



Name of meeting: PLANNING SUB-COMMITTEE (*Heavy Woollen*)

Date: 21st March 2019

Title of report: A Review of Planning Appeal Decisions
(*Jan 2018 – December 2018*).

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Acting Assistant Director - Legal & Governance?	Karl Battersby (05/03/2019) No financial implications No legal implications
Cabinet member portfolio	Economy (Councillor McBride)

Electoral [wards](#) affected: All

Ward councillors consulted: No

Public or private: PUBLIC

1. Purpose of report

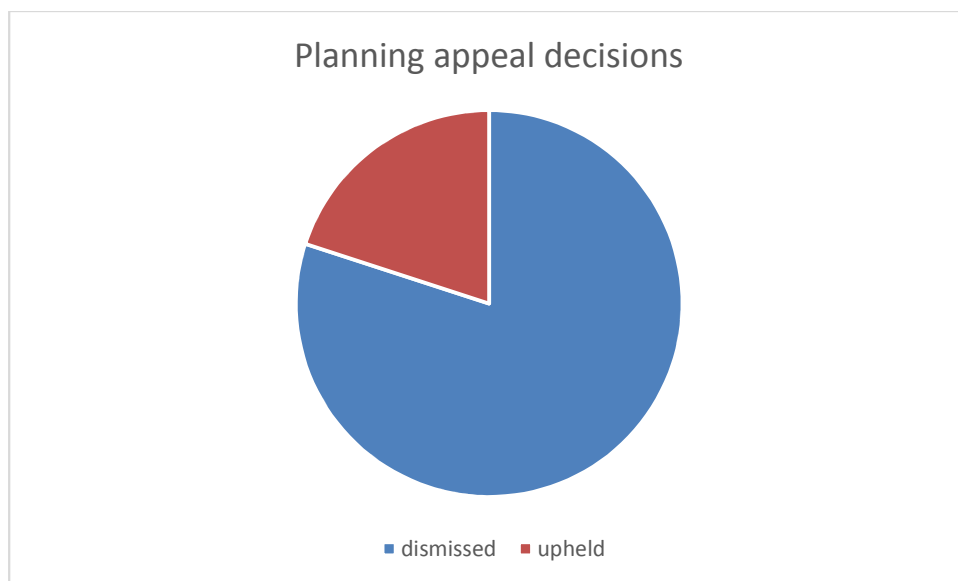
1.1 For information purposes

2. Key points

Planning Appeals

- 2.1 Between January 2018 and December 2018, there were 35 planning appeals submitted relating to planning (and tree works) applications in electoral wards within the Heavy Woollen Sub-Committee area of the district. Of these, 80% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.
- 2.2 Figure 1 below shows a breakdown of planning application (including tree works) appeals, whether dismissed or upheld.

Figure 1: Breakdown of planning application (including tree works) appeal decisions



Trees appeals

- 2.3 Of the 35 planning appeals, there was 1 tree works appeal (2017/94188). This was dismissed.

Application for award of costs.

- 2.4 1 application for an award of costs was lodged in respect of application ref. 2017/93470. This was refused.

Delegated and Committee Decisions

- 2.5 Of the 35 appeals, 32 decisions were determined under delegated powers. Of these, 26 were dismissed (81%). 3 planning applications were determined by Planning Committee. Of the decisions made by planning committee, 2 out of the 3 appeals were dismissed. 1 was in accordance with officer recommendation. The appeal that was upheld was also contrary to officer recommendation. Appendix 1 provides a list of relevant appeals.

Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2018)

- 2.6 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.7 The criteria for designation, as revised in November 2018, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.8 To note, the latest published performance tables from the MHCLG (August 2018) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of June 2017, a total of 2.4% of decisions on Major applications were overturned at appeal. This equates to 4 appeals overturned from the 181 applications Kirklees determined in the same period. The corresponding information for non-major decisions was a total of 0.6% decisions overturned at appeal. This related to 26 decisions being overturned at appeal as a percentage of the 4,347 applications determined in the same period. From the information held by MHCLG, Kirklees would not fall within the criteria for designation.

