

## Kevin Walton

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**From:** Kevin Walton  
**Sent:** 06 January 2026 13:47  
**To:** Customer Standards  
**Subject:** RE: Stage II Complaint Response - Application 2024/93017  
**Attachments:** RE: Stage II Complaint Response - Application 2024/93017

Hi all

This is a request for a stage 3 response which I think is fairly straight forward. In brief, this relates to a fence erected at 51 Longcroft, Almondbury which was subject to a retrospective planning application ( [Planning application details | Kirklees Council](#) ). The fence applied for was an alternative fence erected in 2022 along the boundary of the property ( <https://maps.app.goo.gl/uPHJVh8FJLf6XLff6> ) which was a replacement of a fence erected in 1995 located further into the garden of the property ( <https://maps.app.goo.gl/PLqxTprUprwnKZdz6> ) (The 1995 fence). After negotiation the position of the fence was amended to a line somewhere in between the 1995 fence and that erected in 2022 (A3 ). The application was approved with a condition essentially requiring the 2022 fence to be lowered in height (or removed).

The complainant objected to the planning application on the grounds that the LPA cannot approve the fence where land covenants exist which we've said cannot be taken into account. The complainant went on to say that the covenant was entered into between the Council and Henry Boot in 1995 when the properties were built and as such the Council need to enforce the fence back to the 1995 position. John had checked with Corporate Landlord and Highways who confirmed they would not retain any interest or jurisdiction when the land was sold in 1994 and re-confirmed the Council would not enforce the fence to be erected in the 1995 position but is investigating any breach of planning control.

Happy to chat through if you need any further information.

Kevin

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**From:** Bev Carr <[beverley.carr66@icloud.com](mailto:beverley.carr66@icloud.com)>  
**Sent:** 21 December 2025 19:01  
**To:** West Planning <[West.Planning@kirklees.gov.uk](mailto:West.Planning@kirklees.gov.uk)>  
**Subject:** Re: Stage II Complaint Response - Application 2024/93017

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Dear Mr Holmes,

I disagree that this is a civil matter. This is a planning enforcement issue. I believe Kirklees Council should take enforcement action regarding the home owner not adhering to the plans approved in 1995.

With a covenant in place, the Council should not have approved a new location for the fence, which is in breach of this covenant.

Please therefore escalate my complaint to the Council Stage 3 complaints policy.

Regards  
Mrs Beverley Carr  
Sent from my iPad

On 17 Dec 2025, at 16:32, West Planning <[West.Planning@kirklees.gov.uk](mailto:West.Planning@kirklees.gov.uk)> wrote:

Dear Beverley Carr

I write further to my email of 26<sup>th</sup> November, copied below.

I can confirm I have liaised with both the Council's Corporate Land Team as well as the Highways Team. Both of these Teams confirm they would not pursue, legally, the matter in relation to the covenant in place upon the land in question in this case.

My previous advice that this covenant is civil matter which the applicant would need to satisfy themselves is suitably addressed, and that you may wish to seek legal advice if you consider the covenant is not being adhered to, therefore remains. Kirklees Council would not act as an advocate for either party in such a civil dispute.

I can appreciate this is unlikely to be the outcome you wish to hear, however where planning permission is granted it does not over-ride the existing legal covenants and this is a matter the applicant would need to satisfy themselves in relation to.

This response is a further response to that previously provided on 18<sup>th</sup> November (copied below).

Regards

John Holmes  
Deputy Team Leader (West) – Development Management  
Place Directorate  
Growth & Regeneration  
PO Box 1720, Huddersfield, HD1 9EL  
Tel: 01484221000  
Website: [www.kirklees.gov.uk](http://www.kirklees.gov.uk)  
Email: [Johnp.holmes@kirklees.gov.uk](mailto:Johnp.holmes@kirklees.gov.uk)

**From:** West Planning  
**Sent:** 26 November 2025 10:29  
**To:** 'Bev Carr' [beverley.carr66@icloud.com](mailto:beverley.carr66@icloud.com)  
**Subject:** RE: Stage II Complaint Response - Application 2024/93017

Dear Mrs Beverley Carr

I write in reply to your email, copied below.

