

## **Planning Application Decision Notice**

**To:** Dan Heneghan,  
Heneghan Architecture  
20, Huntsman's Close  
Beaumont Park  
Huddersfield HD4 7BR

**For:** MR & MRS SIMPSON

### **Town and Country Planning Act 1990**

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

### **REFUSAL OF PERMISSION FOR DEVELOPMENT**

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**Application Number: 2023/62/92946/W**

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**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:-**

DEMOLITION OF EXISTING GARAGE, ERECTION OF SINGLE AND TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS AND ALTERATIONS TO EXISTING ROOF (MODIFIED PROPOSAL)

**At:** 70, KAYE LANE, ALMONDBURY, HUDDERSFIELD, HD5 8XU

**In accordance with the plan(s) and applications submitted to the Council on 05-Oct-2023, except as amended or specified, details of which can be found in the table below. The reasons for the Council's decision to refuse permission for the development are:**

1. The cumulative impact of the proposed extensions would result in disproportionate additions to the original dwelling which constitutes inappropriate development in the Green Belt. Further harm would accrue to the spatial and visual openness of the Green Belt by the quantum of development being closer to the highway and closer to the rear boundary which is currently open. There are no very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and Policies in Chapter 13 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor and Location Plans.	Drawing no. 22144-0101-P02.	P02	05/10/2023
Proposed Floor and Block Plans.	Drawing no. 22144-0301-P01.	P01	09/10/2023
Existing Elevation Plans.	Drawing no. 22144-0102-P03.	P03	05/10/2023
Proposed Elevation Plans.	Drawing no. 22144-0302-P01.	P01	05/10/2023
Climate Change Statement	-	Original	06/10/2023
Supporting Cover Letter.	Ref: 22144. Date: 19th September 2023	Original	05/10/2023
Planning Statement	Planning Statement by Robert Halstead Chartered Surveyors & Town Planners. Dated: October 2023.	Original	05/10/2023

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 proposal was a resubmission of a previous application on the site. This current proposal was assessed to have a greater impact on the Green Belt to the previous application without any additional Very Special Circumstances identified to justify the harm to the openness of the Green Belt. A requested amended proposed floor plan was supplied for accuracy. Officers considered that the proposal could not be supported based on the information and plans supplied and assessed the proposal on its own merits. The agent was notified of this.

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

## Site Notice

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local 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.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.
- 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) 12 weeks of the date of this notice,which ever period expires earliest.
- 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](#).
- 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.
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- 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.

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.

**Dated:** 23-Nov-2023

**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 Council Planning](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/62/92946/W.

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

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

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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