



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2023/70/93455/W**

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**To:** Andrew Chetwynd,  
Chetwynd Architects Ltd  
305, Springvale Road  
Crookesmoor  
Sheffield  
S10 1LL

**For:** P Hargreaves

**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 CONDITIONS 2 (PLANS AND SPECIFICATIONS), 4  
(WALLS/FENCES), 5 (FENCE), 19 (LIGHTING) AND 20 (WASTE  
COLLECTION) OF PREVIOUS PERMISSION 2015/92227 FOR ERECTION OF  
19 SINGLE STOREY DWELLINGS INCLUDING DEVELOPMENT OF  
ASSOCIATED ACCESS AND HARD AND SOFT LANDSCAPING**

**At:** LAND TO REAR OF, ROW STREET, CROSLAND MOOR, HUDDERSFIELD,  
HD4 5AY

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**In accordance with the plan(s) and applications submitted to the Council on 04-  
Dec-2023 [together with those plans and application(s) submitted to the Council  
on 08-Feb-2017 and incorporated into planning permission ref no.  
2015/62/92227/W granted on 09-Feb-2017] and subject to the condition(s)  
specified hereunder:-**

1. [Condition no longer required].

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21 and LP24 of the Kirklees Local Plan and guidance contained in the National Planning Policy Framework.

3. The development shall be constructed from Calder buff artstone and Marley Modern (Anthracite) tiles to the roof. The development shall be completed in the approved materials and retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. The boundary treatment hereby approved on plan reference 2138\_02K shall be installed before any of the dwellings are first occupied and shall thereafter be retained.

**Reason:** In the interests of visual amenity and to safeguard the amenity of occupiers of neighbouring residential properties, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

5. Prior to the installation of a trespass proof fence along the boundary adjacent to the railway for plot 1, details of its design and the provisions for its maintenance and renewal shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be installed with the approved details and retained thereafter.

**Reason:** In the interests of the safety, operational needs and integrity of the adjacent railway and to accord with the aims of the National Planning Policy Framework.

6. The development shall be carried out in accordance with the details approved pursuant to condition 6 on 02/01/2020 under application ref: 2019/93651 in relation to the layout, construction and specification of the highways works at the site access junction with Row Street, before the development is first brought into use. The approved scheme shall thereafter be retained.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. The development shall be carried out throughout the full period of construction in accordance with the details approved pursuant to condition 7 on 21/01/2020 under application ref: 2019/92793 in relation to the Construction Traffic Management Plan.

**Reason:** In the interests of the safe and free use of the highway and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Department for Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or superseded, and retained thereafter.

**Reason:** In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. The development shall be carried out in accordance with the details approved pursuant to condition 9 on 02/01/2020 under application ref: 2019/93651 in relation to the proposed estate road, before any building is first brought into use and shall be retained thereafter.

**Reason:** In the interests of the safe and free use of the highway and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. [Condition no longer required].

11. [Condition no longer required].

12. [Condition no longer required].

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy (Remediation Method Statement Ref BEK18359-3) approved pursuant to condition 12 on the 22/08/2019 under application ref 2019/92171. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, 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:** In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

**Reason:** In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

15. The development shall be constructed in accordance with Overland Flood Route Location Plan ref C614-101-P03 to include flood routing from blockages and exceedance events in the road network, finished floor levels set at 150mm above driveway levels adjacent to the property, and no driveways sloping towards property.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental wellbeing and to accord with Policies LP21, LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

16. The development shall be carried out in accordance with the details approved pursuant to condition 16 on 21/01/2020 under application ref: 2019/92171 in relation to surface water drainage. None of the dwellings shall be first occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental wellbeing and to accord with LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

17. Prior to the first occupation of any of the dwellings hereby approved, details of how the drainage system will be maintained and renewed until such time as it is adopted by a statutory body shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details and be maintained.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental wellbeing and to accord with Policies LP21, LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

18. The development shall be carried out in accordance with the Biodiversity Mitigation and Enhancement Plan (rev B).

**Reason:** In the interests of promoting biodiversity interest within and beyond the site and in accordance with Chapter 15 of the National Planning Policy Framework.

19. Prior to the installation of any future external lighting, a scheme to include details of its location, design and luminance levels shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and retained thereafter.

**Reason:** In the interests of the safety, operational needs and integrity of the adjacent railway and to accord with the aims of the National Planning Policy Framework.

20. The development shall be carried out in accordance with the waste storage and collection details outlined on the hereby approved site layout plan (reference 2138\_02K) and retained free of obstructions.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

21. The development shall be carried out in accordance with the Landscape Masterplan (reference RCM02 rev F) and Planting Plan (reference RMC03 rev E).

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with chapter 11 of the National Planning Policy Framework.

22. The development shall be carried out in accordance with the approved schedule and timeframes set out within the Biodiversity Mitigation and Enhancement Plan and Long-Term Landscape Management and Maintenance Plan (rev B) for the maintenance of the informal open space. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

**Reason:** To secure appropriate maintenance of the landscaped areas and to accord with Policy LP32 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

23. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes B or C of Part 1 of Schedule 2 to that Order shall be carried out.

**Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and / or an overbearing impact and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

24. The development shall be carried out in accordance with the approved Biodiversity Mitigation and Enhancement Plan and Long Term Landscape Management and Maintenance Plan (rev B) for the long term maintenance of the area of informal open space. The area of informal open space shall thereafter be maintained in accordance with the approved plan.

**Reason:** To ensure the long term maintenance of the area of informal open space to serve the development and to accord with Policy LP32 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

25. Prior to the occupation of plot 2, details of the provisions for the future maintenance and renewal of the 2m close boarded fence, to the southwestern (rear) boundary, adjacent to the boundary with the railway, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

**Reason:** In the interests of the safety, operational needs and integrity of the adjacent railway and to accord with the aims of the National Planning Policy Framework.

#### **NOTE: Advice from Network Rail**

##### Rail Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

##### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

##### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### Vibro-impact

**Machinery** Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. Particularly plot 2 on the plans provided looks to be proposed within this distance from the railway boundary.

### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

### Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Access over the adjacent footbridge should remain unobstructed at all times both during and after construction. Network Rail is required to recover all reasonable costs associated with facilitating these works.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours Saturdays, with no working Sundays or Public Holidays. In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:

| Plan Type                                                                                            | Reference           | Version | Date Received |
|------------------------------------------------------------------------------------------------------|---------------------|---------|---------------|
| Biodiversity Mitigation and Enhancement Plan and Long Term Landscape Management and Maintenance Plan | Dated December 2023 | rev B   | 13/02/2024    |
| Landscape masterplan                                                                                 | RCM02               | rev F   | 17/07/2024    |
| Planting plan                                                                                        | RCM03               | rev E   | 17/07/2024    |
| Proposed site layout plan                                                                            | 2138_02K            | -       | 19/09/2024    |
| <b>Received via Variation of Condition application 2023/91259</b>                                    |                     |         |               |
| Proposed house type                                                                                  | 2138_11E            | -       | 04/07/2023    |

|                                                                                                                                                                                             |                                                                  |   |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|---|------------|
| 01                                                                                                                                                                                          |                                                                  |   |            |
| Proposed house type 02                                                                                                                                                                      | 2138_12B                                                         | - | 04/07/2023 |
| Proposed house type 02A                                                                                                                                                                     | 2138_13B                                                         | - | 04/07/2023 |
| Proposed house type 03                                                                                                                                                                      | 2138_14B                                                         | - | 04/07/2023 |
| Wall samples - Calder Buff Artstone                                                                                                                                                         | -                                                                | - | 04/07/2023 |
| Design and Access statement                                                                                                                                                                 | By Chetwynd Architects – dated 16/05/2023                        | - | 16/05/2023 |
| Roof sample – Marley Modern                                                                                                                                                                 | -                                                                | - | 27/04/2023 |
| Anthracite Double Glazed Window Unit sample                                                                                                                                                 | -                                                                | - | 27/04/2023 |
| Various drawings and documents submitted pursuant to conditions 6 and 9 of planning permission ref: 2015/92227 and approved on 28/01/2020 under application ref: 2019/93651                 | See decision letter – dated 28/01/2020                           | - | Various    |
| Various drawings and documents submitted pursuant to conditions 7 and 21 of planning permission ref: 2015/92227 and approved on 21/01/2020 and 17/10/2019 under application ref: 2019/92793 | See decision notices dated 21/01/2020 and 17/10/2019             | - | Various    |
| Various drawings and documents submitted pursuant to conditions 10, 11, 12, 16 and 18 on planning permission ref: 2015/92227 and approved on 22/08/2019, 25/10/2019 and                     | See decision notices dated 22/08/2019, 25/10/2019 and 21/01/2020 | - | Various    |

|                                                  |                 |     |            |
|--------------------------------------------------|-----------------|-----|------------|
| 21/01/2020 under application ref: 2019/92171     |                 |     |            |
| Original planning permission: 2015/92227         |                 |     |            |
| Location Plan                                    | 1598-001        | -   | 28/07/2015 |
| Swept path Analysis                              | 103             | P03 | 10/11/2015 |
| Ecological Appraisal                             | -               | B   | 20/01/2016 |
| Phase I Habitat Survey Plan                      | RCM 01          | A   | 20/01/2016 |
| Bat Survey                                       | -               | -   | 17/12/2015 |
| Overland Flood Route Location Plan               | 101             | P03 | 10/11/2015 |
| External Works Drainage General Arrangement Plan | 100             | P03 | 10/11/2015 |
| Proposed SUDS Strategic GA Plan                  | 102             | P03 | 10/11/2015 |
| Phase 1 Contaminated Land Report                 | 905A/March 2005 | -   | 28/07/2015 |
| Phase II Contaminated Land Report                | 1004/July 2005  | -   | 28/07/2015 |

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 Planning 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. In this instance, amended plans have been sought to ensure that the application site red line boundary does not differ under this current Section 73 application. A revised site plan, landscape and planting plan were also sought.

#### **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)

### **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 speeder 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.

**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.**

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.

- 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 04-Oct-2024

**Signed:**



**David Shepherd**  
Executive Director for Place

## 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/93455/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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