



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/91242/E

To: Krishna Mistry,
Newett Homes
Thorp Arch Grange
Walton Road
Thorp Arch
Wetherby
LS23 7BA

For: Krishna Mistry, Newett Homes

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:-

ERECTION OF RESIDENTIAL DEVELOPMENT (50 DWELLINGS) WITH ASSOCIATED ACCESS, PARKING, PUBLIC OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE

At: LAND NORTH EAST OF, SHEPLEY ROAD, STOCKSMOOR,
HUDDERSFIELD, HD4 6XW

In accordance with the plan(s) and applications submitted to the Council on 10-May-2024. The reasons for the Council's decision to refuse permission for the development are:

1. The detrimental impact of development traffic on the local highway network, namely Stone Wood Lane, would adversely impact the safe and efficient movement of traffic by all modes, and be particularly detrimental to active travel users. Mitigation measures have been proposed to Stoney Wood Lane which are considered to be insufficient to mitigate the harm of additional vehicle movements generated by the proposal. The proposal would therefore result in unacceptable impacts on highway safety and the amenity of active travel users utilising the route, contrary to Kirklees Local Plan Policy LP21(a, b, e), LP23, and LP24(dii) and paragraph 116 of the National Planning Policy Framework.

2. There is insufficient information supporting the application relating to requirements to support local infrastructure, to off-set the impacts of additional housing provision. A Section 106 agreement is required to ensure contributions towards the provision of affordable housing, education, on and off-site public open space, and the ongoing management and maintenance of on-site facilities including the public open space, drainage infrastructure (until adoption), and on-site significant ecological habitats. In the absence of an agreed Section 106 agreement, the proposed development therefore fails to achieve the requirements of policies LP4, LP11, LP28, LP30(i), LP49, and LP63 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Version	Date received
House Type Pack dated April 2024	Z159.007	-	01.05.2024
Covering letter dated 29.04.2024	-	-	01.05.2024
Landscape masterplan	H24-0004_001A	1A	01.05.2024
Flood Risk Assessment and Drainage Strategy by AMA dated April 2024	20547-FRADS-001	-	11.06.2024
Ecological Impact Assessment and Biodiversity Net Gain Assessment by SLR dated 24.04.2024	424.065101.00001	2	21.05.2024
Arboricultural Assessment by FPCR dated April 2024	-	-	01.05.2024
POS Plan	Z159-010	-	01.05.2024
Indicative cross sections	Z159.009	-	10.05.2024
Secure by design layout	Z159.008	-	01.05.2024
Indicative Streetscene	Z159.007	A	15.07.2024
Materials Plan	Z159.004	-	01.05.2024
Boundary Treatment Plan	Z159.004	-	01.05.2024
Planning Layout	Z159.100	G	01.05.2024
Site Location Plan	Z159.001	-	01.05.2024
Travel Plan by AMA dated April 2024	20547-002	-	01.05.2024
Transport Assessment by AMA dated April 2024	20547-001	-	01.05.2024
Topographical survey 4 of 4	2161	-	01.05.2024
Topographical survey 3 of 4	2161	-	01.05.2024
Topographical Survey 2 of 4	2161	-	01.05.2024
Topographical Survey 1 of 4	2161	-	01.05.2024
Statutory Biodiversity Metric Condition Assessment	240424_424.065101.00001	-	10.05.2024
Biodiversity Metric	240424_424.065101.00001	-	10.05.2024
Landscape and Visual Appraisal by FPCR dated April 2024	-	B	10.05.2024
Noise Impact Assessment by ENS dated 05.04.2024	NIA-10692-23-10857-v2	2	10.05.2024

Preliminary Geoenvironmental Survey by Lithos dated April 2024	4594/1A	-	10.05.2024
Planning Statement	-	A	10.05.2024
Rapid Health Impact Assessment	-	-	10.05.2024
Proposed indicative engineering levels	Z159	-	10.05.2024
Design and Access Statement	Z159_003	-	10.05.2024
Statement of Community Involvement	-	-	11.10.2024
Draft street scene Station Road	-	-	22.10.2024
Transport Assessment Addendum by TPS dated 24.04.2025	P2835_20250404	-	04.04.2025
Highway improvements Sheet 2	24071-LE-00-ZZ-DR-D-0111-P3	P3	04.04.2025
Highway improvements sheet 1	24071-LE-00-ZZ-DR-D-0110-P3	P3	04.04.2025
Existing road widths sheet 2	24071-LE-00-ZZ-DR-D-0101-P2	P2	04.04.2025
Existing road widths sheet 1	24071-LE-00-ZZ-DR-D-0100-P2	P2	04.04.2025
Vehicle Tracking	24071-LE-00-ZZ-DR-D-0006-P3	P3	04.04.2025
Proposed CL Long Sections	24071-LE-00-ZZ-DR-D-0005-P3	P3	04.04.2025
Proposed contour plan	24071-LE-00-ZZ-DR-D-0004-P4	P4	04.04.2025
Feasibility layout sheet 1	24071-LE-00-ZZ-DR-D-0001-P4	P4	04.04.2025

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers have engaged with the applicant via the Local Planning Authority's pre-application service and during the course of the application. Despite this, concerns, per the reasons for refusal, remain. A deadline for the submission of a comprehensive scheme to address the reasons for refusal (specifically reason 1), was provided, however, was not met by the applicant. Given the deadline was passed, and in accordance with the agreed Extension of Time, officers resolved to determine the application.

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 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 so that we can work on continually improving our customer service. Thank you.

Dated: 24-Apr-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 [Kirklees Planning Website](#), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/62/91242/E.

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
