IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Kirklees Council, 2nd Floor, Civic Centre III, Huddersfield HD1 2TG – hereinafter referred to as 'the Council'

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A (1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the adopted Kirklees Local Plan dated 27th February 2019 (`the Development Plan') and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at The Bungalow, High House Lane, Linthwaite, Huddersfield, HD7 5PL (the "Site", shown edged red on the attached plan).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission, an alteration of the property consisting of the creation of a raised platform.

4. REASONS FOR ISSUING THIS NOTICE

A raised platform has been built to the rear of the property without the benefit of planning permission. The property is located within the Linthwaite Conservation Area and is on a higher ground level when viewing it from the adjacent High House Lane. The raised platform is attached to the rear of the dwelling and is constructed of wood with a glass balustrade around the perimeter. The raised platform, by virtue of its location, scale and design is not subservient to the host dwelling and creates a dominant and incongruous development within the street scene. The development does not preserve or enhance the character and appearance of the Linthwaite Conservation Area and is consequently contrary to Policy LP24 and Policy LP35 of the Kirklees Local Plan, Key design principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document as well as Chapter 12 of the National Planning Policy Framework.

As per the above, the development is contrary to the following policies in the development plan: -

Kirklees Local Plan:
LP24- Design

LP35- Historic Environment

House Extensions and Alterations SPD
Key Design Principle 1
Key design principle 2

National Planning Policy Framework
Chapter 12

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

a) Demolish and completely remove the raised platform including supporting pillars, fixtures and fittings.
b) Following step (a), remove all resulting material from the site.

6. TIME FOR COMPLIANCE

1) To complete steps (a) and (b) above – 60 days after the notice takes effect.

Total time for compliance – 60 days after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

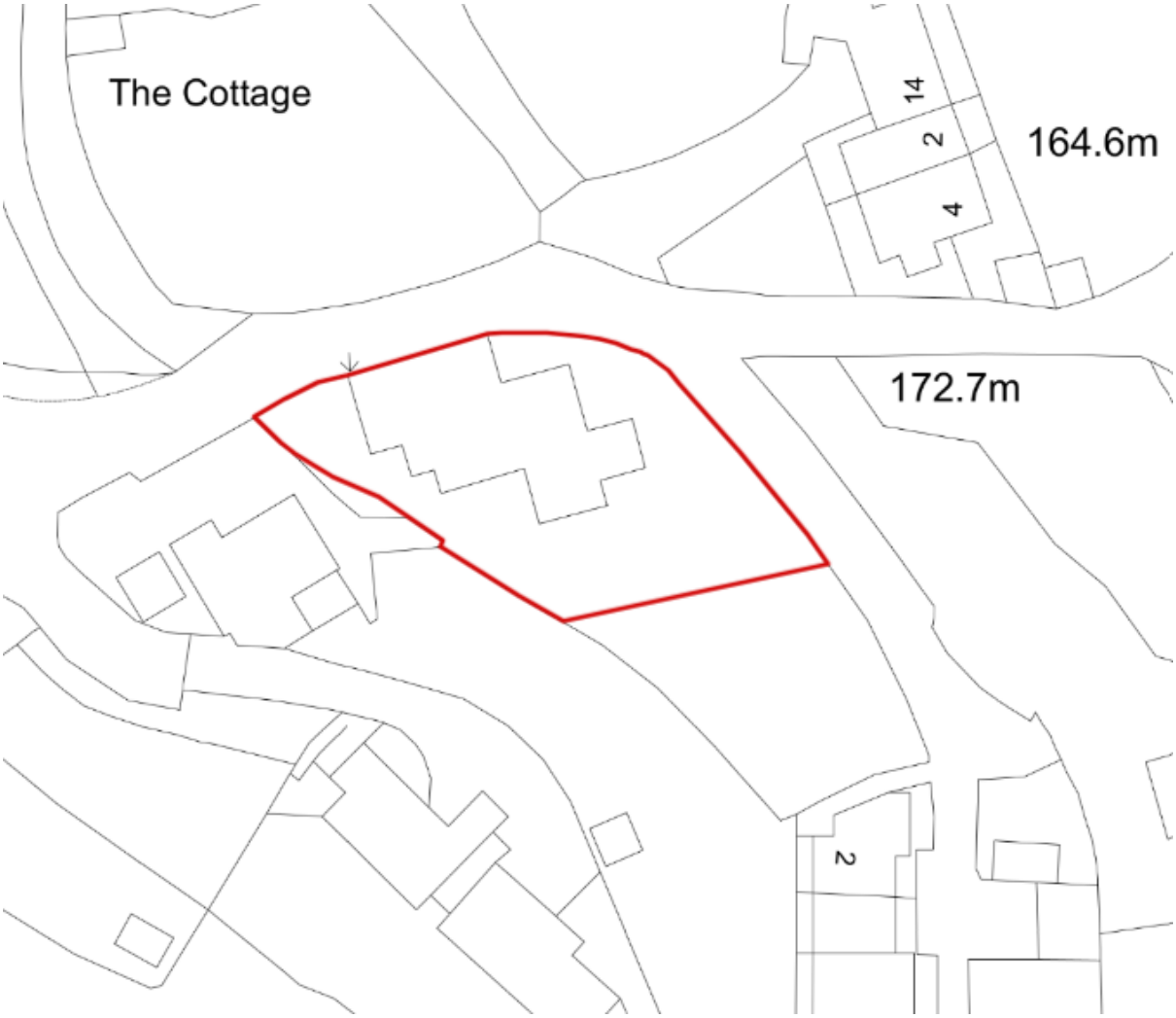
This Notice takes effect on **24 January 2025**, unless an appeal is made against it beforehand.

Dated: 13 December 2024

Signed by

Samanta Lawton
Service Director – Legal, Governance & Commissioning
on behalf of:
Kirklees Council Legal Services
PO Box 1720
Huddersfield
HD1 9EL

Site Plan:



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended).

Enforcement Notice relating to The Bungalow, High House Lane, Linthwaite, Huddersfield, HD7 5PL.

This local planning authority, Kirklees Council has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land.

Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. To check your eligibility to appeal please see page 4 of the document '*Enforcement Notice Appeals: How to complete your appeal form*' available at https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form.

Unless an appeal is made, as described below, the notice will take effect on **24 January 2025** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect is an offence and can result in prosecution and/or remedial action by the Council.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) **before 24 January 2025**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 (as amended) this is the equivalent of applying for planning permission for the development alleged in the notice and **you will have to pay a fee of £516**, which is double the normal fee payable when making a planning application for the development alleged in the notice. You should pay the fee of **£516** to Kirklees Council (any cheque should be made payable to `Kirklees MBC'). Our preferred method of payment is visa debit or credit card. Please call 01484 416902 or 01484 221558 to pay via telephone. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Parties on whom the enforcement notice has been served:-

1. George William Horace Shaw, The Bungalow, High House Lane, Linthwaite, Huddersfield HD7 5TS
2. Alison Clare Shaw, The Bungalow, High House Lane, Linthwaite, Huddersfield HD7 5TS
3. The Occupier, The Bungalow, High House Lane, Linthwaite, Huddersfield HD7 5TS
4. Lloyds Bank PLC, Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton, WV9 5HZ

Enc – Letter issued by The Planning Inspectorate