



Town and Country Planning Act 1990

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2025/62/91639/W

To: Nadeem Hussain,
Architectural Planning Services
The Elsie Whiteley Innvation Centre
Halifax
HX1 5ER

For: M Amir

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 3 STOREY EXTENSION AND ALTERATIONS TO FORM
STUDENT ACCOMMODATION

At: 40, BRADFORD ROAD, FARTOWN, HUDDERSFIELD, HD1 6JE

In accordance with the plan(s) and applications submitted to the Council on 01-Jul-2025. The reasons for the Council's decision to refuse permission for the development are:

1. The proposed three storey extension, by reason of its design, scale and massing, would lack subservience to the original dwelling and would be an incongruous addition to the host dwelling, which would be harmful in terms of visual amenity. The proposal would therefore fail to accord with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed three storey extension, by virtue of its scale, siting, and design, would result in an unacceptable overbearing and overshadowing impact on the occupiers of no.38 and no.42 Bradford Road and would lead to a detrimental level of overlooking to the occupiers of no. 17a and no. 19 Calton Street. To permit the development would be contrary to Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate, through submission of a Preliminary Bat Roost Assessment, whether protected species would be affected by the development. The proposal is therefore contrary to Policies LP30 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The applicant has failed to demonstrate that a satisfactory layout could be provided on site which allows for the adequate storage of waste for the residential use. As such, the development proposed would be contrary to with Policies LP15, LP21 and LP24 of the Kirklees Local Plan, Principle 19 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

5. The application site is located within Flood Zone 2 and within 20m of the culverted Grimescar Dike, and Kirklees Council Flood Mapping indicates that surface water flooding to a depth of 0.9 to 1.2m for a 1 in 100 year rainfall event is possible. The proposed development, by virtue of its layout, would result in a flood risk to future residents occupying the basement level, and no measures have been proposed to mitigate this risk. As such, the proposal is contrary to Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	PP-14097435v1	-	16/06/2025
Existing and Proposed Block Plans	0007 BLOCK	0	16/06/2025
Existing Front/Rear Elevation	001-EX-1001	0	16/06/2025
Existing Side Elevation	002-EX-1002	0	16/06/2025
Existing Floor Plans	004-EX-1004	0	16/06/2025
Existing Roof Plan	005-EX-1005	0	16/06/2025
Proposed Front/Rear Elevation	001-PP-1001	0	16/06/2025
Proposed Side Elevation	002-PP-1002	0	16/06/2025
Proposed Side Elevation	003-PP-1003	0	16/06/2025
Proposed Floor Plans	004-PP-1004	0	16/06/2025
Proposed Roof Plan and Location Plan	005-PP-1005	0	16/06/2025
Proposed Side Elevation	002-PP-1002	0	16/06/2025
Flood Risk Assessment for Proposed Development	-	-	16/06/2025
Coal Mining Risk Assessment	A6303/24/CMRA	-	16/06/2025
Climate Change Assessment	-	-	16/06/2025

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 Planning 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.

Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. In this instance, the alterations required would be beyond the scope of the application. The agent was

provided the opportunity to submit amendments, however, no revised drawings were received.

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](#)

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: 15-Oct-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 2025/62/91639/W .

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
