

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 18, Class A1**

DELEGATED DECISION FOR DISCHARGE OF CONDITION A1 - NOTIFICATION OF A PROPOSED DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDER

Reference no. 2026/CL/90198/W

Site Address	Kettle Lane, Marsden, Huddersfield, HD7 5XB
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Description	Prior approval for alterations to bridge MVL3/54, Kettle Lane, north- east of Marsden
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Recommending Officer	Liz Chippendale
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DECISION – Prior Approval – Approve

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Nick Hirst

AUTHORISED OFFICER

Date: 03-Jul-2026

Application: 2026/90198

Site: Kettle Lane, Marsden, Huddersfield, HD7 5XB

Proposal: Prior approval for alterations to bridge MVL3/54, Kettle Lane, north-east of Marsden

Application Site

Bridge MVL3/54, Kettle Lane Low Westwood Lane comprises of three single span superstructures of different construction, supported by stone abutments between which are stone parapets. The northern façade of the bridge is adjacent to an intersection with Kettle Lane, Marsden Lane and Crow Trees Road, beyond which are trees and agricultural lane.

The site is not set within a Conservation Area.

Proposal

The proposed works are focused on the northern deck which currently carries an access track and comprises of wrought iron main girders, including a cross girder and rail bearers with deck plates. The proposed works introduce a third track across the bridge and the reconstruction of the existing wrought iron bridge structure with concrete deck beams and the replacement of the existing stone parapet with pre-cast concrete units (using masonry patterning) and GRP handrails.

There are no proposed alterations to the highway.

Consultee response

KC Conservation and Design provided the following response on 20/03/2026:

No objection to the proposed works subject to conditions:

- *The pre-cast concrete L-units shall be finished with natural stone cladding design pattern to match the natural coursed stones below. The concrete shall match the existing natural stones by colour, texture and coursing.*
- *The GRP handrail shall be finished in a black or green colour*

The applicant was unable to agree to the use of natural stone at this stage and requested a meeting to discuss. The meeting was held between the applicant, Conservation and Design Officer and Planning case officer. At the meeting it was advised that the use of an alternative material to natural stone could be acceptable, however, details of the material, colour and patterning would need to be agreed. The applicant agreed to provide options.

Following the meeting the applicant provided the following:

In relation to the question of cladding for some of the bridges, we have considered different design options but, given that we are not at the detailed design stage and the different context of each bridge, we are currently unable to provide the clarity being sought for the external finish for each concrete parapet. Therefore, our preference is that a condition be attached to each prior approval application (that involves a concrete parapet) requiring a sample of the finish be provided for LPA approval. This would allow a more thorough investigation of different finishes at the detailed design stage.

Conservation and Design officers agreed that the use of condition to secure details is acceptable. Therefore, the conditions would be as follows:

- The submission of material finish/detail to be agreed by the LPA
- The GRP handrail shall be finished in a black or green colour.

Background

Network Rail are due to submit an Order Application under the Transport & Works Act for improvements to the railway between Standedge Tunnel (Mardsen) to Gledholt Tunnel (Paddock). This proposes three tracking and full electrification of the line. In anticipation of the grant of the Order and to meet the deadline of the introduction of services to the Government's timetable, Network Rail propose to carry out a series of advance works on a number of structures, to permit speedy implementation of the wider proposals should the Secretary of State grant consent for the Order.

Procedural Matters

The applicant has submitted prior notification of the works under Part 18 (A) of Schedule 2 of the Town and Country (General Permitted Development Order) (England) 2015 (GPDO).

Part 18 of the GPDO (Miscellaneous development) states:

Permitted development

A. Development authorised by—

- (a) a local or private Act of Parliament,*
- (b) an order approved by both Houses of Parliament, or*
- (c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(1),*

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or*
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,*

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 *The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—*

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*

Such development is permitted subject to it benefiting from a local or private act or order and prior approval being granted by the appropriate authority.

