«Address»

Kirklees COUNCIL

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A Jawad
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Date: 08-Oct-2024
Our Ref: 2024/92298

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL, BUSINESS AND SERVICE USES TO DWELLINGHOUSES
APPLICATION NUMBER: 2024/92298
AT: 3-5, Westgate, WF16 0HE

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 16-Aug-2024.

Prior approval of a proposed change of use of a building from commercial, business and service uses to dwellinghouses

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);

1. The application provides insufficient information to adequately assess the transport and highways impacts of the development. Given the failure to demonstrate that the site is able to provide suitable waste collection and storage, the proposal would be contrary to Class MA.2 (a), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The application provides insufficient information to adequately address the impact of commercial uses in terms of noise on future occupiers of the site. Given the failure to demonstrate that the site would be viable for occupation, the proposal would be contrary to Class MA.2 (b), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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3. The proposal fails to provide adequate natural light to all habitable rooms of the dwellinghouse. The proposed plans demonstrate that there would be no windows serving the bedroom of the basement flat and the basement window intended to serve the living area/kitchen is of insufficient size and location to allow sufficient light to adequately penetrate the whole room. Therefore, it is considered that the property would not receive adequate natural light and as such, would not be acceptable with regard to MA.2(2)(f).

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan		-	16/08/2024
Proposed floor plan	A101	-	16/08/2024
Proposed Elevation	A106	-	16/08/2024
Design and access statement		-	16/08/2024

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 Planning 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.

Following comments received from KC Environmental Health and a review of the details provided, it was established that additional information would be required and significant alterations required to the proposal to overcome the issues identified and adequately assess the proposal. Given that it would be unlikely that this level of information could be supplied and assessed in the time frame allocated to a prior notification, no further amendments or information were sought.

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Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

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/she 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 The Planning Inspectorates Website . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website.
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 so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development