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

Date: 20/11/2026

Our Reference: TP/LNE/2026-020 & 167037

Sent via email: 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 parapet height extension to Bridge MVL3/82, Paddock Bridge, Church Street.

Please find enclosed the requisite plans and details outlining alterations to Bridge MVL3/82, Paddock Bridge, Church Street:

- Location Plan (including red line application boundary)
- 167037-TGP-56-MVL3-DRG-T-LP-168200-P03: Existing and Proposed General Arrangement
- 167037-TGP-56-MVL3-DRG-T-LP-168201-P03: 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 various meetings with Kirklees Council officers during 2025/26 and comprises the same works that were granted Listed Building Consent under reference 2026/91340.

The Proposed Works

The existing bridge comprises a single span masonry arch directly supported on the rock cutting on both sides of the railway. The existing parapets range between 1.7 meters and 1.8 metres in height, comprising of a stone wall topped by metal handrailing. The proposed works comprise the replacement of the existing metal handrailing (that are not original to the bridge) with a parapet extension of perforated steel screens. The works are required to protect users from contact with (future) overhead electrification lines.

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) I 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 Church Street over the railway, is already in situ and cannot be reasonably located elsewhere. It then turns on whether the design of the parapet height extension has any adverse impact on the amenity of the neighbourhood.

Prior Approval Assessment

The bridge is not within a designated landscape or conservation area. The bridge is, however, a Grade II listed heritage asset (NHLE 1452083), designated for its special historic and architectural interest. The bridge was designed by notable railway engineer Alfred Stanistreet Jee and is a good example of an early flying arch bridge, constructed between 1845 and 1849. The bridge is of further interest in that its flying arch springs directly from bedrock into which the railway is cut. The engineering innovation for which the bridge is listed is best appreciated in views from its sides, such as from Branch Street to the north east.

The land surrounding the bridge is residential in character but, except for properties on West View to the south, do not directly overlook the bridge. The existing metallic post and rail parapet extensions which are of mixed dates, and are between 10mm and 20mm shorter than the proposed works, are in a poor condition. The proposed installation of modern steel black charcoal painted parapet extensions and perforated steel screens will have a minimal visual impact on the architectural character of the bridge and will not affect or detract from the appreciation of the bridge design. Given that the existing bridge superstructure will be maintained, the proposed works will have a minimal impact on the visual amenity of the surrounding area and the special interest of the listed bridge.

The Listed Building Consent for the works includes a condition requiring design details of the proposed parapet screen at a scale of 1:20 and 1:5. This condition is considered sufficient to ensure the finer details of the works appropriately reflect the heritage context of the bridge and, therefore, it is not considered necessary to attached similar conditions to the prior approval decision.

Given the local context, sensitive design and that Listed Building Consent has already been granted for the same works (which by reason means the design is not detrimental to the architectural quality and appearance of the bridge), 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 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)