IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Kirklees Council, 2nd Floor, Civic Centre III, Huddersfield HD1 2TG – hereinafter referred to as 'the Council'

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A (1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the adopted Kirklees Local Plan dated 27th February 2019 (`the Development Plan') and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

15, Clara Street, Fartown, Huddersfield, HD1 6EN.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission, an extension forward of the principal elevation.

4. REASONS FOR ISSUING THIS NOTICE

A retrospective planning application was submitted to the Council for the matters listed in paragraph 3 under reference 2023/90778. This application was refused on the 6th of July with the following reasoning:

"1. As a result of the design, scale, prominence within the street and materials of construction, the development has a harmful visual impact upon the host property and the character of the wider locality. It introduces a development to the front which does not harmonise with the visual amenity of the host property or wider street scene, contrary to contrary to Policy LP24 (a and c) of the Kirklees Local Plan, principles 1, 2 and paragraph 5.13 of the Council's House Extensions and Alterations SPD and Policies within Chapter 12 of the National Planning Policy Framework.

2. As a result of its scale, siting and glazed design the development leads to an unacceptable level of overlooking of neighbouring residential properties contrary to principles 3 and 4 of the Council's adopted House Extensions and Alterations SPD, Policy LP24b of the Kirklees Local Plan and paragraph 130 of the National Planning Policy Framework."

The extension forward of the principal elevation and associated alterations constitutes development under Section 55 of the Town and Country Planning Act (as amended) and constitutes a breach of planning control.

It appears to the Council that the development has occurred within the 4 years.

As per the above, the development is contrary to the following Local Planning Policy:

LP24 – Design.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

a) Demolish and remove the extension including timber platform and handrails.
b) Remove any materials/debris resulting from step (a) above.

6. TIME FOR COMPLIANCE

1) To complete steps 5 (a) and (b) above – 90 days after the notice takes effect.

Total time for compliance – 90 days after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **01 November 2023**, unless an appeal is made against it beforehand.

Dated: 20 September 2023

Signed by

Redacted

Julie Muscroft
Service Director – Legal, Governance & Commissioning
on behalf of:
Kirklees Council
Legal Services
PO Box 1720
Huddersfield
HD1 9EL

Plan: