



**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: 2024/62/93458/E**

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**To:** Paul Butler,  
PB Planning  
PO Box 778  
York  
YO1 0LT

**For:** Paul Butler, PB Planning Ltd C/O JGC (1980) & Nick Gould

**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 FOR 62 DWELLINGS INCLUDING GROUTING REMEDIAL WORKS FOR GROUND STABILISATION TO FACILITATE CONSTRUCTION OF DWELLINGS WITH ASSOCIATED HARD AND SOFT LANDSCAPING (RESUBMISSION)

**At:** LAND AT, CLIFF HILL, DENBY DALE, HUDDERSFIELD, HD8

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**In accordance with the plan(s) and applications submitted to the Council on 18-Mar-2025. The reasons for the Council's decision to refuse permission for the development are:**

1) The ground works, removal of coal, and remediation associated with the proposed development would result in an unacceptable number of vehicle movements and unacceptable environmental impacts. In addition, due to unknown conditions beneath the site, there is a lack of information that prevents it being fully ascertained what the environmental impacts of the aforementioned works would be. Furthermore, it has not been demonstrated that the site is suitable for residential development. The proposed development is therefore contrary to Policies LP24, LP36, LP52 and LP53 of the Kirklees Local Plan and chapters 8, 15 and 17 of the National Planning Policy Framework.

**Plans and specifications schedule:**

<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>
Location Plan	57116-BBA-09-Z00-DR-A-0202	P03	08/01/2025
Proposed Site Plan	57116-BBA-09-Z00-DR-A-0201	P17	08/01/2025
Proposed POS Areas	57116-BBA-09-Z00-DR-A-0006	P05	08/01/2025
Proposed Levels	57116-BBA-09-Z00-DR-A-0203	P07	08/01/2025
Proposed Materials Plan	57116-BBA-09-Z00-DR-A-0204	P05	08/01/2025
Proposed Boundary Treatments	57116-BBA-09-Z00-DR-A-0205	P05	08/01/2025
Proposed Separation Plan	57116-BBA-09-Z00-DR-A-0207	P04	08/01/2025
Proposed EV Plan	57116-BBA-09-Z00-DR-A-0208	P06	08/01/2025
Proposed Bin Collection Plan	57116-BBA-09-Z00-DR-A-0209	P07	08/01/2025
Proposed Retaining Wall Plan	57116-BBA-09-Z00-DR-A-0210	P06	08/01/2025
Proposed Block Identification Plan	57116-BBA-09-Z00-DR-A-0211	P06	08/01/2025
Proposed Pedestrian Routes Plan	57116-BBA-09-Z00-DR-A-0212	P04	08/01/2025
Proposed Affordable Housing Plan	57116-BBA-09-Z00-DR-A-0213	P02	08/01/2025
Proposed Plot Sections	57116-BBA-02-ZZZ-DR-A-0240	P03	08/01/2025
Proposed Plot Sections	57116-BBA-02-ZZZ-DR-A-0241	P02	08/01/2025
Proposed Separation Sections	57116-BBA-02-ZZZ-DR-A-0255	P01	23/01/2025
Site Sections	57116-BBA-02-ZZZ-DR-A-0262	P02	08/01/2025
POS Section	00000-BBA-02-X00-DR-A-0261	P01	08/01/2025
Proposed Street Scenes	57116-BBA-02-ZZZ-DR-A-0250	P02	08/01/2025
Culvert and Ditch Sections	57116-BBA-09-ZZZ-DR-A-0260	P01	08/01/2025
Proposed Drainage Layout	10-5610 500	E	07/01/2025
Excavation Overlay	57116-BBA-09-Z00-DR-A-0500	P01	08/01/2025
Proposed Phase Plan	57116-BBA-09-Z00-DR-A-0299	P01	08/01/2025
Block Type AAA	57116-BBA-03-AAAZZ-DR-A-0237	P02	08/01/2025
Block Type BA	57116-BBA-03-BAZZ-DR-A-0211	P03	08/01/2025
Block Type BAA	57116-BBA-03-BAAZZ-DR-A-0212	P03	08/01/2025
Block Type CC	57116-BBA-03-CCZZ-DR-A-0213	P03	08/01/2025
Block Type DD	57116-BBA-03-DDZZ-DR-A-0214	P03	08/01/2025
Block Type DDK	57116-BBA-03-DDKZZ-DR-A-0239	P01	08/01/2025
Block Type DKK	57116-BBA-03-KDZZ-DR-A-0248	P02	08/01/2025
Block Type K3	57116-BBA-03-K3ZZ-DR-A-0242	P02	08/01/2025
Block Type K4	57116-BBA-03-K4ZZ-DR-A-0243	P02	08/01/2025
Block Type KAA	57116-BBA-03-KAAZZ-DR-A-0240	P02	08/01/2025
Block Type KD	57116-BBA-03-KDZZ-DR-A-0244	P02	08/01/2025

Block Type KK	57116-BBA-03-KKZZ-DR-A-0241	P02	08/01/2025
Block Type KKD	57116-BBA-03-KKDZZ-DR-A-0249	P01	08/01/2025
Block Type LL	57116-BBA-03-LLZZ-DR-A-0245	P01	08/01/2025
Block Type MM	57116-BBA-03-MMZZ-DR-A-0246	P01	08/01/2025
Block Type NNN	57116-BBA-03-NNNZZ-DR-A-0247	P02	08/01/2025
Type A	57116-BBA-02-AZZ-DR-A-0201	P04	08/01/2025
Type B	57116-BBA-02-BZZ-DR-A-0202	P05	08/01/2025
Type C	57116-BBA-02-CZZ-DR-A-0203	P06	08/01/2025
Type D	57116-BBA-02-DZZ-DR-A-0204	P07	08/01/2025
Type D 01	57116-BBA-02-D01ZZ-DR-A-0236	P02	08/01/2025
Type H	57116-BBA-02-HZZ-DR-A-0208	P07	08/01/2025
Type K	57116-BBA-02-KZZ-DR-A-0232	P03	08/01/2025
Type L	57116-BBA-02-LZZ-DR-A-0233	P02	08/01/2025
Type M	57116-BBA-02-MZZ-DR-A-0234	P02	08/01/2025
Type N	57116-BBA-02-NZZ-DR-A-0235	P02	08/01/2025
Type P	57116-BBA-02-PZZ-DR-A-0249	P01	08/01/2025
Single Garage	57116-BBA-02-ZXX-DR-A-0230	P02	08/01/2025
Plot 1 Garage	57116-BBA-02-ZXX-DR-A-0231	P02	08/01/2025
Proposed Access Arrangement	2111502	I	08/01/2025
Long Section	2111503	G	08/01/2025
Swept Path Analysis	2111504	F	08/01/2025
Swept Path Analysis	2111505	G	08/01/2025
Swept Path Analysis	2111506	G	08/01/2025
25m Forward Visibility	2111507	G	08/01/2025
Swept Path Analysis	2111508	D	08/01/2025
Swept Path Analysis	2111509	D	08/01/2025
Swept Path Analysis	2111510	C	08/01/2025
Swept Path Analysis	2111511	C	08/01/2025
Swept Path Analysis	2111512	A	08/01/2025
Swept Path Analysis	2111513	B	08/01/2025
Covering letter regarding resubmission	PB Planning, 19/12/2024		13/01/2025
Statement of Case	PB Planning, January 2025		18/03/2025
Planning Statement	DPP, ref: R003/4394LE, August 2023		07/01/2025
Design and Access Statement	Urban Developments / BBA, July 2023		08/01/2025
Climate Change Statement			07/01/2025
Transport Assessment	VIA, ref: 21115, 18/07/2023	2	08/01/2025
Technical Note: Highways	VIA, May 2022		08/01/2025
Framework Travel Plan	VIA, ref: 21115, 18/07/2023	2	08/01/2025
Stage 1 Road Safety Audit	Optima, ref: 22071, 13/03/2024	March 2024 (Rev 1)	07/01/2025
Construction Traffic Route Plan	VIA, Figure 1		07/01/2025
Flood Risk	Ward Cole, ref: 10/5610,	E	07/01/2025

Assessment and Drainage Strategy	11/07/2023		
Archaeological Desk Based Assessment	OSA, ref: OSA22DT08, May 2022		07/01/2025
Initial Ecological Review	Smeeden Foreman, ref: SF3282, 26/05/2022		07/01/2025
Ecological Impact Assessment	Smeeden Foreman, ref: SF 3282, December 2022		07/01/2025
Biodiversity Net Gain Assessment	Smeeden Foreman, ref: SF3282, January 2023		07/01/2025
Statutory Biodiversity Metric (completed calculation spreadsheet)	Smeeden Foreman, 06/03/2025		18/03/2025
Biodiversity Net Gain Assessment	Smeeden Foreman, ref: SF21704, 12/03/2025		18/03/2025
Phase 1 Desk Top Study Report and Coal Mining Risk Assessment	ARC Environmental, ref: 21-719, 09/09/2021		08/01/2025
Coal Risk Assessment	RGS, ref: C2206/21/E/3554, January 2022		07/01/2025
Phase 2 Geo-Environmental Report	RGS, ref: C2206/22/E/3401, 25/05/2022		07/01/2025
GeoRisk+ report	Groundsure, ref: SF-8329067, 15/11/2021		23/01/2025
Ground Stabilisation Remedial Strategy	GRM, ref: P10350, July 2023		07/01/2025
Planning Response to Proposed Development at Cliff Hill, Cumberworth Lane, Denby Dale	GRM, ref: GRM/P10350/LR.01, 31/05/2024		07/01/2025
Gas Monitoring	RGS, ref: C2206/21/E/3228, 15/07/2022		07/01/2025
Review of Documents Relating to Ground Investigation and Remediation	RSK Geosciences, ref: Denby/L03/jh, 15/11/2024		13/01/2025
Section 106 text regarding coal			17/06/2025
Air Quality Assessment	Air Quality Consultants, ref: J10/13073A/10/1/F3, 13/07/2023		07/01/2025
Dust Management Plan	Air Quality Consultants, ref: J10/13073C/10/1/F1, 16/02/2024		17/01/2025
Noise Assessment	Noise Consultants, ref: 13073B-20-R02-01, 27/06/2023		07/01/2025
Noise Assessment (remedial works)	Noise Consultants, ref: 13073C-20-R01-01, 16/02/2024		07/01/2025
Arboricultural Survey Report	Smeeden Foreman, ref: 3282, 18/10/2023	B	08/01/2025

Arboricultural Impact Assessment	Smeeden Foreman, ref: AIA01, 12/10/2023		08/01/2025
Tree Protection Plan and Method Statement	Smeeden Foreman, ref: TPP01, 12/10/2023	A	07/01/2025
Statement of Community Involvement	DPP, ref: 4394LE.R004.A, August 2023		07/01/2025
Utilities Report	Landmark Information, ref: 287546166_1, 03/12/2021		07/01/2025

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 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 Local Planning Authority provided opportunities for concerns regarding coal to be addressed.

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

**Dated:** 03-Jul-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 2024/62/93458/E.

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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