

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

**Date: 17<sup>th</sup> February 2021**

**Title of report: A Review of Planning Appeal Decisions  
(*January 2020 – December 2020*)**

**The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen area since the last Sub-Committee meeting.**

**Electoral wards affected: All**

**Ward councillors consulted: No**

**Public or private: Public**

**Has GDPR been considered?** Yes. There no GDPR implications.

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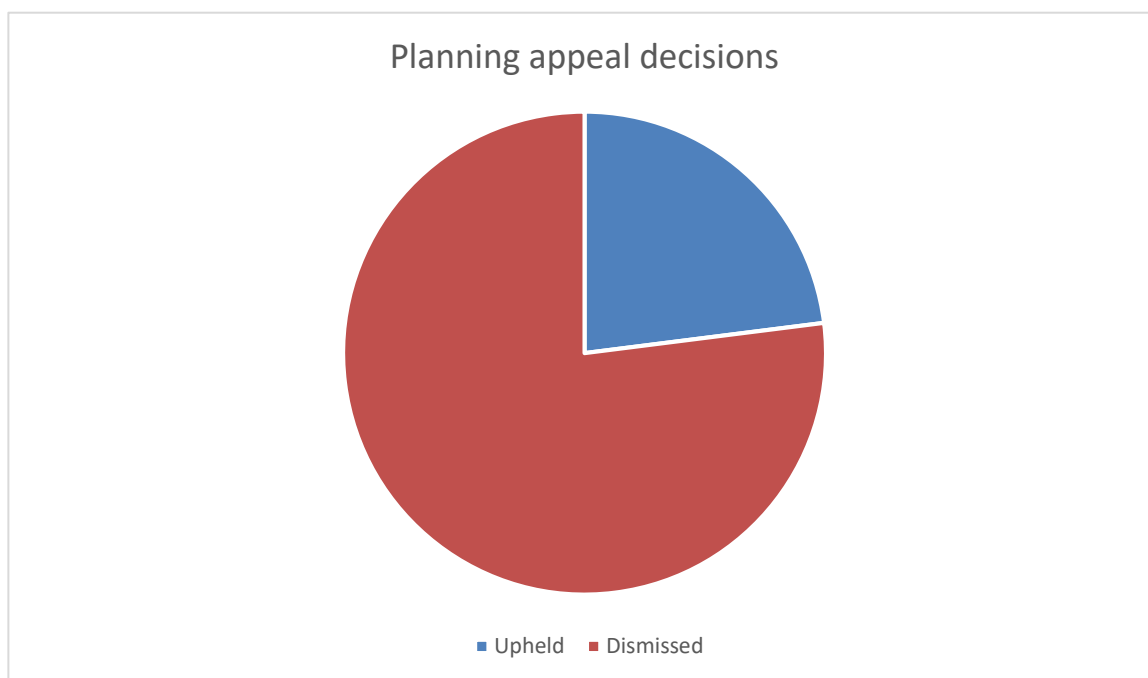
## **1. Purpose of report**

1.1 For information purposes

## **2. Key Points**

### **Planning Appeals**

- 2.1 Between January 2020 and December 2020, the council have received 31 planning appeal decisions in the electoral wards within the Heavy Woollen Sub-Committee area of the district. Of these, 77% 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 appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld.



### Trees appeals

2.3 Of the 31 planning appeals, there were 3 tree works appeals. One application was dismissed (2019/90089), one upheld (2018/93239) and the other was part upheld/part dismissed (2019/92767).

### Application for award for costs

2.4 2 applications for an award of costs were lodged against the council. Of this 1, has been awarded (2019/93993).

### Delegated and Committee Decisions

2.5 Of the 31 appeals, 30 decisions were determined under delegated powers. Of these, 23 were dismissed (77%). 1 application was determined by the Planning Committee, in which was subsequently dismissed (100%).

Appendix 1 provides a list of relevant appeals.

### Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)

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 December 2020, 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 (March 2019) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of March 2019, a total of 2.1% of decisions on Major applications were overturned at appeal. This equates to 6 appeals overturned from the 191 applications Kirklees determined in the same period.

The corresponding information for non-major decisions was a total of 3.7% decisions overturned at appeal. This related to 123 decisions being overturned at appeal, 0.6% as a percentage of the 4,325 applications Kirklees determined in the same period. From the information held by MHCLG, Kirklees would not fall within the criteria for designation.

### Compliance

- 2.9 Between January 2020 and December 2020, Planning Enforcement have also served 142 notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 9 enforcement notice appeals were received in the East Area, all of which were upheld and dismissed in the favour of the council (100%).

<b>Type of Notice</b>	<b>No. served</b>
Enforcement Notice	34
Breach of Condition Notice	21
Planning Contravention Notice	80
Temporary Stop Notice	7
Stop Notice	0
Other	0
<b>Total</b>	<b>142</b>

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**  
Julia Steadman – Head of Development Management
- 9. Director responsible**  
David Shepherd – Strategic Director for Economy and Infrastructure.

Appendix 1 – List of planning application appeals including tree works decided between January and December 2020 (Heavy Woollen Area)

1. 2018/92169 adj, 6, Dean Fold, Highburton, Huddersfield, HD8 0QD - Outline application for erection of dwelling (within a Conservation Area) – Officer Decision – Appeal Dismissed
2. 2018/92832 Woodley, 10, Busker Lane, Skelmanthorpe, Huddersfield, HD8 9EP - Outline application for erection of detached dwelling – Officer Decision – Appeal Dismissed
3. 2018/93239 10, Over Hall Road, Mirfield, WF14 9LQ - Works to tree TPO 10/02 – Officer Decision – Appeal Upheld
4. 2018/93471 adj, 301a, Oxford Road, Gomersal, Cleckheaton, BD19 4LA - Erection of detached dwelling – Officer Decision – Appeal Dismissed
5. 2019/90089 46, Leeds Road, Littleton, Liversedge, WF15 6HX - Work to trees TPO 42/80 – Officer Decision -Appeal Dismissed
6. 2019/90498 adj, 41, Stockhill Street, Dewsbury, WF13 2JE - Erection of detached dwelling with integral garage – Officer Decision – Appeal Dismissed
7. 2019/90576 Brownhill Farm, Old Lane, Birkenshaw, BD11 2JL - Outline application for erection of detached dwelling – Officer Decision – Appeal Dismissed
8. 2019/91735 245, Roberttown Lane, Roberttown, Liversedge, WF15 7LJ – Erection of extensions, dormer window to rear, erection of double garage, demolition of existing garage and external alterations - Officer Decision – Appeal Dismissed
9. 2019/91736 29, Back Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DS - Erection of single storey extension to front – Officer Decision – Appeal Dismissed
10. 2019/91764 18 B, Wells Road, Thornhill, Dewsbury, WF12 0LE - Erection of one dwelling – Officer Decision – Appeal Dismissed
11. 2019/91831 41, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PT - Erection of raised terrace to rear – Officer Decision – Appeal Dismissed
12. 2019/91830 adj, 41, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PT - Outline application for erection of one detached dwelling – Officer Decision – Appeal Dismissed

