

Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 9th June 2022

Title of report: A Review of Planning Appeal Decisions (January 2021 – December 2021)

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

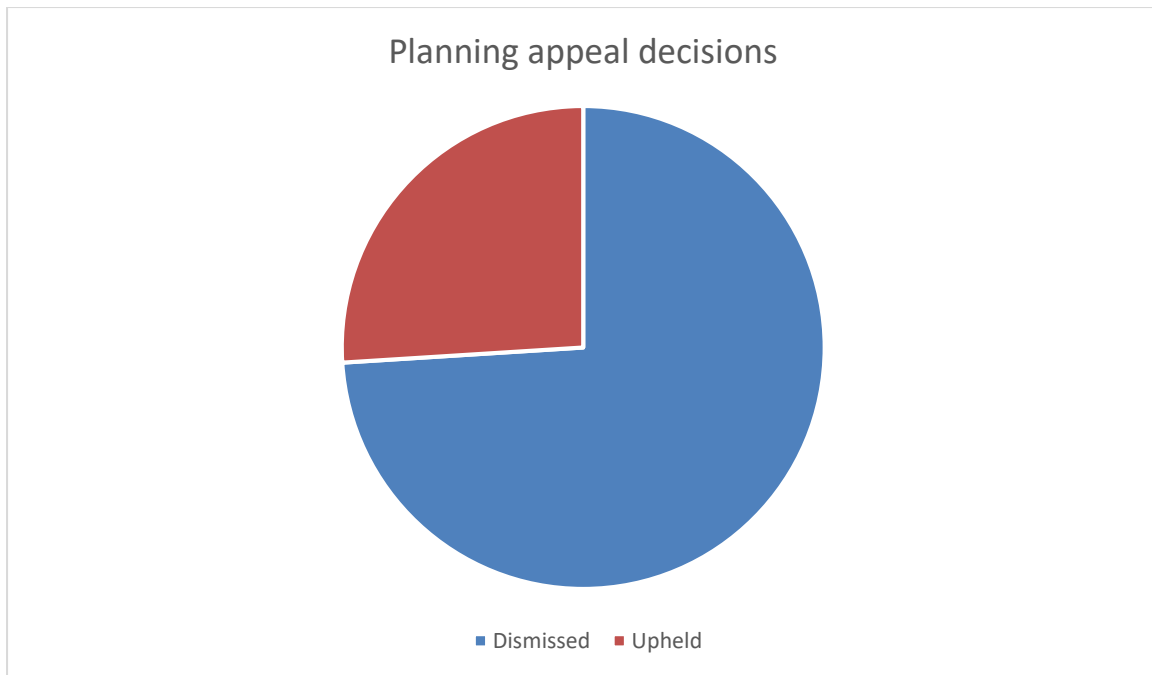
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January 2021 and December 2021, the council have received 78 planning appeal decisions in the electoral wards within the Kirklees district. Of these, 74% 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 78 planning appeals, there were 3 tree works appeals, all of which were dismissed.

Application for award for costs

2.4 Two applications for an award of costs were lodged against the council. Of these, one has been awarded (2020/91146 - Land west of, Wesley Avenue, Netherthorpe, Holmfirth, HD9 3UL).

Delegated and Committee Decisions

2.5 Of the 78 appeals, 67 were determined under delegated powers. Of these, 53 were dismissed (79%). 7 applications were determined by a Planning Committee, whereby 4 were dismissed (57%). 4 applications were also appealed against non-determination.

2.6 Having compared the above data with that from 2020, it has been noted that there has been a reduction in the number of appeals dismissed from 83% to 74%. Whilst this shows a decrease since last year, this percent is still significantly above the national statistics, which will be outlined in more detail below.

Appendix 1 provides a list of relevant appeals.

