

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2024/61/90058/W

Site Address: Penistone Road/, Rowley Lane, Fenay Bridge,
Huddersfield, HD8 0JS

Description: Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment)

Recommending Officer: Nick Hirst

DECISION - Section 97 via Section 99 – Approval

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Mathias Franklin

AUTHORISED OFFICER

Date: 02-Apr-2026

Application: 2024/61/90058/W

Site: Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

Proposal: Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment)

Report Pursuant to S97 of the Town and Country Planning Act 1990 (as modified)

Overview

Planning permission 2024/90058, for the above identified proposal, was approved 12/06/2025. The decision notice included 16 conditions, of which condition 7 read:

7. Prior to works above foundation level commencing, notwithstanding the submitted information, a Noise Impact Assessment report shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment demonstrate how each dwelling hereby approved shall adhere to BS8233 regarding sound insulation and noise reduction. The report shall:

a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open (35dB daytime / 30dB nighttime) and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including (but not necessarily limited to) the potential use of acoustic barriers an alternative ventilation scheme, where required.

b) 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 additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: *In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

The above wording is an early draft of the condition that does not reflect the final version of the condition agreed between officers, the applicant, and an

involved third party (Reliance Precision, an adjacent business). The agreed wording was as follows:

7. Prior to works above foundation level commencing, notwithstanding the submitted information, a Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall demonstrate how each dwelling hereby approved shall adhere to the indoor ambient noise levels for dwellings set out in Table 4 of BS8233:2014 regarding sound insulation and noise reduction, having regard to the theoretical potential maximum operational impacts of local businesses. The NIA shall:

a) Clearly assess and demonstrate which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open (such levels are defined as 35dB LAeq,1hour in living rooms and bedrooms (between 0700 and 2300 hours); 40dB LAeq,1hour in dining rooms (between 0700 and 2300 hours); 30dB LAeq,15min and 45dB LMax,F in bedrooms (between 2300 and 0700 hours)). For any rooms where the defined satisfactory indoor sound levels are not achieved, the NIA must provide a detailed specification of the noise mitigation measures that are necessary on the application site to be installed and retained thereafter to achieve the defined satisfactory indoor sound levels. This may include (but is not necessarily limited to) (i) suitable acoustically specified glazing; (ii) sealed windows with appropriate ventilation provisions (mechanical or purge) to avoid overheating; and/or (iii) the potential use of a suitably designed acoustic barrier(s) installed at a position and height to be agreed with the Local Planning Authority; to meet the defined sound levels;

b) Clearly assess and demonstrate which external amenity areas at which plots will have sound levels that exceed 50dB LAeq,1hour (between 0700 and 2300). For any external amenity areas which fail to achieve this defined sound level, the NIA must provide a detailed specification for the additional noise mitigation measures that are required to be installed and retained on the application site thereafter, so that the external amenity noise levels at these plots does not exceed the specified sound level limit;

c) Set out a scheme to notify the future residents of the application site of (i) the relevant defined noise limits, and (ii) the need to maintain, replace or replicate the specified and approved noise mitigation on their property (windows, ventilation systems and any barriers) to the same specification provided, in perpetuity.

All mitigation works which form part of the approved NIA shall be completed prior to the first occupation of the approved development and maintained and retained in perpetuity thereafter.

For the avoidance of doubt, and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including any subsequent or replacement legislation providing the same rights to residents; Permitted Development rights which alter or remove the specified and approved mitigation measures set out in the approved NIA are hereby removed. Any works to alter or remove the specified and approved noise mitigation shall not be undertaken without express planning consent from the Local Planning Authority. Any such approval shall include replacement mitigation measures with equivalent attenuation benefits being installed, unless it can be demonstrated that this is not required with reference to the potential future sound levels referenced in Blue Tree Acoustics Report "Indicative Sound Assessment Report" document ref.03780-730102 dated 11 December 2024.

Reason: *In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan*

The final agreed version of the condition imposed additional requirements regarding noise mitigation, given concerns retaliating to noise generation from the adjacent factory of Reliance Precision. The additional requirements sought to ensure appropriate noise mitigation was provided on site, in the interest of amenity of future occupiers and protecting the operation of the existing business. This was considered reasonable and necessary, to comply with Policies LP1, LP3, LP24, and LP52 of the Kirklees Local Plan and Chapters 5 and 6 of the National Planning Framework.

The imposition of the early draft condition wording, as opposed to the final agreed version, was a clerical error of the Local Planning Authority.

Section 97 of the Town and Country Planning Act 1990

Officers propose to rectify the situation using Section 97 of the Town and Country Planning Act 1990, which allows for the revocation and modification of planning permissions, '*to such extent as they consider expedient*'. For the avoidance of doubt, a modification (specific to condition 7) is proposed, not a revocation.

