

From:

Sent: 03 September 2026 16:43

To:

Subject: Planning Application 2026/92184

Dear Sirs,

I wish to object to the above planning application for the same reasons that the field below it was turned down. I assume you have records of the objections and the outcome of that.

If not, I have attached the documents which I think are as relevant to this land as the other.

Having known the applicant's father who rented a garage on this site and bought it for I believe he told me £6000 so that no one could build on it. He was a big objector of building on the land below this. It seems hypocritical that his son wants to build on it now.

The rear of the houses behind Ladyhouse Lane and Newsome Road South is a corridor for wildlife and birds. It brings mental peace for the residents who have to put up with the noise and traffic which are affecting both roads, which have increased over the years. Some heavy vehicles should not be on these roads.

These houses will not be suitable for first time buyers. Enough houses have been built already in Newsome. We don't want to live in a concrete jungle.

I think the interests of the local residents should come before someone who lives in Derbyshire and is out to make a fast buck, and is obviously not interested in the areas environment.

Yours faithfully,



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2011/60/90090/W2

To: DM Grayson,
Form Architecture
Kirklees Media Centre
7, Northumberland Street
Huddersfield
HD1 1RL

For: Mr & Mrs Grayson

**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:-**

OUTLINE APPLICATION FOR ERECTION OF A DETACHED DWELLING

At: LAND AT, LADYHOUSE LANE, BERRY BROW, HUDDERSFIELD

**In accordance with the plan(s) and applications submitted to the Council on
25-Jan-2011. The reasons for the Council's decision to refuse permission for the
development are:**

1. This greenfield site forms part of a larger area of open and undeveloped land with amenity value immediately adjacent to an area of Green Belt to the north east of the site. The principle of erecting a dwelling with associated access and turning area on this site would be detrimental to the character and appearance of this area, result in a loss of valuable open space and be visually detrimental to the openness of the adjacent Green Belt area. To permit such a development would be contrary to national policy in PPS1 and PPS3, national guidance in PPG2, and Policies D2, BE1 and BE2 of the Unitary Development Plan.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design, Environmental & Access Statement			25 th Jan 2011
Site Location Plan	08003 (00) 001		25 th Jan 2011
Site Layout Plan	08003 (00) 003		25 th Jan 2011
Phase 1 Habitat Survey	Dated May 2011		1 st June 2011
G.A. Site Survey	08003 (00) 000		1 st June 2011
G.A. Swept vehicle paths 1of2	08003 (00) 010		1 st June 2011
G.A. Swept vehicle paths 2of2	08003 (00) 011		1 st June 2011
G.A. Cross Sections	08003 (00) 012		1 st June 2011

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 or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 15-Sep-2011

Signed: 

Jacqui Gedman
Director of Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2011/60/90090/W2.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR



Appeal Decision

Site visit made on 10 January 2012

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2012

Appeal Ref: APP/Z4718/A/11/2163260

Ladyhouse Lane, Berry Brow, Huddersfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Grayson against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2011/60/90090/W2, dated 10 January 2011, was refused by notice dated 15 September 2011.
 - The development is a proposed detached dwelling, 2 storey.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal seeks outline planning permission, with all matters of detail other than the access and layout reserved for future consideration.
3. The application and supporting information indicates that the proposal is for a 2 storey dwelling, with 4 or more bedrooms and an eaves height of 6.0-6.5m, and I have considered the proposal on that basis. Although some, limited further information regarding the design intentions for the building has been provided in a Visual and Environmental Design Statement, this was not before the Council when it made its decision and I have treated the information as being indicative only.

Main Issues

4. The main issues are:
 - the effect of the development on the visual amenities of the adjacent Green Belt and the character and appearance of the area; and
 - whether any harm arising from the first issue is outweighed by the need to address any shortage of land for residential development within the area.

Reasons

First Issue

5. The appeal site is part of a larger wedge of land between Ladyhouse Lane and Newsome Road South. The site is identified as garden land to 49 Ladyhouse Lane within the planning application form. Nevertheless, its use as garden is