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

- 2.7 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.
- 2.8 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.
- 2.9 To note, the latest published performance tables from the MHCLG (September 2020) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of September 2020, a total of 1.8% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 2 decisions on Major applications were overturned on appeal, out of a total of 150 applications. This equates to 1.3% of all decisions at appeal.
- 3.0 The corresponding information for non-major applications was a total of 1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 19 decisions on non-major applications were overturned on appeal, out of a total of 3,908 applications. This equates to 0.5% of all decisions at appeal.

Compliance

- 4.0 Between January 2021 and December 2021, Planning Compliance have also served 93 enforcement notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 10 enforcement notice appeals were received within the district, of which 9 were dismissed, and the enforcement notices upheld in the favour of the council (90%).

Type of Notice	No. served
Enforcement Notice	20
Breach of Condition Notice	8
Planning Contravention Notice	56
Temporary Stop Notice	4
Stop Notice	1
Other	4

Total	93
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- 5. Implications for the Council**
Not applicable
- 6. Consultees and their opinions**
Not applicable
- 7. Next steps**
Not applicable
- 8. Officer recommendations and reasons**
That the report be noted
- 9. Cabinet portfolio holder recommendation**
Not applicable
- 10. Contact officer and relevant papers**
Julia Steadman – Group Leader for Development Management
- 11. Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning appeals including tree works decided between January and December 2021

Heavy Woollen Area

1. 2020/91953 4, Co-operative Street, Chickenley, Dewsbury, WF12 8QA - Erection of first floor side extension – Officer decision – Appeal dismissed.
2. 2020/92980 51, Bywell Road, Dewsbury, WF12 7LH - Change of use to mixed use dwelling and ice cream/dessert takeaway including outdoor seating area – Officer decision – Appeal dismissed.
3. 2020/90932 Adj, 135, Latham Lane, Gomersal, Cleckheaton, BD19 4AP - Erection of detached dwelling – Officer decision – Appeal dismissed.
4. 2020/92856 286, Cliffe Lane, Gomersal, Cleckheaton, BD19 4RZ - Erection of front and rear dormers and alterations – Officer decision – Appeal dismissed.
5. 2020/93078 3, Bradbury Street, Ravensthorpe, Dewsbury, WF13 3AU - Change of use of dwelling ground floor to hot food takeaway and first floor storage and installation of shop front – Officer decision – Appeal dismissed.
6. 2020/93889 51, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of external decking and stairs – Officer decision – Appeal dismissed.
7. 2020/93890 53, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of raised decking – Officer decision – Appeal dismissed.
8. 2019/94133 Telecommunication Mast 28529, Adj Highfield Farm, Jagger Lane, Emley Moor, HD8 9TF - Demolition of existing mast, change of use and extension to existing building to form a residential dwelling, erection of detached garage and associated access works – Officer decision – Appeal dismissed.
9. 2020/90125 adj, 1, The Copse, Scholes, Cleckheaton, BD19 6NE - Erection of detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
10. 2020/90501 Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU - Change of Use and alterations to convert trade counter retail unit to function room and store – Committee decision – Appeal dismissed.
11. 2021/90834 3, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA - Prior approval for enlargement of dwellinghouse by erection of additional storey – Officer decision – Appeal dismissed.
12. 2020/91200 167, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side extension and front and rear dormer windows and increase roof height – Officer decision – Appeal dismissed.
13. 2021/91892 31, Hare Park Avenue, Hightown, Liversedge, WF15 8DN - Erection of fence and gates to the front – Officer decision – Appeal dismissed.
14. 2020/91111 Land Adj, 4, Springwell View, Birstall, Batley, WF17 0DN - Demolition of existing garage and erection of detached dwelling – Officer decision – Appeal dismissed.
15. 2021/90302 1, Penn Drive, Hightown, Liversedge, WF15 8DB - Erection of first floor extensions and alterations to form first floor accommodation – Committee decision – Appeal dismissed.
16. 2021/90564 land at, April Court, Roberttown, Liversedge, WF15 7RB - Erection of one detached dwelling and erection of detached domestic garage – Officer decision – Appeal dismissed.
17. 2021/91691 2, Jagger Lane, Emley Moor, Huddersfield, HD8 9SY - Erection of first floor rear extension – Officer decision – Appeal dismissed.

