



Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 31st March 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 throughout the district in 2020.

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

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

1. Purpose of report

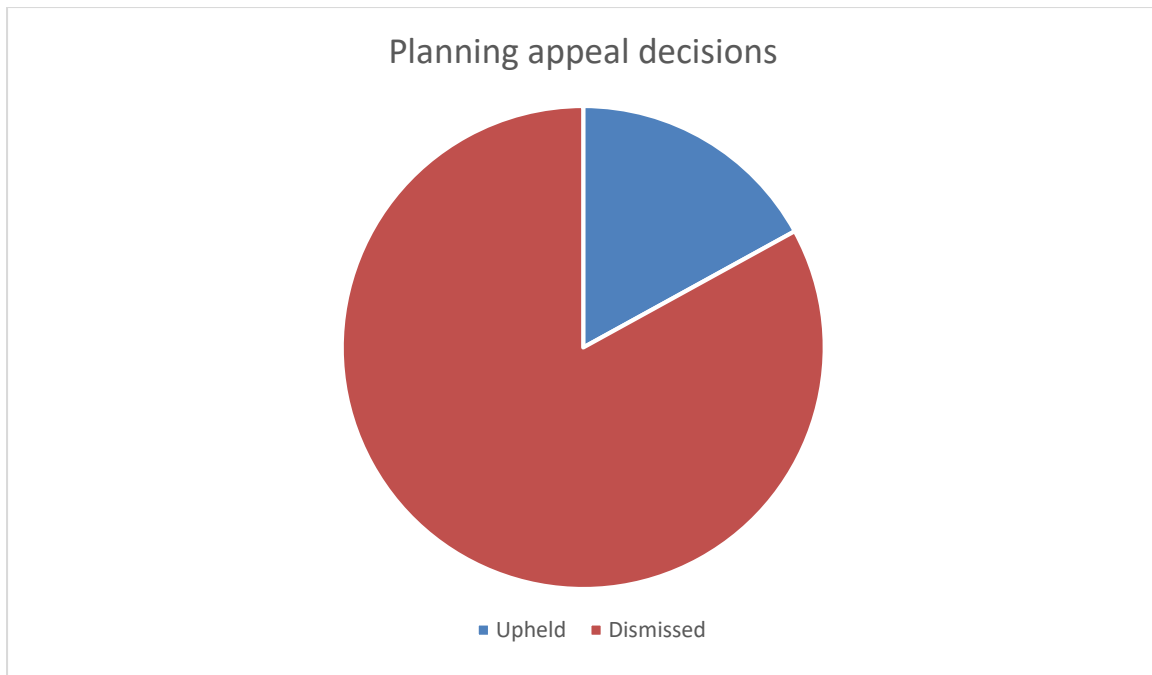
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January and December 2020, the council have received 84 planning appeal decisions in the electoral wards within the Kirklees district. Of these, 83% 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



Tree appeals

2.3 Of the 84 planning appeals, there were 7 tree works appeals, 5 of which were dismissed, one upheld (2018/93239) and the other was part upheld/part dismissed (2019/92767).

Application for award for costs

2.4 7 applications for an award of costs were lodged against the council. Of these, 2 have been awarded (2018/93508 & 2019/93993).

Delegated and Committee Decisions

2.5 Of the 84 appeals, 75 were determined under delegated powers. Of these, 63 were dismissed (84%). 9 applications were determined by a planning committee, whereby 6 were dismissed (66%).

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 (nationally). Within Kirklees for the same period, 6 decisions on Major applications were overturned on appeal, out of a total of 191 applications. This equates to 3.1% of all decisions at appeal. Of note, this period was almost exclusively before the Local Plan was adopted in February 2019.
- 2.9 The corresponding information for non-major applications was a total of 1.1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 25 decisions on non-major applications were overturned on appeal, out of a total of 4,331 applications. This equates to 0.6% of all decisions at appeal.

Compliance

3. Between January 2020 and December 2020, Planning Compliance have also served 142 notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 17 enforcement notice appeals were received within the district, all of which were dismissed, and the enforcement notices upheld in the favour of the council (100%).

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

4. **Implications for the Council**
Not applicable

- 5. Consultees and their opinions**
Not applicable
- 6. Next steps**
Not applicable
- 8. Officer recommendations and reasons**
To note
- 8. Cabinet portfolio holder recommendation**
Not applicable
- 9. Contact officer and relevant papers**
Julia Steadman – Group Leader for Development Management
- 10. Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

