Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/91531/E

To: Candy Day,
Orion Homes Ltd
5, Benton Office Park
Horbury
Wakefield
WF4 5RA

For: Candy Day, Orion Homes Ltd

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:-

DEMOLITION OF EXISTING SEMI-DETACHED HOUSES AND ASSOCIATED BUILDINGS, AND CONSTRUCTION OF 49 DWELLINGS, INCLUDING ASSOCIATED ACCESS AND OTHER ASSOCIATED WORKS

At: LAND OFF, LEEDS ROAD, HECKMONDWIKE, WF16 9DB

In accordance with the plan(s) and applications submitted to the Council on 10-Jul-2025. The reasons for the Council's decision to refuse permission for the development are:

1. By reason of its layout, design and detailing, and proposed building heights, the proposed development would result in a cramped development which would fail to reflect the character and pattern of surrounding development and would be unduly dominated by frontage parking and hard surfacing, at the expense of soft landscaping. It would fail to provide satisfactory levels of active frontage and natural surveillance to street frontages in parts of the site, or to the adjacent public right of way and would thus fail to provide safe, secure and inclusive public spaces. Based on the submitted information, it has not been demonstrated that existing mature trees which contribute to the visual amenity of the area would be satisfactorily preserved or protected during development, or that provision would, or could, be made for tree-lined streets and new tree planting within the development. The proposed development would also fail to preserve the rural character and amenity of the adjacent public right of way. The proposal would therefore not contribute to a

well-designed place, and would neither integrate with nor enhance its surroundings. It would therefore cause unacceptable harm to visual amenity.

The proposed development is therefore contrary to Policies LP24(a, e, i) and LP33 of the Kirklees Local Plan, the guidance within the Kirklees Housebuilders Design Guide Supplementary Planning Document, National Decision-Making Policies DP3, TR4, N2 and N3 of the National Planning Policy Framework, the Planning Practice Guidance and the National Design Guide. Refusal is consistent with the requirements of National Decision-Making Policy DP3(3) of the National Planning Policy Framework.

2. By reason of the proximity of plot 49 to the site boundary, the proposed development would fail to protect the residential amenity of the occupants of the existing neighbouring property at 3 Stubley Farm Road with regard to the outlook from, and enjoyment of, their private garden area. The proposed development would also fail to provide satisfactory levels of separation between some of the proposed dwellings within the site and thus provide adequate levels of privacy and outlook to those properties.

   Furthermore, on the basis of the information provided, it has not been demonstrated that the proposed pumping station would not have an adverse impact on the amenities of the occupants of existing and proposed nearby properties with regard to noise and disturbance or that any such impacts would be satisfactorily mitigated, or that the occupants of plots 1-4, 17-20 and 40-43 would be provided with outdoor amenity space that would be of an appropriate size, and functionality, whilst also protecting the privacy of the occupants of those plots.

   Therefore, the proposed development would conflict with Policies LP24(b) and LP52 of the Kirklees Local Plan, with guidance in the Housebuilders Design Guide Supplementary Planning Document, with National Decision-Making Policy P3 of the NPPF and with the National Design Guide.

3. On the basis of the information submitted, it has not been demonstrated that safe or satisfactory access would be provided into the site from Leeds Road for all users, or that the access into the site would not have an adverse effect on the safety or operation of the nearby junctions of Leeds Road with Alma Lane and Stubley Farm Road, including with regard to turning right hand turning arrangements into the site, visibility and access into and from the site by larger, necessary, vehicles including refuse, fire and pumping station service vehicles. Furthermore, on the basis of the information submitted, it has not been demonstrated that the proposed site layout would provide safe and suitable access for all users, or that the needs of pedestrians and cyclists have been prioritised, including with regard to: gradients, safe access, turning and manoeuvring facilities for large vehicles, visibility for vehicles and pedestrians, and any necessary traffic calming. It has also not been demonstrated that sufficient or satisfactory parking arrangements would be provided for some plots.

   Therefore, on the basis of the submitted information, it is considered that the proposed development could give rise to unacceptable impacts on highway safety, within the site itself and on Leeds Road nearby.

   The proposed development would therefore conflict with policies LP20, LP21 and LP22 of the Kirklees Local Plan, with guidance in the Kirklees Highway

Design Guide Supplementary Planning Document, and with National Decision-Making Policies TR4 and TR6 of the NPPF. Refusal is consistent with the requirements of National Decision-Making Policy NDMP TR6 of the National Planning Policy Framework.