- not obvious. Indeed, it has a somewhat unkempt appearance and relates visually to other overgrown land within the wedge. The site drops steeply downwards towards a stream, beyond which are houses on Newsome Road South.
6. To the northeast of the site is open countryside, designated as Green Belt. The wedge of land of which the site is a part is clearly distinct from that land, being separated from it by a low wall and partly contained by the housing on Ladyhouse Lane and Newsome Road South. Nevertheless, being largely undeveloped, it provides an appropriate, soft edge to the Green Belt.
 7. However, its value in that regard would be undermined by the appeal proposal. Positioned only about 4m from its northeast boundary, the dwelling would be conspicuous from the Green Belt. The erection of a 2 storey dwelling in this position would result in a harder, more urban edge to the Green Belt boundary. Moreover, the limited space to the boundary means that there would be little scope to introduce planting to soften the impact. Thus, the visual amenities of the Green Belt would be harmed by the development, contrary to the advice within Paragraph 3.15 of Planning Policy Guidance Note 2 *Green Belts* (PPG2). While I accept that the site is not prominent from the public right of way further to the northeast, that does not alter my view that the harm to the Green Belt would be significant.
 8. I am also concerned regarding the visual effect of the development in views from the lower land to the northwest. The site is prominent from Newsome Road South, and must be more so from the dwellings along the south-eastern side of it. The visual impact would arise not only from the house itself, but also from its lengthy access drive, complete with 2 turning areas. Moreover, the Council considers that significant earthworks and retaining structures would be needed to allow the development to be carried out. Given the steep slope of the land, I agree that such works are likely to be necessary, and consider that they could be highly prominent from the lower viewpoints along Newsome Road South. Indeed, the combined effect of the house, the access and any retaining structures would be likely to result in a visually intrusive form of development within this hillside setting.
 9. I appreciate that a detailed design would need to be submitted for approval before any development could take place. Indeed, the appellant argues that the careful selection of materials and appropriate massing would ensure that the dwelling would sit in harmony with its surroundings. However, the limited information before me does not clearly demonstrate that a satisfactory overall development can be achieved within this prominent and steeply-sloping site, given the concerns I have highlighted.
 10. For these reasons I conclude that the development would materially harm the visual amenities of the Green Belt and the character and appearance of the area. Consequently, the proposal is at odds with the aims for design and visual amenity within policies D2, BE1 and BE2 of the adopted Kirklees Unitary Development Plan (UDP). The time that has elapsed since the adoption of the UDP does not diminish the relevance of the aims of protecting visual amenity (D2), creating a visually attractive environment (BE1) and taking site characteristics such as topography into account (BE2).

Second Issue

11. The appellant maintains that there is a shortage of housing land within the Borough. Moreover, the Council states that an appeal Inspector has recently concluded that it could not demonstrate an adequate supply of deliverable housing sites. The Council has not, in relation to this current case, challenged that view. The proposal must therefore be considered with regard to Paragraph 71 of Planning Policy Statement 3 *Housing* (PPS3), which indicates that, where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to the policies in the PPS, including the considerations in paragraph 69.
12. However, this does not imply that any development can take place where a 5 year supply cannot be demonstrated. Indeed, paragraph 69 of the PPS makes clear that housing developments should not undermine wider policy objectives. In this instance, I have found that the proposal would undermine objectives for the Green Belt and the character and appearance of the area. With this in mind, while the shortage of housing land is a significant factor in favour of the proposal, the benefit of the single dwelling proposed does not outweigh the harm I have found.

Other Matters

13. The Council suggests that the erection of a dwelling on the site would be unacceptable as a matter of principle because of the greenfield nature of the site and its value as open space. However, while PPS3 clearly favours the development of previously-developed land, it does not rule out development on greenfield sites in all instances. The information before me regarding any special qualities of the land as open space is not sufficient for me to conclude that any form of development on the land is unacceptable as a matter of principle, particularly given the current housing land supply situation. Nevertheless, in view of the prominence of the site and its relationship to the Green Belt, I consider that the proposal before me would result in visual harm, for the reasons I have given.
14. I have had regard to the Draft National Planning Policy Framework document, issued for consultation last year, but as this document is still in draft form and subject to change, have accorded its policies little weight. I have considered those policies of the Yorkshire and Humber Plan (the Regional Spatial Strategy) to which I have been referred. However, those strategic policies do not alter my findings on the main issues in this instance.
15. I have taken account of the Ministerial Statement 'Planning for Growth' and accept that the development would generate some, limited economic benefits, but these considerations do not outweigh the harm I have found.
16. The appellant states that the dwelling would be a 'zero carbon' home that would meet Code Level 6 of the Code for Sustainable Homes. While I recognise the benefits of such sustainable design, and note also the views of the Inspector who considered objections to the UDP regarding the sustainability of the location, I do not regard this as sufficient reason to allow the development.

17. I have considered all other matters raised in support of the proposal, but no such considerations alter or outweigh my findings on the main issues.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR