

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/90303/W

Site Address	Scar Lane, Milnsbridge, Huddersfield, HD3 4PS
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Description	Prior approval for alterations to bridge MVL3/75, Scar Lane, west of Milnsbridge
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Recommending Officer	Liz Chippendale
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DECISION – Prior Notification – 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: 10-Jul-2026

Application: 2026/90303

Site: Scar Lane, Milnsbridge, Huddersfield.

Proposal: Prior approval for alterations to bridge Bridge MVL3/75, Scar Lane, west of Milnsbridge (within a Conservation Area)

Application Site

Bridge MVL3/75 carries Scar Lane, a public highway, over the rail corridor and comprises a single span stone arch with stone parapets, abutments and wingwalls.

The bridge is adjacent to the northern boundary of the Milnsbridge Conservation Area.

Proposal

The proposed works comprise of a parapet height extension along the length of the bridge and the installation of steel Chevaux de frise. The parapet extension proposed is a steel parapet extension on top of the existing stone parapets resulting in a height of 1.85m. The parapet extensions and Chevaux de frise would be painted a charcoal colour.

The proposed works are required to prevent trespass on the railway and to protect users from contact with future overhead electrification lines.

There are no proposed alterations to the highway.

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 be refused by the appropriate authority nor are condition 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 is necessary to complete works on the TransPennine Route Upgrade, and cannot therefore be reasonably be located elsewhere.

In respect of part (b) and the amenity of the neighbourhood, due to its architectural and historic interest, the bridge is considered to be a non-designated heritage asset.

Although the bridge is not within a conservation area, its location is directly adjacent to the northern boundary of the Milsbridge conservation area and as such forming part of the conservation areas setting. The parapet extensions and Chevaux de frise are proposed to be painted charcoal in colour to help minimise the contrast with the original weathered stone.

The proposed works would be considered to minimally impact the architectural appearance of the bridge with a negligible impact to the setting of the adjacent conservation area. There are, however, noted to be four chevaux de frise proposed, at each end of each boundary wall. These are utilitarian feature, for security. Although they have some design merit, fundamentally they are an overly functional security deterrent. However, they are proposed for health and safety, to prevent access onto the railway and the electrified lines. As such, on balance, there is no objection to the proposed works.

The nearest neighbouring residential properties are located on Scar Lane to the north and south at a minimum distance of approximately a minimum of 25 metres it is not considered that the proposal would impact on residential amenity due to the significant separation distance.

The red line boundary is located within the bat alert layer. Ecological impacts are not a specific matter for consideration as part of this notification, although the council / LPA does hold a general Biodiversity Duty (per the Environment Act 2021). In this case, given the nature of the works (extending the parapet height), there is considered limited feasible harm to local biodiversity. Furthermore, 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 (eg, 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.

Plans Schedule:

Plan Type	Reference	Version	Date received
Existing and proposed elevations and section	167037-TGP-56-MVL3-DRG-T-LP-167501	P02	03/02/2026
Existing and proposed general arrangement	167037-TGP-56-MVL3-DRG-T-LP-167500	P02	03/02/2026
Network Rail cover letter dated 02/02/2026	TP/LNE/2026-018 167036	-	03/02/2026