- 18.2021/91721 Land at, Cobden Close, Batley, WF17 5QN - Erection of detached dwelling – Officer decision – Appeal dismissed.
- 19.2021/91354 land at, Old White Lee Colliery, Leeds Road, Heckmondwike, WF16 9BH - Demolition of existing buildings, erection of 5 dwellings, formation of access and associated works – Committee decision – Appeal dismissed.
- 20.2020/91747 Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB - Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units – Committee decision – Appeal dismissed.
- 21.2021/91921 2, Doctor Lane, Shelley, Huddersfield, HD8 8HQ - Erection of detached potting shed/home office and associated works – Officer decision – Appeal dismissed.
- 22.2021/92876 8, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN - Erection of two storey side extension (Within a Conservation Area) – Officer decision – Appeal dismissed.
- 23.2020/92666 2, Scout Hill Terrace, Dewsbury, WF13 3RE - Erection of single storey front extension – Non determination – Appeal upheld.
- 24.2020/93834 rear of, 11 & 12, Clarence Terrace, Savile Town, Dewsbury, WF12 9JZ - Erection of detached garage and store – Officer decision – Appeal upheld.
- 25.2020/93432 Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ - Outline application for erection of residential development – Officer decision – Appeal upheld.
- 26.2020/94272 7-8, Park Gate, Skelmanthorpe, Huddersfield, HD8 9BB - Certificate of Lawfulness for existing use of land at 7-8 Park Gate as domestic curtilage – Officer decision – Appeal upheld.
- 27.2021/91036 Five Miles, 330, Barnsley Road, Flockton, Huddersfield, WF4 4AT -Certificate of lawfulness for proposed erection of detached swimming pool building – Officer decision – Appeal upheld.
- 28.2021/91118 land at former, 750, Bradford Road, Batley, WF17 8NL - Erection of car showroom/office and MOT testing station – Officer decision – Appeal upheld.
- 29.2020/92470 3, Chestnut Meadows, Mirfield, WF14 0HH - Certificate of lawfulness for existing outbuilding – Officer decision – Appeal upheld.
- 30.2019/91467 land south of, Granny Lane, Mirfield - Erection of 67 dwellings with associated access and parking – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs application refused).
- 31.2020/93607 181, Leeds Road, Heckmondwike, WF16 9BY - Erection of detached double garage with store below and new boundary wall and fence – Officer decision – Part upheld/part dismissed.

Huddersfield Area

- 32.2020/91886 42, Magdale, Honley, Holmfirth, HD9 6LU - Work to TPOs 18/78 within a conservation area – Officer decision – Appeal dismissed.
- 33.2019/94055 9, Pontey Cottages, Meltham Road, Honley, Holmfirth, HD9 6RQ - Erection of first floor side extension, new pitched roof with raised eaves to existing rear extension and alterations to windows – Officer decision – Appeal dismissed.
- 34.2020/91927 18, Royd Mount, Holmfirth, HD9 2QZ - Work to TPOs 13/20 within a conservation area – Officer decision – Appeal dismissed.