4. On the basis of the submitted information, it has not been demonstrated that the proposed development would be safe from flood risk for its lifetime, including taking into account residual risk, blockage scenario events or short intense events. In such events, the submitted details indicate that certain proposed plots may be flooded. Furthermore, based on the submitted information, it has not been demonstrated that the proposed surface water drainage arrangements, and specifically the attenuation tank, have been designed in a way that would allow, secure or ensure the ability to safely and maintain and manage that infrastructure for the lifetime of the development, once complete.

   Therefore, the proposed development would conflict with Policies LP27 and LP28 of the Kirklees Local Plan, with National Decision-Making Policies F7 and F8 of the National Planning Policy Framework, and with the Planning Practice Guidance.

5. The proposed development would fail to make sufficient provision for amenity greenspace and for open space provision for children and young people on-site as part of the development. The proposed area of open space on site is limited in size and public accessibility, and is mainly surrounded by private land, as well as being located above the surface water attenuation tank. It would therefore not be well-integrated into the development, or of a sufficient size or configuration to enable its use as meaningful informal amenity greenspace, or for the provision of a Local Area of Play, and would not provide a safe, inclusive space which would be accessible for all, or which would be likely to facilitate or encourage social interaction or play.

   Therefore, the proposed development would conflict with Policies LP4 and LP63 of the Kirklees Local Plan, with guidance in the Kirklees Open Space Supplementary Planning Document, and with National Decision-Making Policies DP3 and HC3 of the National Planning Policy Framework. Refusal is consistent with National Decision-Making Policy DP3(3) of the National Planning Policy Framework.

6. No mechanism has been provided by which to secure relevant planning obligations and infrastructure requirements to provide for and mitigate the impacts of the proposed development, specifically with regard to the provision of affordable housing, on and off-site public open space, a Traffic Regulation Order for waiting restrictions on Leeds Road, or the ongoing management and maintenance of on-site facilities including public open space, drainage infrastructure (until adoption) and significant on-site habitat enhancements. In the absence of an appropriate mechanism, in the form of a signed, completed Section 106 agreement, to secure these planning obligations, the proposed development would fail to achieve the requirements of Policies LP4, LP11, LP21, LP28, LP30 and LP63 of the Kirklees Local Plan and National Decision-Making Policies DM3, DM6, H08, TR6, HC3, F8 and N2 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	Date Produced: 03-Jun-2025		04/06/2026
Site Location Plan	2403-01-001		04/06/2025
Site Plan	2403-02-001	Rev G	10/03/2026
Site Plan (with topo)	2403-02-001	Rev G	10/03/2026
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-001	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-002	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-003	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-004	Rev 01	04/06/2025
Demolition Plan	2403-01-002		24/06/2025
Arundel (Semi) House Type: Floor Plans	2403-04-12 1 of 2	Rev B	10/03/2026
Arundel (Semi) House Type: Elevations	2403-04-12 2 of 2	Rev B	10/03/2026
Bamburgh (Semi) House Type: Floor Plans and Elevations	2403-04-01		10/03/2026
Bamford (3 Block) House Type: Floor Plans	2403-04-10 SHEET 1 OF 2		10/03/2026
Bamford (3 Block) House Type: Elevations	2403-04-10 SHEET 2 OF 2		10/03/2026
Castleton (Semi) House Type: Floor Plans	2403-04-11 SHEET 1 OF 2		10/03/2026
Castleton (Semi) House Type: Elevations	2403-04-11 SHEET 2 OF 2		10/03/2026
Cranwell (Semi) House Type: Floor Plans and Elevations	2403-04-02		10/03/2026
Cranwell (3 Block) House Type: Floor Plans	2403-04-03 SHEET 1 OF 2		10/03/2026
Cranwell (3 Block) House Type: Elevations	2403-04-03 SHEET 2 OF 2		10/03/2026
Edinburgh (3 Block) House Type: Floor Plans	2403-04-04 SHEET 1 OF 2		10/03/2026
Edinburgh (3 Block) House Type: Elevations	2403-04-04 SHEET 2 OF 2		10/03/2026
Leadbury (Semi) House Type: Floor Plans	2403-04-05 SHEET 1 OF 2		10/03/2026
Leadbury (Semi) House Type: Elevations	2403-04-05 SHEET 2 OF 2		10/03/2026
Linton (4 block) House Type: Floor Plans	2403-04-06 SHEET 1 OF 2		10/03/2026
Linton (4 Block) House Type: Elevations	2403-04-06 SHEET 2 OF 2		10/03/2026
Paignton (3 Block) House Type: Floor Plans	2403-04-07 SHEET 1 OF 2		10/03/2026