As you raise additional information in relation to the covenant I will need to liaise with the Council's Corporate Land Team to gain their response.

I will update you further when this is received from them.

Regards

John Holmes  
Deputy Team Leader (West) – Development Management  
Place Directorate  
Growth & Regeneration  
PO Box 1720, Huddersfield, HD1 9EL  
Tel: 01484221000  
Website: [www.kirklees.gov.uk](http://www.kirklees.gov.uk)  
Email: [Johnp.holmes@kirklees.gov.uk](mailto:Johnp.holmes@kirklees.gov.uk)

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**From:** Bev Carr <[beverley.carr66@icloud.com](mailto:beverley.carr66@icloud.com)>  
**Sent:** 25 November 2025 19:32  
**To:** West Planning <[West.Planning@kirklees.gov.uk](mailto:West.Planning@kirklees.gov.uk)>  
**Subject:** Re: Stage II Complaint Response - Application 2024/93017

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Dear Mr Holmes,

Thank you for your prompt response.

I do not believe the legally binding covenant falls outside the remit of Kirklees council. It was Kirklees Council, who in partnership with Henry Boot, built the property at 51 Longcroft and who jointly had the legally binding covenant written in to the deeds in 1995.

Please reconsider the Councils position in light of the fact that the Council and Henry Boot I believe would be seen to be the covenantee, and in a position to enforce the owner to erect the fence at its 1995 plan location and replant the ornamental garden in front of the fence.

Regards  
Mrs Beverley Carr

Sent from my iPad

On 18 Nov 2025, at 12:01, West Planning  
<[West.Planning@kirklees.gov.uk](mailto:West.Planning@kirklees.gov.uk)> wrote:

Dear Beverley Carr

I write in reply to your complaint which is copied below this email.

## *Background*

Your complaint relates to planning application [2024/93017](#) which granted planning permission for 'Conversion of garage to habitable accommodation and erection of fence' on 16<sup>th</sup> May 2025.

From review your complaint is on the following grounds:

1. Raised complaint on 18<sup>th</sup> October 2025 with the case officer for the application (Molly Storer) on the basis that as a covenant in the 1995 title deeds, there is a legal requirement the owner of the property to forevermore maintain a fence (and an ornamental garden) where marked with an inward facing "T" on the 1995 plans and Kirklees Council has ignored this legally binding covenant.
2. Response of 20<sup>th</sup> October 2025 advises the complaint was passed to the planning enforcement team, however the complaint was not on enforcement grounds.
3. Incorrect signposting within email dated 22<sup>nd</sup> October about objections

### *Complaint point no. 1*

The basis of the complaint is that the planning permission which has been granted sees a development undertaking which is in contravention of a legal covenant. In the determination of an application the LPA is not able to refuse permission on the basis the development may not be legally undertaken. Notwithstanding this point, where the grant of planning permission is given, such permission does not override legal covenants on properties as these private matters fall outside the remit of the Local Planning Authority. The applicants would need to ensure that the relevant covenants are either suitably discharged or removed.

To summarise, planning permission and the legal right to implement the permission are two separate things and it would be a civil / legal matter if, by undertaking the planning permission, they are not adhering to a legal covenant.

It would not be appropriate for the Local Planning Authority to act as an advocate for any party in relation to the legal issue which you have raised in complaint as this falls outside the remit for which the LPA is able to operate.

### *Complaint points 2 and 3*

I note that your initially raised complaint has been directed to the enforcement team and that you have been sign posted incorrectly, please accept my apologies for this. Notwithstanding this it is clear in relation to the response to complaint point no.1 that had this been made clear at the time of the 20<sup>th</sup> and 22<sup>nd</sup> October emails sent by the case officer the same response provided in this email would still be applicable. As such, whilst it has not been as high a standard of service as could normally be expected the fact there has been a delay

in answering the initially raised complaint about the legal covenants has not prejudiced you in terms of looking to further investigate this matter should you intend to do so.

### *Conclusion & request*

You set out you consider the appropriate resolution to be that Kirklees Council should take enforcement action with the home owner to have the fence moved back to its original 1995 location and replant the ornamental garden between the fence and the footpath. In light of the response to complaint point 1 detailed above, it would not be appropriate for the LPA to undertake such enforcement action. However should there be a breach of planning control in respect of the recent permission the LPA can investigate any such breach.

I can appreciate the concerns raised however these are in relation to a legal matter. Where planning permission is granted it does not override the existing legal covenants and this is a matter the applicant would need to satisfy themselves in relation to.

This reply is given in accordance with stage 2 of the Council's Customer Complaints Procedure. If you remain dissatisfied with my reply you can ask the Corporate Customer Standards Officer to review it and if necessary thereafter ask the Local Government and Social Care Ombudsman to investigate. Full details can be viewed at <https://www.kirklees.gov.uk/beta/contact-the-council/complaints-procedure.aspx>

Regards

John Holmes – Deputy Team Leader, Development Management  
Planning and Development Service  
Growth & Regeneration  
PO Box 1720, Huddersfield, HD1 9EL  
Tel: 01484221000(77616)  
Website: [www.kirklees.gov.uk](http://www.kirklees.gov.uk)  
Email: [Johnp.holmes@kirklees.gov.uk](mailto:Johnp.holmes@kirklees.gov.uk)

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**From:** Complaints form <[noreply@kirklees.gov.uk](mailto:noreply@kirklees.gov.uk)>  
**Sent:** 07 November 2025 16:37  
**To:** Customer Enquiries <[Customer.Enquiries@kirklees.gov.uk](mailto:Customer.Enquiries@kirklees.gov.uk)>  
**Subject:** Complaint from a member of the public

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## Complaint FS-Case-763638660

**What is your complaint about?:** Something else

**Is your complaint about one of these things?:** Other

**Tell us about your complaint:** On On 18 October 2025, I made a formal complaint to Ms Molly Storer regarding Kirklees Council approving the erection of a fence at 51 Longcroft under planning application reference 2024/93017.

I raised this complaint, about the planning approval location of the fence, as a covenant in the 1995 original plans and Title Deeds required the owner of the property to forevermore maintain a fence (and an ornamental garden) where marked with an inward facing "T" on the 1995 plans. Kirklees Council ignored this legally binding covenant and approved a new location of the fence, several metres closer to the footpath than the covenant location.

Ms Storer responded to my complaint on 20 October 2025 informing me my complaint had been passed on to the enforcement team. I respond to Ms Storer on 20 October 2025 and informed her this was not an enforcement team complaint but a planning approval complaint.

On 22 October Ms Storer wrongly informed me objections to planning applications could be done via the government website. This website is only available for use by the home owner or their representative, not a neighbour objection, which I explained to Ms Storer on 27 October 2025. At the same time, I again asked that my previous email was treated as a complaint to Kirklees Council for approving the location of the fence at number 51 Longcroft, which did not comply with the legally binding covenant set in 1995, to forevermore maintain the fence along the line marked with an inward facing "T" in the 1995 plans.

Ms Storer and Kirklees Council enforcement team have both failed to respond to my complaint and last email sent almost 2 weeks ago.

**What would you like us to do to put it right?:** Kirklees Council should take enforcement action with the home owner to have the fence moved back to its original 1995 location and replant the ornamental garden between the fence and the footpath.

**Are you happy to give us your contact details?:** Yes

**GDPR statement:** \* I am happy to give the personal details required for processing this form. I understand that they will be stored for 6 years. I understand that they will be used: to respond to complaint concerns; to share good practice and learning amongst services; to collate and monitor numbers of complaints. It may be shared with; care homes where Kirklees Council has responsibility for care; the Police where something criminal is reported; the Ombudsman if you ask for it to be shared with them; the Information Commissioner's Office (ICO). I understand that I can withdraw or update my details at any time. For more information about how we store your data and how you can request your right to withdraw consent to use your personal data later please read How we use your data.

**Title:** Mrs

**First name:** Beverley

**Last name:** Carr

**Address:**

Postcode	Address	Postcode copy (hidden css)
HD5 8Xw		HD5 8Xw

**Email:** [Beverley.carr66@icloud.com](mailto:Beverley.carr66@icloud.com)

**Mobile:** 07954551396

**Telephone:**

**Are you complaining on behalf of somebody else?:** No



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