35. 2020/91160 Former police station, Wakefield Road, Moldgreen, Huddersfield, HD5 8DJ - Erection of hot food unit (A5) with associated car parking and landscaping – Officer decision – Appeal dismissed.
36. 2020/91482 57, Underbank Old Road, Holmfirth, HD9 1AS - Listed Building Consent for erection of single storey side extension (within a Conservation Area) – Officer decision – Appeal dismissed.
37. 2020/93042 Land adj Nont Sarahs Hotel, New Hey Road, Scammonden, Huddersfield, HD3 3FJ - Formation of car park – Officer decision – Appeal dismissed.
38. 2020/93623 Former Stable Block/Menage, Deer Hill End Road, Meltham, Holmfirth, HD9 5PU - Demolition of existing stable and erection of detached dwelling – Officer decision – Appeal dismissed.
39. 2020/90807 2, The Coppice, Fixby, Huddersfield, HD2 2JA - Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking – Officer decision – Appeal dismissed.
40. 2020/92428 Rockhouse, 8, Summervale, Holmfirth, HD9 7AG - Erection of decking – Officer decision – Appeal dismissed.
41. 2020/93683 adj, 391, Leeds Road, Huddersfield, HD2 1YB -Erection and display of a freestanding 48-sheet sized digital LED advertising unit mounted on a single column – Officer decision – Appeal dismissed.
42. 2020/93531 Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU - Erection of rear extension and balcony and alterations to holiday let/bed and breakfast unit and garage to create dwelling forming annex accommodation associated with Latham Barn, Gatehead Lane, Hepworth, Holmfirth, HD9 7TU – Officer decision – Appeal dismissed.
43. 2020/93421 Tyre Master, Wasp Nest Road, Fartown, Huddersfield, HD1 6HA - Certificate of lawfulness for existing use of premises for vehicle repairing and servicing – Officer decision – Appeal dismissed.
44. 2020/91325 Adj, 7, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Erection of detached dwelling – Officer decision – Appeal dismissed.
45. 2020/93822 8, White Rose Avenue, Dalton, Huddersfield, HD5 9UE - Erection of two storey and single storey extensions to rear – Officer decision – Appeal dismissed.
46. 2020/92552 adjacent to, 2, Lighenfield Lane, Netherton, Huddersfield, HD4 7WJ - Erection of detached dwelling – Officer decision – Appeal dismissed.
47. 2020/93365 Land opp, 8, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW - Outline application for erection of residential development – Officer decision – Appeal dismissed.
48. 2019/91688 adj, 9, Briggate, Dalton, Huddersfield, HD5 9ST - Outline application for erection of residential development – Officer decision – Appeal dismissed.
49. 2021/91229 Near Law Slack Farm, Penistone Road, Hepworth, Holmfirth, HD9 2TR - Demolition of existing dwelling and erection of detached dwelling – Officer decision – Appeal dismissed.
50. 2019/93134 Elysium Barn, Copthurst Road, Cartworth Moor, Holmfirth, HD9 2TS - Change of use and alterations to existing barn to form holiday let – Officer decision – Appeal dismissed.
51. 2021/91367 Land east of, Hillock Farm, Dean Road, Holmfirth, HD9 3XB - Change of use from agricultural to storage and processing of timber,