Plan Type	Reference	Version	Date Received
Paignton (3 Block) House Type: Elevations	2403-04-07 SHEET 2 OF 2		10/03/2026
Materials Plan	2403-02-001	Rev C	12/03/2026
Boundary Treatment Plan	2403-02-002	Rev C	10/03/2026
Affordable Housing Plan	2403-02-004	Rev C	10/03/2026
Amenity Space Plan	2403-02-007	Rev C	10/03/2026
Detailed Landscape Proposals	H2 2504 01	Rev B	10/03/2026
Typical Cycle Store Detail	2403-002-006		04/06/2025
S104 Drainage Layout Plan	25014-104	Rev C	12/03/2026
Arboricultural Impact Assessment	Arbtech AIA 01	Rev B	10/03/2026
Tree Protection Plan	Arbtech TPP 01	Rev B	10/03/2026
Air Quality Assessment	DC4910-AR1v3	v3 Dated 26.02.26	10/03/2026
Arboricultural Method Statement to BS5837:2012	Arbtech AMS 01	Issue number: 1 Dated: 05/03/2026	10/03/2026
Bat Emergence Survey Report	22876b/ADo	Version 001 Dated: 29/08/2025	10/09/2025
Biodiversity Accounting Assessment Report	22876a/JF R1	Revision 1 Dated: 13/03/2026	31/03/2026
Combined Stage 1/Stage 2 Geo-Environmental Report	ORH/25r1	Issue 1 Dated: 18th November 2024	12/03/2026
Contamination Remediation Statement	ORH/25rem1V2	Issue 2 Dated 09th April 2026	10/04/2026
Design Specification for the Adoption of Small Submersible Foul and Surface Water Pumping Stations		Dated: December 2019	11/03/2026
Flood Risk Assessment & Drainage Strategy	25014-DOC-001-B	Revision B Dated 06.03.26	12/03/2026
Garden Soils Validation	ORH/25L7/OGjc	Dated: 7th April 2026	10/04/2026
Ground Gas Risk Assessment	ORH/25/MHjcl6	Dated: 07th March 2025	17/03/2026
Heritage Assessment		Dated: 2026	10/03/2026
Intrusive Coal Mining Investigation	ORH/25/JRjcl3	Dated: 17th January 2024	17/03/2026
Intrusive Coal Mining Investigation	ORH/25/JRjcl5	Dated: 21st February 2025	17/03/2026

Plan Type	Reference	Version	Date Received
Noise Impact Assessment	DC4910-NR1v3	v3 Dated: 05.03.2026	10/03/2026
Planning Support Statement: incorporating Design & Access Statement, Health Impact Assessment [HIA] and Climate Change Statement		Dated: Feb 2026	10/03/2026
Preliminary Baseline Biodiversity Report		Dated: 27 Sep 2024	04/06/2025
Preliminary Ecological Appraisal Report	22876/JF	Dated: 01/07/2025	22/07/2025
Residential Travel Plan	164033-002	Issue Number: 03 Dated: 06/03/2026	12/03/2026
Standard Details for Adoptable Pump Station Design (including multiple drawings)		Dated: April 2024	11/03/2026
Statement of Community Involvement		Dated: May 2025	04/06/2025
Statutory Biodiversity Metric		Dated: 12 March 2026	31/03/2026
Statutory Biodiversity Metric – Condition Assessment Sheets and Methodology	22876/JF	Dated: 02/06/2025	31/03/2026
Transport Statement	164033-001	Issue Number: 02 Dated: 06/03/2026	12/03/2026

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 Planning 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.

In this case, the case officer undertook discussions and negotiations with the applicant and revised and additional plans and information were submitted by the applicant. However, notwithstanding the submission of those revised and additional details, the proposals are still considered to be unacceptable for the reasons set out above.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here:

https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Digital Infrastructure: Fibre to the Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 30-Sep-2026

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 2025/62/91531/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