13. 2019/92734 9, Chapel Fold, Staincliffe, Batley, WF17 7AY - Erection of extensions and dormer windows to front – Committee Decision (councillor request contrary to officer recommendation) – Appeal Dismissed
14. 2019/92767 323B, Bradford Road, Cleckheaton, BD19 3UQ - Work to tree TPO Sp2/70 – Officer Decision – Appeal part upheld/part dismissed
15. 2019/93050 Land Adj, 88, Oakway, Birkenshaw, BD11 2PQ - Erection of one detached dwelling – Officer Decision – Appeal Upheld
16. 2019/93190 Land at, Cliff Hollins Lane, East Bierley, Bradford, BD4 6RQ - Demolition of existing stables and erection of detached dwelling – Officer Decision – Appeal Upheld
17. 2019/93193 2, Lynwood Close, Birkenshaw, Bradford, BD11 2EU – Erection of two storey side and single storey rear extension, conversion of loft to living space - Officer Decision – Appeal Dismissed
18. 2019/93271 Park Farm House, 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL - Erection of detached garage, replacement porch and extension, alterations and formation of associated landscaping/parking – Officer Decision – Appeal Upheld
19. 2019/93351 adj, 5, Field Head Farm Court, Shepley, Huddersfield, HD8 8FH - Erection of detached dwelling and formation of vehicle parking and storage – Officer Decision – Appeal Dismissed
20. 2019/93387 91, Marsh Lane, Shepley, Huddersfield, HD8 8AP –Demolition of existing garage utility/store, erection of single storey extension and detached garage - Officer Decision – Appeal Dismissed
21. 2019/93552 4, Green Nook Close, Upper Cumberworth, Huddersfield, HD8 8FR -Erection of detached dwelling with associated parking and garden – Officer Decision – Appeal Dismissed
22. 2019/93670 8, Millers Croft, Birstall, Batley, WF17 0RN - Erection of front and rear dormers – Officer Decision – Appeal Dismissed
23. 2019/93914 Mina House, 47/51, Daisy Hill, Dewsbury, WF13 1LF - Alterations to convert vacant unit (A1) to form 5 apartments (C3) (within a Conservation Area) – Officer Decision – Appeal Dismissed
24. 2019/93944 Woodleigh, Vicarage Road, Savile Town, Dewsbury, WF12 9PD – Change of use of domestic accommodation to consulting rooms and erection of single storey extension to outbuilding - Officer Decision – Appeal Dismissed
25. 2019/93993 Meadowlands, Bristfield Road, Bristfield, Dewsbury, WF12 0PA - Erection of garage to side and garden room to rear – Officer Decision – Appeal Upheld

26. 2019/94069 3 Corn Mill Cottage, Corn Mill Bottom, Long Lane, Shelley, Huddersfield, HD8 8JJ - Formation of sub-terranean garage and alterations to patio – Officer Decision – Appeal Dismissed
27. 2020/90224 125, Oxford Road, Dewsbury, WF13 4EH – Erection of detached dwelling and first floor extension to existing dwelling (modified proposal) - Officer Decision – Appeal Dismissed
28. 2020/90673 11, Oakfield Drive, Lower Hopton, Mirfield, WF14 8PX - Erection of dormer extension with balcony and increase in gable height – Officer Decision – Appeal Dismissed
29. 2020/90898 Walton Cross Paddock, 148A, Windy Bank Lane, Hightown, Liversedge, WF15 8EX - Prior notification for change of use from agricultural building to one dwelling – Officer Decision – Appeal Dismissed
30. 2020/91135 53 , Scarborough Street, Savile Town, Dewsbury, WF12 9AY - Erection of single storey rear extension – Officer Decision – Appeal Upheld
31. 2020/92124 56, Lemans Drive, Dewsbury, WF13 4AL - Erection of extensions, front and rear dormers and exterior alterations- Officer Decision – Appeal Dismissed

Appeals lodged but subsequently withdrawn

2014/91289 7, Lees Avenue, Thornhill Lees, Dewsbury, WF12 0AN – Erection of two storey side and rear extensions, single storey front extension and 2 no. dormers on front elevation - Officer Decision – Appeal Withdraw

Appeals lodged against non-determination

2020/90251 6, Sugar Lane, Dewsbury, WF12 7AN - Erection of two storey and single storey side extension with raised terrace – Non determination – Appeal Dismissed

2020/90842 Wood Lea, Stretch Gate, Shelley, Huddersfield, HD8 8ES - Wood Lea, Stretch Gate, Shelley, Huddersfield, HD8 8ES – Certificate of lawfulness for proposed erection of out-building -Non- determination – Appeal Dismissed

