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Development Control  
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Network Rail  
George Stephenson House  
Toft Green, York, YO1 6JT

Date: 23/01/2026

Our Reference: TP/LNE/2026-011 & 167037

Sent via email: [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

Dear Sir/ Madam

Application for Prior Approval under Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 for a re-constructed bridge, Bridge MVL3/67, Low Westwood Lane, north of Linthwaite

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/67, Low Westwood Lane, to the north of Linthwaite:

- Location Plan (including red line application boundary)
- 167037-TGP-54-MVL3-DRG-T-LP-166700-P02: Existing and Proposed General Arrangement
- 167037-TGP-54-MVL3-DRG-T-LP-166701-P02: Existing and Proposed Elevation and Section
- Extract of the Huddersfield and Manchester Railway and Canal Act 1845
- Extract of the Railway Clauses Consolidation Act 1845

This letter constitutes an application for the Prior Approval of details by Kirklees Council as the local planning authority (LPA). The application follows a presentation of proposed works to various bridges to Kirklees Council officers in May 2025, including Bridge MVL3/67.

#### The Proposed Works

The existing bridge comprises of three decks. The southern and northern decks are riveted wrought iron ladder decks and the central deck is a prestressed concrete deck. Both decks include stone abutments between which is a metallic parapet. The proposed works comprise the replacement of the northern deck and the partial replacement of the southern deck (but which will not impact the southern facing façade). The proposed works are required because of the introduction of a third track across the bridge and include the reconstruction of the wrought iron bridge decks with prestressed concrete deck beams, and the replacement of the existing metallic parapet, stone copers and pilasters with pre-cast concrete units (using stone masonry patterning) and GRP handrails.

#### Permitted Development Rights

The proposed works constitutes railway operational development for which Network Rail has statutory powers to undertake. Planning consent is therefore granted by virtue of Part 18, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), which relates to development authorised by a local or private Acts of Parliament.

Part 18, Class A states that permitted development applies when it is *“authorised by (a) a local or private Act of Parliament (i.e. the original Act of Parliament that allowed the construction of the railway) [...] which designates specifically the nature of the development and the land upon which it may be carried out.”* Development is not permitted (for specific items identified, such as buildings or bridges) *“unless the prior*



*approval of the appropriate authority to the detailed plans and specifications is first obtained". However, "the prior approval [...] is not to be refused [...] nor are conditions to be imposed unless they are reasonably satisfied that - (a) the development ought to be and could reasonably be carried out elsewhere on the land; or (b) the design or external appearance of any building [...] would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury."*

The original enabling 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. This "general power" is provided for in Section 16 of the 1845 Railway Clauses Consolidation Act, and it is this Act which is incorporated in all railway Acts since 1845. Acts before 1845 have the equivalent wording embodied within the sections of the Act as appropriate.

The decision of the Court of Appeal in *Emsley v North Eastern Railway Company* (1896) 1 Ch 418 confirmed that these powers are not restricted to the period of construction but can be invoked from "time to time". The use of the original Act of Parliament as a means of using permitted development rights has also been upheld in a 2000 English Ministerial appeal decision, the reference number being APP/X/98/X5210/003059.

For the purposes of Part 18, Class A, the enabling Act in this instance is the *Huddersfield and Manchester Railway and Canal Act 1845*, which incorporates clause 16 of the Railway Clauses Consolidation Act 1845. Extracts of both Acts are enclosed.

Therefore, the two tests to be applied to the determination of this application for prior approval are the siting of the structure and its design in terms of its impact on the amenity of the area. The first is self-evident in that the bridge carries the railway, is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design of the replacement bridge deck has any adverse impact on the amenity of the neighbourhood.

#### Prior Approval Assessment

Bridge MVL3/67, Low Westwood Lane was reconstructed in the late 19th century to accommodate an increase in the number of lines, including goods sidings. The bridge is a typical form of underbridge in its architectural style and engineering, comprised of gritstone piers and abutments, with wrought iron half-through construction with cross girders spanned by jack-arches, and is late in date for railway architecture. A central section of the deck was replaced with concrete beams in the late 20th century, which will be replaced as part of the proposed works proposed. Whilst the bridge is considered to be a non-designated heritage asset as part of the mid-19th century expansion of the railway, it is of limited heritage value and not of special interest due to its typical design and later phases of alteration including to the bridge deck in the late 20th century.

The bridge does not lie within a designated landscape. The southern part of the bridge does however lie within Linthwaite Conservation Area at its northwestern boundary. The boundary of Wellhouse Conservation Area is located close to the northern façade of the bridge, with the main body of the Conservation Area being located further up the hill slope to the north, and focused on a clustering of rural weavers cottages. The northern façade of the bridge faces a sharp bend in Low Westwood Lane, and which is abutted on both sides by steep embankments, meaning that the bridge is only readily visible from Low Westwood Lane to the immediate north. Given this local topography, road geometry, and limited contribution made by the bridge to the setting of Wellhouse Conservation Area, the proposed works would have no impact on the special architectural and historic interest of the Conservation Area, and a negligible



impact on its setting. The proposed works retain, where possible, the original features of the bridge by maintaining/ re-using stone wingwalls. Where removal of the existing bridge structure is required, the use of pre-cast concrete with stone masonry patterning is proposed. The southern façade will remain unchanged and, therefore, the proposed works will have a negligible impact on Linthwaite Conservation Area.

To the east of the bridge are located the ruinous remains of former coal drops and goods shed associated with the railway, and which are considered a non-designated heritage asset. The bridge forms part of the setting of the remains of the coal drops and goods shed. Given there are no changes to the southern façade of the bridge, the setting of the non-designated heritage asset will remain unchanged. To the south of the bridge between the railway and the Huddersfield Narrow Canal is a grouping of historic buildings that includes grade II listed 3 and 3a Low Westwood Lane (NHLE 1216962), and 16, 18, and 20 Low Westwood Lane (NHLE 1216963), the setting of which will remain unchanged by the proposed works to the bridge.

Given the local context and sensitive design proposed, it is considered that the proposed works would not, by reason of design, be detrimental to the surrounding amenity. There are no other matters of acknowledged importance that should preclude the grant of Prior Approval.

We therefore request the formal Prior Approval to the plans and specifications enclosed with this application in accordance with the provisions of Part 18, Class A of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015.

Please note that no fee is prescribed in cases of Prior Approval under Part 18 of the Order. Please kindly issue a decision notice or letter stating that 'prior approval' has been granted for our records, in accordance with the 8 week statutory determination period.

Please do not hesitate to contact me on the e-mail address above should you have any queries on this matter or require further information.

Yours faithfully

Tony Rivero  
Town Planning & Heritage Manager (North)  
Network Rail Land & Property (Eastern)