

Enquiries to: Elenya Jackson

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Date: 19-Apr-2024

Our Ref: 2024/90544

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
(ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 20, CLASS ZA.  
NOTIFICATION OF DEMOLITION OF BUILDINGS AND CONSTRUCTION OF NEW  
DWELLINGHOUSES IN THEIR PLACE  
APPLICATION NUMBER: 2024/90544  
AT: Castle House, Castle Hill Road, Gomersal, Cleckheaton, BD19 4HW**

I refer to your submission of details relative to the proposed development as described below which was received by the Local Planning Authority on 26-Feb-2024.

Prior notification for demolition of buildings and erection of one dwelling

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

I refer your submission for the demolition of buildings and erection of one dwelling. Prior approval would be required and is refused for your submission of details relating to the above application as it cannot be considered for the purposes of Schedule 2, Part 20, Class ZA of the Town & Country Planning (General Permitted Development) (England) Order 2015. This is because it would be located within a Hazardous Material Site thus failing to accord with paragraph (vi) and the scale and mass of the proposal would not be appropriate given the sites location in the Green Belt and context of neighbouring development.



It is considered the existing use of the building does not fall within Class E(g) of the Use Classes Order 1987 (as amended) (formally Class B1) and thus cannot benefit from the general planning permission under Article 3(1) and Part 20, Class ZA of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015(amended).

Moreover, in the event it is demonstrated the building falls into Class E(g), from assessing the application it is concluded that the proposal would fail to accord with subparagraph (vi) and would not be permitted under Schedule 2, Part 20, Class ZA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). In addition, it is considered that the proposal would not be of acceptable scale and mass given the context of the site and result in the loss of privacy of occupiers of Castle House by reason of proximity. Under these circumstances prior approval of the development would be required and is refused

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>WebID</b>	<b>Date Received</b>
Existing Floor Plan	2377-D-20-013		26/02/2024
Proposed Floor Plan	2377-D-20-014		26/02/2024
Location Plan	2377-D-20-010		26/02/2024
Existing Site/Block Plan	2377-D-20-011		26/02/2024
Proposed Site/Block Plan	2377-D-20-012		26/02/2024
Existing Elevations	2377-D-20-015		26/02/2024
Proposed Elevations	2377-D-20-016		26/02/2024

### **Development within a Coal Mining Area**

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

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal 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. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. 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://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

### **Customer Feedback**

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.

Yours faithfully

Mathias Franklin  
Head of Planning and Development