



**Town and Country Planning Act 1990**

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

**REFUSAL OF PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/60/90885/W**

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**To:** Garry Griffiths,  
HNA Architects Ltd  
Temple House  
Temple Street  
Oldham  
OL1 3NJ

**For:** R Taylor

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-**

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT  
(WITHIN A CONSERVATION AREA)

**At:** REAR OF, 20-30, RADCLIFFE ROAD, WELLHOUSE, HUDDERSFIELD, HD7  
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**In accordance with the plan(s) and applications submitted to the Council on 25-Mar-2024. The reasons for the Council's decision to refuse permission for the development are:**

1. The proposed layout and access arrangements of the development, by virtue of its prominent position on elevated ground, large and uncharacteristic layout, hard surfacing dominating the site and closeness to neighbouring properties, would appear as an isolated and incongruous visual intrusion in the locality, having a harmful impact upon the visual amenities of the locality and the historic character and appearance of the Wellhouse Conservation Area. The proposal would lead to less than substantial harm to the Conservation Area failing to reinforce or enhance the local distinctiveness of its setting for which no public benefits are considered to outweigh the identified harm. The proposal is therefore considered contrary to Policies LP02, LP24a and LP35 of the Kirklees Local Plan, Principles 2 and 5 of the Housebuilders Design Guide SPD, policies within Chapters 12 and 16 of the National Planning Policy Framework and the requirements of 66(1) or 72 (1) of the Planning (Listed Building and Conservation Areas) Act.

2. By virtue of the close proximity of the proposed dwelling to no.s 26-30 Radcliffe Road the layout of the proposed development would cause undue harm in terms of loss of privacy and overlooking and to lead to an unacceptable level of overshadowing. This would be contrary to Policy LP24b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. The access would have a severe and cumulative detrimental impact upon highway safety as a result of the driveway gradients, ability for vehicle to access the site and poor sight lines from the access onto Radcliffe Road. The access arrangements would be contrary to policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.

4. In the absence of an Arboricultural Impact Assessment and Arboricultural Method Statement, this application is refused on the basis that a full and proper assessment of the impact upon trees cannot be undertaken. For the reasons given above, the proposals are not considered to meet policies LP24h) and (i), LP33 of the Kirklees Local Plan, as well as policies within Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Planning Portal Reference: PP-12904872v1.	Unamended	26/03/2024
Existing Topographical Survey.	Drawing no. S23664- DR 01.	B	26/03/2024
Proposed Site Layout and Cross Section Plans.	Drawing no. 1461-001.	A	26/03/2024
Design and Access Statement	Design and Access Statement by HNA Architects Ltd. Ref: 1461-DAS.	Unamended	26/03/2024
Transport Technical Note for Proposed Development	Transport Technical Note for Proposed Development by TPS Transport Consultants Ltd. TPS Ref: P2450. Date: January 2024.	Unamended	26/03/2024
Radcliffe Rd Drainage and Water Search	Radcliffe Rd Drainage and Water Search by InfoTrack. Matter:	Unamended	26/03/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
	LW/212360-1. Date: 25/04/2023		
Flood Map for Planning	Flood Map for Planning Location Specific Flood Rating for 409434/415003. Dated 19/03/2024	Unamended	26/03/2024

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 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. The Case Officer advised of the likely refusal of the application on access and layout. Additional requests for information were made. As such, Officers proceeded to determination.

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

**Dated:** 03-Jul-2024

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/60/90885/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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