



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2009/62/93583/W1

To: A Coldwell
Heppenstalls
Allisons Buildings
135, Armitage Road
Milnsbridge
Huddersfield
HD3 4JY

For: A HANSON

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

CHANGE OF USE OF EXISTING WORKSHOP AND STORAGE BUILDING TO
FORM ONE DWELLING.

At: PULE HILL FARM, WHITE LEA, MANCHESTER ROAD, MARSDEN,
HUDDERSFIELD, HD7 6NJ

In accordance with the plan(s) and applications submitted to the Council on 18-Dec-2009, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

Reason: So as to ensure the satisfactory appearance of the development on completion and to accord with Policies BE1 and BE2 of the Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order (with or without modification) no new extensions or buildings shall be erected within the domestic curtilage of the site, as defined by condition 4 without the prior written approval of the Local Planning Authority.

Reason: So as to preserve the openness and character of the Green Belt in accordance with Policy D12a of the Unitary Development Plan as well as national guidance in PPG2.

4. Notwithstanding the submitted plans and application forms, the domestic curtilage does not extend to the grassland located to the south of the access road and proposed dwelling (coloured blue on the location plan) unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of retaining the openness and character of the Green Belt, preserving the historical character of the listed building, and improving the biodiversity of the site in accordance with Policies BE1, BE2 and EP11 of the Unitary Development Plan as well as national guidance in PPG2 – Green Belts, PPS9 – Biodiversity and Geological Conservation, and PPG15 – Planning and the Historic Environment.

5. A detailed specification of the arrangements for the provision of wildlife habitat improvement of the area coloured blue referred to in condition 4 above shall be submitted to and approved in writing by the Local Planning Authority before development commences. The specification shall include a timescale for the implementation of the wildlife habitat improvements. The development shall then be carried out in accordance with the specification and timescale and the measures shall be retained throughout the lifetime of the development.

Reason: In the interest of retaining the openness and character of the Green Belt, preserving the historical character of the listed building, and improving the biodiversity of the site in accordance with Policies BE1, BE2 and EP11 of the Unitary Development Plan as well as national guidance in PPG2 – Green Belts, PPS9 – Biodiversity and Geological Conservation, and PPG15 – Planning and the Historic Environment.

NOTE: This permission relates to the change of use of the existing building. It is not anticipated that any demolition work will be necessary and it should not be inferred that this permission extends to include such works. Should it become apparent that any demolition may be necessary Planning Services should be contacted before carrying out any such works.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Kirklees Unitary Development Plan set out below:

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
D12A – Removal of Permitted Development Rights in Green Belt
R13 – Rights of Way and Public Access Areas
EP11 – Ecological landscaping

And national guidance in:

PPS1 – Delivering Sustainable Development
PPG2 – Green Belts
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
Circular 06/2005 – Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system
PPG 13 - Transport
PPG 15 – Planning and the Historic Environment

The reasons for granting planning permission can be summarised as follows:

The existing building is of substantial construction and would not require any re-build to enable it to be suitable for use as a dwelling house and as such, would not impact on the openness or character of the Green Belt.

Furthermore, to ensure that the proposal would not impact any further on the openness or character of the Green Belt permitted development rights have been removed via condition and a biodiversity enhancement scheme has also been conditioned for the land which falls within the South Pennine Moor Special Area of Conservation and South Pennine Moors SSSI.

The proposal would not result in any adverse impact on the residential amenity of any surrounding occupants and nor would there be any highway safety implications either.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design & Access Statement		V2 Dec 2009	18 December 2009
Location Plan & Site Layout	4044-01	A	18 December 2009

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 the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225609 who can advise further on this matter.

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 or 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 you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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.

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.

Dated: 11-Feb-2010

Signed:



**Jonathan Barrett
Head of Service**

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site -

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 221631 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning Service, PO Box B93, Civic Centre, Off Market Street, Huddersfield, HD1 2JR