Per S97(3), The power conferred by this section may be exercised (in the case of planning permission that) relates to the carrying out of building or other operations, at any time before those operations have been completed. Per S97(4), The revocation or modification of planning permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out. Officers confirm compliance with each of these.

S98 and S99 outline two different processes for implementing the S97(1) power. These are:

- S98: Procedure for s. 97 orders: opposed cases.
- S99: Procedure for s. 97 orders: unopposed cases.

S98 is where an occupier or interested party opposes the modification only and requires that the LPA submit the proposed order to the Secretary of State for confirmation.

Per S99(1), S99 is applicable where:

- (a) the local planning authority have made an order under section 97; and*
- (b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.*

Officers have notified the following parties in writing of the proposed amendment and use of S97, and received their confirmation that they do not oppose the proposed modification:

- The applicant, Homes by Honey, confirmation email dated 20/01/2026.
- The adjacent business, Reliance Precision, confirmation email dated 21/01/2026.
- The intervening land owner¹, Farnley Estates, confirmation email dated 25/02/2026.

Officers are of the opinion no other person would be affected by the order. The reason for this is the specific nature of the amendment sought, relating to condition 7 only and noise mitigation measures. This change would not affect or prejudice nearby residents nor consultees involved at application stage.

Accordingly, S99 may be utilised over S98.

Sections S99(2), S99(3), S99(4) S99(5), S99(6) and S99(7) details the requires steps to take to utilise S99, stating:

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—

(a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and

¹ Own the underdeveloped land between the application boundary and the boundary of the adjacent Reliance Precision.

(b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.

(7) If—

(a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and

(b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,

the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 98(1).

The prescribed manner of advertisement and notification is detailed within R17 (Advertisement and notice of unopposed order revoking or modifying planning permission) of The Town and Country Planning General Regulations 1992. This sets out:

(1) A local planning authority shall advertise the fact that an order has been made to which section 99(2) of the 1990 Act applies by publishing an advertisement in the form set out in Part 1 of Schedule 3 to these Regulations or a form substantially to the like effect in a newspaper circulating in the locality.

(2) The notice a local planning authority is required to serve under section 99(3) of the 1990 Act shall be in the form contained in Part 2 of Schedule 3 to these Regulations or a form substantially to the like effect.

A newspaper article, pursuant to S99(2)(a), written in accordance with the prescribed details, is scheduled to be published 10/04/2026 in a local paper. Notice pursuant to S99(3), to the effected persons identified in S99(1)(b), shall also be issued by this date.

Per S99(4), the publicity period would therefore end 08/05/2026. Per S99(5), the order would take effect 22/05/2026. This is on the assumption that the Secretary of State, per S99(2)(b) and S99(7), does not give notice to the LPA that S98 should be utilised. In such a case, the order would not take effect and the LPA would need to proceed under S98.

For completeness, S99(8) reads:

(8) This section does not apply—

(a) to an order revoking or modifying a planning permission [or permission in principle] granted or deemed to have been granted by the Secretary of State [or the Welsh Ministers] under this Part or Part VII [or by the Secretary of State under Part 13], or
(b) to an order modifying any conditions to which a planning permission is subject by virtue of section 91 or 92.

Neither is applicable to this proposal.

Summary and recommendation

It is considered reasonable to utilise S97 of the TCPA1990 to modify 2024/90058, to correct a clerical error made by the Local Planning Authority (LPA).

Those parties considered by the LPA to be affected by the proposed amendment have confirmed, in writing, no objection to utilising S99 (Procedure for s.97 orders: unopposed cases).

The wording of the order follows this officer report although it would not take effect until the relevant timeframes have been met (22/05/2026), or if the Secretary of State directs that the order should be submitted to him for confirmation.

Advertisement is scheduled to comply with S97(2) to notify that the order has been made, subject to authorisation.

Recommendation: Make order under S97 and S99, with order to take effect on 22/05/2026, subject to publicity period and potential Secretary of State directs that the order should be submitted to him for confirmation.

Report Dated: 30/03/2026

Proposed order wording follows:

ORDER REVOKING OR MODIFYING PLANNING PERMISSION

KIRKLEES COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 97

KIRKLEES COUNCIL (MODIFICATION OF PLANNING PERMISSION
2024/90058 – LAND AT PENISTONE ROAD / ROWLEY LANE, FENAY
BRIDGE, HUDDERSFIELD, HD8 0JS ORDER 2026

RECITALS

1. On 12/06/2025, Kirklees Council (“the Authority”, being the local planning authority and in pursuance of their powers under the Town and Country Planning Act 1990 (as modified), granted planning permission (“the Planning Permission”) in respect of the land described in the First Schedule to Homes by Honey (Coronet House, Queen Street, Leeds, LS1 2TW).
1. A copy of the Planning Permission is annexed to the Second Schedule.
2. The building or other operations referred to in the Planning Permission have not yet been completed.
3. It appears to the Authority, having regard to the development plan and to all other material considerations, that it is expedient to modify the Planning Permission in the manner hereby appearing.

