2023/92836

Dear Madam

**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: 2023/92836  
AT: 1st & 2nd floors, 9-13, Market Walk, Huddersfield, HD1 2QA**

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 22-Sep-2023.

**Prior approval of a proposed change of use of a building from commercial, business and service use 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(9)A of the Town and Country Planning (General Permitted Development) (England) Order (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 standards issued by the Department of Communities and Local Government on 27th March 2015. The requirement to meet the national space standards was introduced to prior approval applications on 6th April 2021.

Apartment 1 is proposed to be a one bedroom first floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 30.7 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.



Apartment 2 is proposed to be a one bedroom first floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 34.6 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Apartment 3 is proposed to be a one bedroom second floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 33.6 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Apartment 4 is proposed to be a one bedroom second floor flat. The Technical Housing Standards document states that a one-bedroom flat for one person (minimum assessed) one storey should be at least 37 or 39 square metres dependant on whether the bathroom has a shower. In this instance, the internal accommodation is proposed to approximately 41.3 square metres which would not accord with the recommended space standards. However, the bedroom is shown to sleep two persons which requires 50 square metres of space, thus contrary to space standards.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan			22 <sup>nd</sup> September 2023
Proposed ground floor plan	A(BR)-04 – Rev: C		22 <sup>nd</sup> September 2023
Proposed first floor plan	A(BR)-05 – Rev: D		22 <sup>nd</sup> September 2023
Proposed second floor plan	A(BR) -06 – Rev: D		22 <sup>nd</sup> September 2023
Bin storage plan	A(PL)-07		13 <sup>th</sup> October 2023



### **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](http://The Planning Inspectorates Website). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](http://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