- improvement of field access, formation of access track and hardstanding and erection of wood store – Non determination – Appeal dismissed.
52. 2021/90242 1, Grimscar Avenue, Birkby, Huddersfield, HD2 2TY - Outline application for erection of retail unit with flat above – Officer decision – Appeal dismissed.
 53. 2021/90067 2, Dover Cottages, Dover Lane, Holmfirth, HD9 2SG - Erection of raised decking to rear – Officer decision – Appeal dismissed.
 54. 2020/91611 92, New North Road, Edgerton, Huddersfield, HD1 5QP - Change of use from mixed commercial/residential use to fully commercial (B1 office), demolition of the rear toilet block and associated works (Within a Conservation Area) – Officer decision – Appeal dismissed.
 55. 2021/91972 3, Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG - Erection of detached sunroom – Officer decision – Appeal dismissed.
 56. 2021/9104529, Lamb Hall Road, Longwood, Huddersfield, HD3 3TJ - Erection of Leisure Annex – Officer decision – Appeal dismissed.
 57. 2021/91412 233, Scar Lane, Golcar, Huddersfield, HD7 4AU - Erection of single and two story side extension, raised patio and demolition of existing detached garage – Officer decision – Appeal dismissed.
 58. 2021/90588 16, Netherwood Close, Fixby, Huddersfield, HD2 2LR - Erection of single storey extension – Officer decision – Appeal dismissed.
 59. 2021/90775 15, Dorchester Road, Fixby, Huddersfield, HD2 2JZ - Erection of two storey side and single storey rear extensions and front and rear dormers – Officer decision – Appeal dismissed.
 60. 2021/92222 7, Paget Crescent, Birkby, Huddersfield, HD2 2BZ - Erection of single and two storey extensions – Officer decision – Appeal dismissed.
 61. 2021/91373 - Land Adj, 34, Cliff Road, Holmfirth, HD9 1UY - Erection of 2 detached dwellings – Officer decision – Appeal dismissed.
 62. 2021/91813 100, Leeds Road, Huddersfield, HD1 6NN -Advertisement Consent for erection of 2no. illuminated digital advertisement screens – Officer decision – Appeal dismissed.
 63. 2020/94040 Barnside Farm, Barnside Lane, Hepworth, Holmfirth, HD9 1TN - Change of use from agricultural barn to bunk barn tourist/leisure accommodation – Officer decision – Appeal dismissed.
 64. 2021/90145 adj, 6, Oakfield Road, Birkby, Huddersfield, HD2 2XF - Demolition of existing garage and garden shed and erection of garage to existing dwelling and detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
 65. 2019/92952 - 32, Sandmoor Drive, Lindley, Huddersfield, HD3 3WF - Work to tree TPO HU1/70 – Officer decision – Appeal dismissed.
 66. 2021/91640 land adj, 35 /37, Dunford Road, Holmfirth, HD9 2DR - Erection of two detached dwellings with integral garages, external works and landscaping – Officer decision – Appeal dismissed.
 67. 2021/92121 30, Clough Park, Fenay Bridge, Huddersfield, HD8 0JH - Demolition of existing garage and erection of one detached dwelling – Officer decision – Appeal dismissed.
 68. 2020/93738 Springfield Barn, Fieldhead Lane, Holme, Holmfirth, HD9 2QJ - Removal of condition 5. (permitted development) on previous permission no. 97/92281 for re-use, extension and adaptation of redundant barn to form dwelling – Non determination – Appeal upheld.

69. 2020/92196 White Reaps Farm, Slaithwaite Road, Meltham, Huddersfield, HD7 5TY - Erection of ground and first floor extensions – Officer decision – Appeal upheld.
70. 2021/90312 Woodcock & Wilson Ltd, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA -Prior notification for the installation of 20.00m high valmont slimline climbable monopole on 5.2 x 5.2 x 1.4m deep concrete base with 6 no. antenna apertures at 0°/120°/240° and 4 no. proposed 600 dishes and associated ancillary works – Officer decision – Appeal upheld.
71. 2020/91146 Land west of, Wesley Avenue, Netherthorpe, Holmfirth, HD9 3UL - Outline application for erection of residential development – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs allowed).
72. 2021/90604 85, Swallow Lane, Golcar, Huddersfield, HD7 4NB - Erection of two storey side and first floor extensions – Officer decision – Appeal upheld.
73. 2021/91578 land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7BP - Erection of 9 detached dwellings with associated works – Non determination – Appeal upheld.
74. 2021/90865 34, Victoria Street, Lindley, Huddersfield, HD3 3ED - Erection of extensions, raising roof height and associated alterations – Officer decision – Appeal upheld.
75. 2020/90691 75, Wooldale Road, Wooldale, Holmfirth, HD9 1QG - Erection of chicken shed (Listed Building within a Conservation Area) – Committee decision (contrary to Officer recommendation) – Appeal upheld.
76. 2020/94406 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - 48-48a, Lidget Street, Lindley, Huddersfield, HD3 3JR - Change of use from ground floor beauty salon and first floor residential flat to a mixed use of tanning/beauty salon and retail – Officer decision – Appeal upheld.
77. 2020/93290 adj 381 Manchester Road, Huddersfield, HD4 5BR - Advertisement Consent for upgrade of one 48 sheet hoarding sign to digital LED display – Officer decision – Appeal upheld.
78. 2021/90386 Wilshaw Village Hall, Wilshaw Road, Meltham, Holmfirth, HD9 4DX - Listed Building Consent for installation of replacement windows (within a Conservation Area) – Officer decision – Appeal part upheld/part dismissed.