



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2025/60/91219/E

To: Andrew Keeling
AKPlanning
147, Lane Top
Linthwaite
Huddersfield
HD7 5SG

For: A Davies

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:-

**OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT
(ONE DWELLING)**

At: LAND OFF, COAL PIT LANE, LOWER CUMBERWORTH, HUDDERSFIELD,
HD8 8PL

In accordance with the plan(s) and applications submitted to the Council on 05-Sep-2025. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would represent an urban intrusion which would disrupt the rural character of the area and would undermine the Green Belt's function in this location. The siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development, by reason of the siting and the introduction of built form into an undeveloped parcel of land, would result in undue harm to the open and rural character of the area. The proposal would fail to conserve and enhance the visual amenity and landscape character of the area, contrary to Policy LP24 and Chapter 12 of the National Planning Policy Framework 2024.

3. The applicant has failed to demonstrate, through submission of a Phase 1 Preliminary Risk Assessment Report and a Phase II Intrusive Site Investigation Report that the impact of contaminated land has been adequately investigated and that the site could be made viable for safe occupation. The proposal is therefore contrary to Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework

4. The applicant has failed to demonstrate, through submission of a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment or Validation Statement, whether protected species would be affected by the development, and whether Biodiversity Net Gain is a consideration in the assessment of the application, contrary to Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. The applicant has failed to demonstrate, through submission of a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan and schedule of works that the proposed development would not have a detrimental impact upon the trees on and adjacent the site. The proposal is therefore contrary to Policies LP24 and LP33 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan		-	5/09/2025
Proposed Site Plan	02	-	5/09/2025
Coal Mining Risk Assessment		-	5/09/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Given the fundamental policy conflict with national Green Belt policy and the resulting harm to the landscape character and visual amenity, the application was not considered capable of being made acceptable through negotiation or amendment. As such, the Local Planning Authority did not seek to engage further with the applicant, as doing so would not have overcome the principal reasons for refusal.

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 so that we can work on continually improving our customer service. Thank you.

Dated: 10-Nov-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](https://www.kirklees.gov.uk/planning), by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/60/91219/E.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
