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Matthias Franklin
Head of Development Control
Planning & Regeneration
Kirklees Metropolitan Borough Council
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8th January 2024

Our ref: TP/LNE/2024-002

Dear Matthias,

Application for planning consent for removal of part of a wall adjacent to a highway in a conservation area, Reddisher Road, Marsden

Please find enclosed the requisite plans and details seeking permission for the removal of a small portion of wall opposite Reddisher Farm, Reddisher Road, Marsden.

The purpose of the work is to facilitate the installation of a Distribution Network Operator (DNO) cabinet and access stairway on Network Rail land on the cutting slope above the Huddersfield to Manchester railway. This will allow for foot access by the DNO supplier as required without being in a position of danger either from the road or from the railway. The works form part of the wider Trans-Pennine upgrade in terms of improvements to the electricity supply for railway operations.

The installation of the DNO supply is “permitted development”, falling under Part 8a to Schedule 2 of the Town & Country Planning (General Permitted Development) order 2015, being works on operational railway land and in association with the movement of traffic by rail as prescribed within the Order. However, the creation of the physical access onto Reddisher Road itself involves the demolition of a small portion of wall over 1 metre high within a conservation area, for which planning permission is required.

Consent is therefore sought for the breaking out of a small section of stone wall for a distance of approx. 800mm. It is not intended to provide a gate or any other means of enclosure for this gap in the wall.

The relevant policy under which the application should be judged is Local Plan policy LP35:

Historic environment

1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
- b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
- c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;
- d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;
- e. accommodate innovative design where this does not prejudice the significance of heritage assets;
- f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted

In this context removal of a small portion of wall will cause less than substantial harm to the character of the conservation area, given its very small scale, and that other such access points (albeit wider) are to be found further along Reddish Road.

There is no character appraisal for the Tunnel End Conservation Area; although stone walls predominate a common feature is the number of physical access points created in them. It is considered that this small incursion into the wall along the south side of Reddish Road will not significantly disturb its presence or continuity as a means of enclosure along the road, nor detract from its significance as a boundary. This is particularly the case given its position just beyond the apex of a bend meaning it would not be discernible to longer distance views.

Please find enclosed the following plans:

Location plan (1:1250)

Drawing 151667-TSA-W2B-MVL3-DRG-C-CV-020313 (Revision 1): Proposed General Arrangement (n.b. sheet 3 only concerns the gap in the wall)

Drawing 151667-TSA-W2B-MVL3-DRG-C-CV-020311 Revision 2): Block Plan and Section of DNO and cable route, for information only

Photograph of location of proposed gap

The planning portal has indicated that no fee is payable for this type of application.

Please let me know if you require any further information. I look forward in due course to receiving an acknowledgement that the application has been deemed valid.

Yours Sincerely,

Tony Rivero
Town Planning Manager LNE