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

Huddersfield Area

32. 2017/93847 land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD - Outline application for erection of 36 dwellings – Committee Decision – Appeal Dismissed (Costs application refused)
33. 2018/92589 Land at, Lancaster Lane, Brockholes, Holmfirth - Reserved matters application in pursuant of outline application 2016/90138 for residential development – Committee Decision – Appeal Upheld
34. 2018/92870 10, Bradfield Close, Bradley, Huddersfield, HD2 1PL - Erection of two storey side extension – Officer Decision – Appeal Dismissed
35. 2018/93112 land at, Thick Hollins Road, Meltham, Holmfirth - Change of use of land for siting of 4 log cabins for holiday let – Officer Decision – Appeal Dismissed
36. 2018/93148 adj, 102, Dunford Road, Holmfirth, HD9 2DT - Outline application for erection of residential development and on site parking – Officer Decision – Appeal Dismissed
37. 2018/93326 Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR - Demolition of existing dwelling and erection of 5 detached dwellings with garages – Committee Decision – Appeal Dismissed

38. 2018/93508 Adj, 1, Spring Lane, Holmfirth, HD9 2LN - Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling – Committee Decision – Appeal Upheld (Costs application allowed)
39. 2018/93768 land opp, 12, Clough Head Farm, Slaithwaite Gate, Bolster Moor, Huddersfield, HD7 4NW - Alterations and extension to agricultural building to form dwelling – Officer Decision – Appeal Dismissed
40. 2019/90102 16, Dean Street, Oakes, Huddersfield, HD3 3EU - Certificate of lawfulness for proposed erection of garage and formation of access – Officer Decision – Appeal Dismissed
41. 2019/90206 land off, South View, Paddock, Huddersfield, HD1 4UE - Erection of detached dwelling – Officer Decision – Appeal Upheld
42. 2019/90375 73, Prospect Road, Longwood, Huddersfield, HD3 4UY - Erection of attached dwelling – Officer Decision – Appeal Dismissed
43. 2019/90468 Daisy Lea Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW - Removal of condition 4 (holiday accommodation) on previous permission 2017/93436 for alterations to convert stables to holiday let cottage – Officer Decision – Appeal Dismissed
44. 2019/90664 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Erection of two storey side extension (Listed Building) – Officer Decision – Appeal Dismissed
45. 2019/90665 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Listed Building Consent for erection of two storey side extension – Officer Decision – Appeal Dismissed
46. 2019/90931 Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield, HD7 5TZ - Erection of first floor side and single storey rear extension – Officer Decision – Appeal Dismissed
47. 2019/91350 adj, 7, East Street, Jackson Bridge, Holmfirth, HD9 1HY - Erection of detached dwelling – Officer Decision – Appeal Dismissed
48. 2019/91494 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ - Erection of detached dwelling forming annex accommodation associated with 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ – Officer Decision – Appeal Dismissed
49. 2019/91568 65, Colders Lane, Meltham, Holmfirth, HD9 5JL - Demolition of existing bungalow and erection of 3 detached dwellings with integral garages – Officer Decision – Appeal Dismissed
50. 2019/91617 Store adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR – Demolition of existing builders store/depot and erection of 5 dwellings,

formation of new access road and parking area - Officer Decision – Appeal Dismissed

51. 2019/91613 27, King Street, Huddersfield, HD1 2PZ - Telecommunications notification for installation of communications hub – Officer Decision – Appeal Dismissed
52. 2019/91619 45-47, New Street, Huddersfield, HD1 2BQ - Telecommunications notification for installation of communications hub (within a Conservation Area) – Officer Decision – Appeal Dismissed
53. 2019/91646 Land adj, 93, Holmfirth Road, Meltham, Huddersfield, HD9 4DD - Work to tree TPO 27/18 – Officer Decision – Appeal Dismissed
54. 2019/91748 Roselyne, 124, Greenhill Bank Road, Totties, Holmfirth, HD9 1UN - Erection of first floor extension to form two storey dwelling – Officer Decision – Appeal Dismissed
55. 2019/92016 adj, 7, Manor Houses, Mill Bank Road, Meltham, Holmfirth, HD9 4AU - Erection of detached dwelling – Officer Decision – Appeal Dismissed
56. 2019/92102 20, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Work to TPO(s) 50/95 – Officer Decision – Appeal Dismissed
57. 2019/92240 The Sun, 137, Highgate Lane, Lepton, Huddersfield, HD8 0HJ - Change of use of land to pub garden and play area – Committee Decision – Appeal Dismissed
58. 2019/92251 Mount Pleasant, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ Erection of detached garage and outbuildings – Officer Decision – Appeal Dismissed (Costs application refused)
59. 2019/92714 46 , Golcar Brow Road, Meltham, Holmfirth, HD9 5LD - Erection of single storey extension – Officer Decision – Appeal Upheld
60. 2019/92788 The Co Operative Food, 91-95, Leymoor Road, Longwood, Huddersfield HD3 4SJ –Conversion and alterations to retail storage roof space to form 4 apartments (C3) with 4 parking spaces - Officer Decision – Appeal Dismissed
61. 2019/92845 88, Fitzwilliam Street, Huddersfield, HD1 5BB - Work to TPO(s) 23/79 within a conservation area – Officer Decision – Appeal Dismissed
62. 2019/92861 53, Cobcroft Road, Fartown, Huddersfield, HD1 6EX - Erection of two storey side extension (modified proposal) – Officer Decision – Appeal Upheld
63. 2019/92927 The Farmhouse, Bradley Hall Farm, Lower Quarry Road, Bradley, Huddersfield, HD2 1FN - Erection of detached garden room – Officer Decision – Appeal Dismissed

64. 2019/92977 5, Scar Top, Golcar, Huddersfield, HD7 4DT – Listed Building Consent for removal and re-build of part of garden wall and excavate to road level to form parking area (within a Conservation Area) - Officer Decision – Appeal Dismissed
65. 2019/93111 1A, Heaton Road, Gledholt, Huddersfield, HD1 4HX - Erection of extensions and alterations to coach house to form dwelling and alteration to highway entrance – Officer Decision – Appeal Dismissed
66. 2019/93148 Mad Nevs, 259, Wakefield Road, Moldgreen, Huddersfield, HD5 9BE – Advertisement Consent for installation of internally illuminated 48-sheet digital display - Officer Decision – Appeal Dismissed
67. 2019/93203 4, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS - Extension of dormer windows to side elevations, erection of two storey side and rear extension and exterior alterations - Officer Decision – Appeal Dismissed (Costs application refused)
68. 2019/93438 land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA - land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA – Officer Decision – Appeal Dismissed
69. 2019/93449 12, Chapel Street, Scapegoat Hill, Huddersfield, HD7 4NX - Erection of first floor front extension – Officer Decision – Appeal Dismissed
70. 2019/93527 Land to rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL - Erection of one detached dwelling – Officer Decision – Appeal Dismissed
71. 2019/93596 former mill chimney site, adj, Glenlea, Sheffield Road, New Mill, Holmfirth, HD9 7EL - Erection of 3 dwellings and associated works – Officer Decision – Appeal Dismissed
72. 2019/93688 Lidl, Riverholme Works, Huddersfield Road, Holmfirth, HD9 3TN - Advertisement Consent for erection of one flagpole sign – Officer Decision – Appeal Upheld
73. 2019/94149 22, Ottiwells Terrace, Marsden, Huddersfield, HD7 6HB - Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) – Committee Decision – Appeal Dismissed
74. 2020/90026 Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR - Variation of conditions 5 (opening hours) and 6 (noise management plan) on previous application 2016/94001 for erection of extension to and rebuilding of fire damaged winery building – Committee Decision – Appeal Dismissed

75. 2020/90167 60, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ -
Erection of single storey rear extension and first floor extension with balcony –
Officer Decision – Appeal Dismissed
76. 2020/90243 61 , Celandine Avenue, Salendine Nook, Huddersfield, HD3 3US
- Erection of 2 storey side and rear extensions and internal and external
alterations – Officer Decision – Appeal Dismissed
77. 2020/90410 land at, 268, Leeds Road, Huddersfield, HD1 6PD - Erection of
illuminated 48 sheet digital advertisement display panel – Officer Decision –
Appeal Dismissed
78. 2020/90481 Land adj 468b, Manchester Road, Crosland Moor, Huddersfield,
HD4 5BW - Advertisement consent for erection of 48-sheet digital advertising
display – Officer Decision – Appeal Dismissed
79. 2020/90595 20, Arnold Street, Birkby, Huddersfield, HD2 2TB - Erection of
front and rear dormer windows (within a Conservation Area) - Officer Decision
– Appeal Dismissed
80. 2020/90992 53, Parkwood Road, Longwood, Huddersfield, HD3 4TT -
Erection of single and two storey side extension with first floor rear balcony–
Officer Decision – Appeal Dismissed
81. 2020/91452 23, Skipton Avenue, Fartown, Huddersfield, HD2 2QG - Prior
notification for single storey rear extension – Officer Decision – Appeal
Dismissed
82. 2019/92457 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB - 20,
Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB – Erection of agricultural
building (modified proposal) and cladding of existing building - Committee
Decision – Appeal Upheld (Costs application refused)
83. 2020/90422 47, Underbank Old Road, Holmfirth, HD9 1AS - Work to tree TPO
07/80 within a conservation area – Officer Decision – Appeal Dismissed
84. 2020/91444 Salter House, 10, Old Turnpike, Honley, Holmfirth, HD9 6PD -
Certificate of lawfulness for existing raised decked area – Officer Decision –
Appeal Upheld

Invalid appeals

85. 2019/92674 53 Parkwood Road, Longwood, Huddersfield, HD3 4TT - Erection
of single and two storey side extension – Officer Decision – Appeal Invalid

Appeals lodged but subsequently withdrawn

86.2014/91289 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

87.2020/90251 6, Sugar Lane, Dewsbury, WF12 7AN - Erection of two storey and single storey side extension with raised terrace – Non determination – Appeal Dismissed

88.2020/90842 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