

Enquiries to: Kerri Simpson

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Tel: 01484 414746  
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Date: 23-May-2025  
Our Ref: 2025/90833

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: 2025/90833  
AT: 37, Bradford Road/ 2 & 4 King Street, Cleckheaton, BD19 3JN**

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 31-Mar-2025.

**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 development fails to demonstrate that all habitable rooms within the proposed dwellings would receive adequate natural light, as required under Paragraph MA.2.2(f) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Habitable rooms on the south elevation would face, in close proximity, to a three storey building. The applicant has not demonstrated that both direct and ambient light would not be reduced to an unacceptable level.
2. The application fails to provide any information to assess the transport and highways impacts of the proposed development, as required by Paragraph MA.2(1) (a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No information has been provided to satisfy the Local Planning Authority that sufficient space can be provided for bin storage and off-street cycle or car parking within the application site.

3. By virtue of the industrial heritage of the building, the site falls within land designated as contaminated land. The application has not demonstrated that the site can be mitigated against the contaminated land contrary to Paragraph MA.2.2(b) and Paragraph W(10)(c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Plans and specifications schedule: -**

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	03/04/2025
Existing Plans	-	-	03/04/2025
Existing Elevations	-	-	03/04/2025
Proposed Plans	-	-	03/04/2025
Proposed Elevations	-	-	03/04/2025

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

No post-submission negotiations or requests for further information were undertaken in the assessment of this prior approval application. The responsibility lies with the applicant to submit all information necessary to demonstrate that the proposed development meets the qualifying criteria and the prior approval matters can be properly assessed.

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.



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Planning and Development Service  
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HD1 9EL

## **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](mailto: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