In this case the enabling Act in the Huddersfield & Manchester Railway & Canal Act 1845, which incorporates clause 16 of the 1845 Railway Clauses Consolidation Act. The original Act specifying this stretch of railway states that the railway undertaker can, from time to time, alter, repair, or discontinue the before mentioned works or any of them and substitute others in their stead, and do all other acts necessary for making, maintaining altering, repairing or using the railway.

In light of this, it is therefore considered that the proposed works would benefit from permitted development rights under the aforementioned part of the GPDO.

Assessment

Part 18 A.2 of the aforementioned Order states:

“The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*

In respect of part (a) the railway bridge is already in situ, with the addition of a third track proposed in this location necessary to complete works on the TransPennine Route Upgrade, and cannot therefore be reasonably located elsewhere.

In respect of part (b) and the amenity of the neighbourhood, the bridge is located within a relatively isolated position. The northern façade immediately faces an intersection of Kettle Lane, Marsden Lane and Crow Trees Road, beyond which is grouping of trees and steeply rising agricultural fields which accommodates a public footpath. The bridge underwent major rebuilding and alterations between 1988-1991.

Due to its minimal heritage interest from a typical design and extent of alterations, the bridge is not considered to be a non-designated heritage asset. The bridge does not lie within a Conservation Area.

The proposed works retain, where possible, the original features of the bridge by maintaining the stone wingwalls and where removal of the existing bridge structure is required, the use of pre-cast concrete with stone masonry patterning is proposed. Conservation and Design officers have advised that this may not be appropriate. The applicant has advised that they are unable to provide alternative materials and design details at this stage in the process and therefore suggested a condition for the submission of parapet materials, design and finish which is considered acceptable. As such, there is no objection to the proposed works, subject to the application of suitably worded conditions for the submission of parapet materials and the finish of the proposed handrails.

The southern façade is adjacent to 5 Kettle Lane which is a Grade II listed building. As this facing façade will remain as existing, there would be no impact to the heritage asset.

The nearest neighbouring residential properties are 1 and 2 Marsden Lane to the west and 3 and 5 Kettle Lane to the south. The closest distance of the residential properties is approximately 70m it is not considered that the proposal would impact on residential amenity due to the significant separation distance.

In respect of other matters, it is proposed the soffit height and minimum clearance of the existing bridge would be increased slightly on the new structure (from 4.609m to 4.654m), and there would be no alterations to the highway.

The red line boundary is located within the bat alert layer. Ecological impacts, however, are not a matter for consideration as part of this notification and the wider ecological impacts for the Transpennine Route Upgrade would be considered as part of the proposed Transport and Works Act Order. The granting of prior approval under Part 18 of the GPDO would not grant consent to undertake these works without other necessary consents being sought and in place (e.g. temporary closure of public right of way).

Recommendation: Grant Approval

Report Dated: 26/06/2026

Decision Notice Text

The Council considers that the works detailed in the above application are permitted development under Part 18(A) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and that Prior approval for the development is hereby granted subject to the following conditions:

1. Notwithstanding the submitted plans, a sample of the parapet finish[es] shall be submitted to and approved by the Local Planning Authority, prior to their installation. The external treatment of the parapet finish[es] shall reflect the retained stonework of the bridge in terms of colour, texture, finish and coursing.

Reason: In the interests of visual amenity and the conservation of the Historic Environment and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

2. The GRP handrail shall be finished in a black or green powder coating

Reason: In the interests of visual amenity and the conservation of the Historic Environment and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

Note: The granting of prior approval under Part 18 of the GPDO would not grant consent to undertake these works without other necessary consents being sought and in place (e.g., temporary closure of public right of way).

Plan Type	Reference	Version	Date received
Existing and proposed elevations	167037-TGP-54-MVL3-DRG-T-LP-165401	P02	22.01.220
Existing and proposed plan	167037-TGP-54-MVL3-DRG-T-LP-165400	P02	22.01.2026
Network Rail cover letter dated 10/03/2026	TP/LNE/2026-008 167037	-	22.01.2026