



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/92875/E

To: Candy Day,
Orion Homes Ltd
5, Benton Office Park
Horbury
Wakefield
WF4 5RA

For: Candy Day, Orion Homes Ltd

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

**VARIATION OF CONDITION 2 (APPROVED PLAN AND DOCUMENT
SCHEDULE) ON PREVIOUS PERMISSION 2020/92802 FOR ERECTION OF 10
DWELLINGS WITH ASSOCIATED INFRASTRUCTURE**

At: LAND AT, WHITEHALL ROAD WEST, BIRKENSHAW, BD11 2LS

**In accordance with the plan(s) and applications submitted to the Council on 26-
Sep-2023 [together with those plans and application(s) submitted to the Council
on [01-Oct-2020 and incorporated into planning permission 2020/92802 granted
on 05-Sep-2022] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun no later than 04-Sep-2025.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed 2.4m x 46m visibility splays as shown on approved plan number DPL SK020 and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure highway visibility and thus, safety, is available to vehicles that enter and egress from the site.

4. The natural stone boundary wall fronting Whitehall Rd West shall be retained in its entirety, other than the section removed to widen the access point, following its re-siting to accommodate the visibility splay. The wall will be constructed in its new position, from matching natural stone, prior to the occupation of 70% of the residential dwellinghouses hereby approved.

Reason: To maintain the quality of the streetscene in accordance with LP24 of the Kirklees Local Plan.

5. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development in accordance with LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure highway safety within the site.

6. Prior to the commencement of the development, a detailed scheme for the provision of a right turn lane from Whitehall Road West (including re-siting the existing pedestrian island with Whitehall Road West) into the site with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to ensure the flow of the highway network in accordance with LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure the safe operation of the highway network.

7. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with LP22 of the Kirklees Local Plan.

8. Prior to the commencement of development, a sample of the proposed external materials and a visual 3D render of the scheme design from a street-view perspective shall be submitted to, and approved in writing by, the Local Planning Authority. The approved materials shall be installed in accordance with the approved elevation plans.

Reason: For the purpose of ensuring the material appearance of the scheme is of a sufficient quality to meet the criteria of LP24 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that the scheme is developed with appropriate facing materials that will not harm the appearance of the local area.

9. The windows of the dwellinghouses hereby approved, shall be installed at a minimum void depth of 50mm or greater when measured from the external face of the elevation it is situated within.

Reason: For the purpose of ensuring the external appearance of the scheme is of a sufficient quality to meet the criteria of LP24 of the Kirklees Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of future and existing residents of the site and its surroundings in accordance with the principles set out within LP24 of the Kirklees Local Plan.

11. The first floor side window(s) within the side elevations of the dwellings on Plots 1 and 2 shall be fitted with obscure-glazing in perpetuity and shall not be replaced or altered without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of future and existing residents of the site and its surroundings in accordance with the principles set out within LP24 of the Kirklees Local Plan.

12. Prior to the occupation of any of the dwellinghouses hereby approved, a comprehensive schedule of hard and soft landscaping and a maintenance plan shall be submitted to and approved in writing by, the Local Planning Authority. The schedule and maintenance plan will specify the following details:

- Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species and placement of street trees for each plot within the site and for street trees across the site's frontage with Whitehall Road West;
- Any phasing of the works;
- Persons responsible for implementing the works;
- Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years;
- This should also include any existing trees and vegetation retained on site;
- Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion;

The landscaping shall thereafter be planted/installed and completed in accordance with the approved schedule prior to the occupation of no more than 70% of the residential dwellinghouses within the redline boundary of the permission. The landscaping shall be managed in accordance with the approved schedule following completion.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

13. No development shall take place until an ecological enhancement plan informed by page 22 of the Preliminary Ecological Appraisal (ER-4847-01B) has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide the measures, specifications and locations of the enhancements to be installed on site and no more than 70% of the dwellinghouses will be occupied prior to the approved enhancements installation.

Reason: To aid the biodiversity of the area in accordance with the requirements of LP24 and LP30 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that biodiversity enhancements are built into the scheme.

14. No development shall commence until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This pre-commencement condition is necessary in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and LP53 of the Kirklees Local Plan.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: In the interest of satisfactory and sustainable drainage as required by the principles set out within LP28 of the Kirklees Local Plan.

16. The development shall only be carried out in accordance with the approved Drainage Impact Statement and Surface Water Strategy, produced by Brian G Hall, dated June 2021. Changes to the strategy should be submitted to the Local Planning Authority for consideration and approval in writing, as should final detail design of drainage infrastructure, including plans and cross sections of attenuation design, flow control ancillaries, drainage plans and longitudinal sections, and storm simulation models. The scheme shall also include a management and maintenance plan for diverted highway drainage and new drainage infrastructure. No property shall be occupied until the scheme is fully implemented and shall be retained thereafter.

Reason: In the interest of satisfactory and sustainable drainage as required by the principles set out within LP28 of the Kirklees Local Plan.

17. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage as required by the principles set out within LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to minimise the risk of flooding of adjacent land.

18. Where any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

19. Before construction work commences, a further noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels

of no more than 50dB LAeq,16hour to be achieved at these plots. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: To ensure the amenity of future residents in accordance with the principles set out within LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any construction works being erected which could otherwise prevent satisfactory noise attenuation being installed.

20. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the site's land is suitably remediated to allow for a residential use.

21. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 20, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that the site's land is suitably remediated to allow for a residential use.

22. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to details required under condition 21, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

23. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 22. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

24. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

25. Prior to commencement of development a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented before the development comes into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP51 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that the impact of poor air quality is reduced to an acceptable level for the protection of the health of future occupants.

26. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output –

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

27. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling –

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site. The agreed plan shall be adhered to throughout the construction of the development.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version
Location Plan	0839 – EA – A – P00	A
Proposed Site Layout	P001	C
Boundary Detail 1800mm High Walling with Infill Fence Panels	0839 – EA – A – P603	-
Grouped plans and elevations Gosford OP		A
Grouped plans and elevations Gosford AS		A
Grouped plans and elevations Bamburgh OP		A
Grouped plans and elevations Gosford AS		A
Grouped plans and elevations Cheltenham AS		A

Grouped plans and elevations Preston AS		-
Grouped plans and elevations Preston OP		-
Site Layout Showing Management Areas & Discount Market Units	0839 – EA – A – P004	-
Drainage Impact Statement and Surface Water Strategy. June 2021. – Bryan G Hall Consulting Engineers	20-245-IE-004	-
Noise Impact Assessment – RA3 Ltd - BWB – April 2021	MCA2163	-
Development Planning Ltd. Transport Statement (Parts 1 and 2). – July 2020	2020192-001	A
Highway Layout – David Sagstad Highways Consultant. (21/01/21)	DPL SK020	-
Forward Visibility Splay – David Sagstad Highways Consultant. (21/01/21)	DPL SK023	-
Swept Path Analysis Refuse Vehicle (Enter). David Sagstad Highways Consultant. (13/01/22)	DPL SK030	-
Swept Path Analysis Refuse Vehicle (Egress). David Sagstad Highways Consultant. (13/01/22)	DPL SK031	-
Arboricultural Impact Assessment – Ian Tavendale. – (21/08/21)	-	2
Preliminary Ecological Appraisal. Brooks Ecological. (30/07/20)	ER-4847-01B.	-
Biodiversity Calculation Statement – Envirotech – (11/03/21)	AWG/7041	-

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 did not request amended or additional plans as these were not considered necessary.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 or to grant it subject to conditions, 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 <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- 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.
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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: 05-Jul-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 Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/92875/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