3. Implications for the Council

Not applicable

4. Consultees and their opinions

Not applicable

5. Next steps

Not applicable

- 6. Officer recommendations and reasons**
To note
- 7. Cabinet portfolio holder recommendation**
Not applicable
- 8. Contact officer and relevant papers**
Mathias Franklin – Head of Development Management
- 9. Director responsible**
Karl Battersby – Strategic Director for Economy and Infrastructure.

Appendix 1 – List of planning application appeals including tree works decided between January and December 2018 (Heavy Woollen Area)

1. 2017/90879 487, Bradford Road, Birkenshaw, Bradford, BD11 2DS - High Hedge – Officer Decision – Appeal Dismissed
2. 2017/90500 Adj, Greenfield House, Green Lane, High Flatts, Huddersfield, HD8 8XU - Outline application for removal of existing agricultural building and erection of two detached rural exception affordable dwellings – Officer Decision (Non determined) – Appeal Dismissed
3. 2016/92449 85, Dark Lane, Batley, WF17 7PW - Erection of shop and extension to existing dwelling to form link to shop – Officer Decision – Appeal Dismissed
4. 2016/94312 Corn Mill Bottom, Shelley, Huddersfield, HD8 8JJ - Erection of one dwelling and demolition of workshop/garage – Officer Decision – Appeal Dismissed
5. 2016/92862 Land to rear of, 2-5, The Crescent, Hightown - Outline application for erection of detached bungalow – Officer Decision – Appeal Dismissed
6. 2017/92993 33, Walker Street, Earlsheaton, Dewsbury, WF12 8LB - Erection of ground floor extension with basement below – Officer Decision – Appeal Dismissed
7. 2017/91900 120, Savile Road, Savile Town, Dewsbury, WF12 9LP - Erection of front and rear dormers – Committee Decision (in accordance with officer recommendation) – Appeal Dismissed
8. 2017/91476 32A, Gregory Springs Lane, Lower Hopton, Mirfield, WF14 8LE - Erection of first floor front and rear extensions – Officer Decision – Appeal Dismissed
9. 2017/92671 Rear of, 678a, Bradford Road, Birkenshaw, BD11 2EE - Reserved matters application pursuant to outline permission 2016/90511 for erection of one dwelling – Officer Decision – Appeal Dismissed
10. 2017/92537 16, Hall Lane, Highburton, Huddersfield, HD8 0QW - Demolition of existing single storey side extension and erection of single storey side extension (within a Conservation Area) – Officer Decision – Appeal Upheld

11. 2016/94215 The Mansion Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR - Erection of raised tree house and decking (within the curtilage of a Listed Building) – Officer Decision – Appeal Dismissed
12. 2017/92498 77, Leeds Road, Littletown, Liversedge, WF15 6JA - Outline application for the erection of two detached dwellings – Officer Decision (Non determined) – Appeal Dismissed
13. 2017/93968 33, Grange Road, Staincliffe, Batley, WF17 7AT - Erection of cabin to form annex accommodation associated with 33, Grange Road, Staincliffe, Batley, WF17 7AT – Officer Decision – Appeal Dismissed
14. 2017/93877 35, Chadwick Crescent, Dewsbury, WF13 2JF - Erection of extension and alterations to covert garage to garden room – Officer Decision – Appeal Dismissed.
15. 2017/93943 87C, Low Lane, Birstall, Batley, WF17 9HB - Change of use from hot and cold sandwich shop to hot food takeaway (A5) – Officer Decision – Appeal Upheld
16. 2018/90539 54, Lemans Drive, Dewsbury, WF13 4AL - Erection of front and rear dormer windows and alterations to rear conservatory to create kitchen – Officer Decision – Appeal Dismissed
17. 2018/90534 34, Bristfield Road, Thornhill, Dewsbury, WF12 0PW - Erection of dormer window to rear – Officer Decision – Appeal Upheld
18. 2017/93734 2, Ravens Crescent, Scout Hill, Dewsbury, WF13 3QF – Erection of fence – Officer Decision – Appeal Dismissed.
19. 2017/91415 Rockwood House, Cockermouth Lane, Flockton, Huddersfield, WF4 4BS - Erection of single storey side extension – Officer Decision – Appeal Upheld
20. 2017/94118 6, The Meadows, Denby Dale, Huddersfield, HD8 8TQ - Erection of two storey side and single storey front and rear extensions – Officer Decision – Appeal Dismissed
21. 2018/90115 185, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side and front extensions with single storey element – Officer Decision – Appeal Dismissed
22. 2017/93152 161, Bradford Road, Cleckheaton, BD19 3TJ - Variation conditions 3 (opening hours) and 4 (delivery hours) on previous permission