NOW THEREFORE the Authority as local planning authority and in pursuance of section 97 of the Town and Country Planning Act 1990 and of all other powers enabling hereby make the following order:

1. The Planning Permission is modified as follows:

Condition 7's wording is modified to the following:

7. Prior to works above foundation level commencing, notwithstanding the submitted information, a Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall demonstrate how each dwelling hereby approved shall adhere to the indoor ambient noise levels for dwellings set out in Table 4 of BS8233:2014 regarding sound insulation and noise reduction, having regard to the theoretical potential maximum operational impacts of local businesses. The NIA shall:

a) Clearly assess and demonstrate which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open (such levels are defined as 35dB LAeq,1hour in

living rooms and bedrooms (between 0700 and 2300 hours); 40dB LAeq,1hour in dining rooms (between 0700 and 2300 hours); 30dB LAeq,15min and 45dB LAmax,F in bedrooms (between 2300 and 0700 hours)). For any rooms where the defined satisfactory indoor sound levels are not achieved, the NIA must provide a detailed specification of the noise mitigation measures that are necessary on the application site to be installed and retained thereafter to achieve the defined satisfactory indoor sound levels. This may include (but is not necessarily limited to) (i) suitable acoustically specified glazing; (ii) sealed windows with appropriate ventilation provisions (mechanical or purge) to avoid overheating; and/or (iii) the potential use of a suitably designed acoustic barrier(s) installed at a position and height to be agreed with the Local Planning Authority; to meet the defined sound levels;

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c) Set out a scheme to notify the future residents of the application site of (i) the relevant defined noise limits, and (ii) the need to maintain, replace or replicate the specified and approved noise mitigation on their property (windows, ventilation systems and any barriers) to the same specification provided, in perpetuity.

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For the avoidance of doubt, and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including any subsequent or replacement legislation providing the same rights to residents; Permitted Development rights which alter or remove the specified and approved mitigation measures set out in the approved NIA are hereby removed. Any works to alter or remove the specified and approved noise mitigation shall not be undertaken without express planning consent from the Local Planning Authority. Any such approval shall include replacement mitigation measures with equivalent attenuation benefits being installed, unless it can be demonstrated that this is not required with reference to the potential future sound levels referenced in Blue Tree Acoustics Report "Indicative Sound Assessment Report" document ref.03780-730102 dated 11 December 2024.

Reason: *In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan*

1. The Planning Permission is confirmed in all other respects.

EXECUTION

The COMMON SEAL of **Kirklees Council** was affixed to this Order on:

in the presence of:

Authorised signatory:

TO BE COMPLETED AFTER HEAD OF SERVICE AUTHORISATION

FIRST SCHEDULE

Application: 2024/61/90058/W

Site: Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS

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SECOND SCHEDULE



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2024/61/90058/W

To: Sam Ruthven,
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

For: HOMES BY HONEY

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-

RESERVED MATTERS APPLICATION, INCLUDING THE CONSIDERATIONS OF APPEARANCE, SCALE, LAYOUT, AND LANDSCAPING, FOR THE ERECTION OF 67 DWELLINGS, PURSUANT TO OUTLINE PERMISSION 2020/92307 FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT (UP TO 75 UNITS) AND THE DISCHARGE OF OUTLINE CONDITIONS 7 (ARCHAEOLOGY), 8 (FOUL AND SURFACE WATER DRAINAGE STRATEGY), 9 (FLOOD ROUTING), 10 (MITIGATORY TREE PLANTING), 11 (CYCLE PARKING), 12 (ARBORICULTURAL ASSESSMENT), 13 (ECOLOGICAL DESIGN STRATEGY), 14 (ECOLOGICAL IMPACT ASSESSMENT) AND 15 (NOISE IMPACT ASSESSMENT)

At: PENISTONE ROAD/, ROWLEY LANE, FENAY BRIDGE, HUDDERSFIELD, HD8 0JS

NOTE Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the

final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

In accordance with the plan(s) and applications submitted to the Council on

27-Feb-2024, being matters reserved in a permission granted on 15-Dec-2023 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-

Error! Not a valid filename.

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.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely

manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.

- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)

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.

Where 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 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:

- i) 28 days of the date of service of the enforcement notice, or
- ii) within the specified period, starting on 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 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.
- 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: 12-Jun-2025

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](#), and by

clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/61/90058/W.

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