2007/93417 for change of use from A1 (post office) to A5 (take-away) –
Officer Decision – Appeal Dismissed

23. 2017/93470 adj, 93, Stocks Bank Road, Mirfield, WF14 9QB - Demolition of existing garage erection of detached dwelling with integral garage – Decision by committee (in contrary with officer recommendation) – Appeal Dismissed.
24. 2018/90333 adj, 225, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of detached dwelling with integral garage – Officer Decision – Appeal Dismissed
25. 2018/90521 Woodhouse Farmhouse, Woodhouse Lane, Emley, Huddersfield, HD8 9QX - Erection of extensions – Officer Decision – Appeal Dismissed
26. 2018/90165 697, Bradford Road, Oakenshaw, BD12 7DT - Change of use from A1 (retail) to A5 (hot food takeaway), erection of single storey side extension and formation of 2no. flats at first floor – Officer Decision – Appeal Dismissed
27. 2017/94188 25, Birkhead Close, Highburton, Huddersfield, HD8 0GR - Works to TPO(s) 28/98 – Officer Decision – Appeal Dismissed
28. 2018/91807 522, Bradford Road, Birkenshaw, BD19 4AY - Erection of single and two storey side and rear extensions – Officer Decision – Appeal Upheld
29. 2017/93222 Tangerine Confectionery Limited, Westgate, Cleckheaton, BD19 5EB - Installation of a sugar silo and associated concrete base – Decision by committee (in contrary with officer recommendation) – Appeal Upheld
30. 2018/91310 Nordia, 98, Penistone Road, Kirkburton, Huddersfield, HD8 0TA - Erection of two storey rear extension – Officer Decision – Appeal Dismissed
31. 2018/92198 49, Old Lane, Birkenshaw, BD11 2LA - Demolition of existing garage and erection of two storey side extension and dormer extension to front – Officer Decision – Appeal Dismissed
32. 2018/91916 20, Garden Street, Ravensthorpe, Dewsbury, WF13 3AR - Erection of porch to front – Officer Decision – Appeal Dismissed
33. 2017/94093 Land Adjacent, Plough Barn, Birds Edge Lane, Birds Edge, Huddersfield, HD8 8XR - Outline application for two detached dwellings – Officer Decision – Appeal Upheld
34. 2017/92595 Wilson House Farm, Briestfield Road, Briestfield, Dewsbury, WF12 0PA - Erection of agricultural building – Officer Decision – Appeal Dismissed

35.2018/91226 Land at, Holly View Farm, Field Head Lane, Birstall, WF17 9BW -
Demolition of existing building and erection two storey workshop and office
(B1 Use) and detached garage – Officer Decision – Appeal Dismissed

Appeals lodged but subsequently withdrawn

2017/93635 3, Low Moor, Town End Lane, Lepton, Huddersfield, HD8 0NB -
Certificate of Lawfulness for existing use of land as domestic – Officer Decision –
Appeal Withdrawn

2017/92211 Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge, WF15 7AP -
Erection of extensions, alteration to increase roof height to form second floor –
Decision by Committee (in contrary with officer recommendation) – Appeal
Withdrawn