



Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 7<sup>th</sup> March 2019

Title of report: A Review of Planning Appeal Decisions –  
(January 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 <a href="#">Council's Forward Plan</a> ?	No
Is it eligible for “call in” by <a href="#">Scrutiny</a> ?	No
Date signed off by <u>Director</u> & name	19 <sup>th</sup> February 2019, Naz Parkar
Is it signed off by the Director of Resources?	No financial implications
Is it signed off by the Acting Assistant Director - Legal & Governance?	No legal implications
Cabinet member <a href="#">portfolio</a>	Economy (Councillor McBride)

Electoral [wards](#) affected: All

Ward councillors consulted: No

Public or private: PUBLIC

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1. Purpose of report

1.1 For information purposes

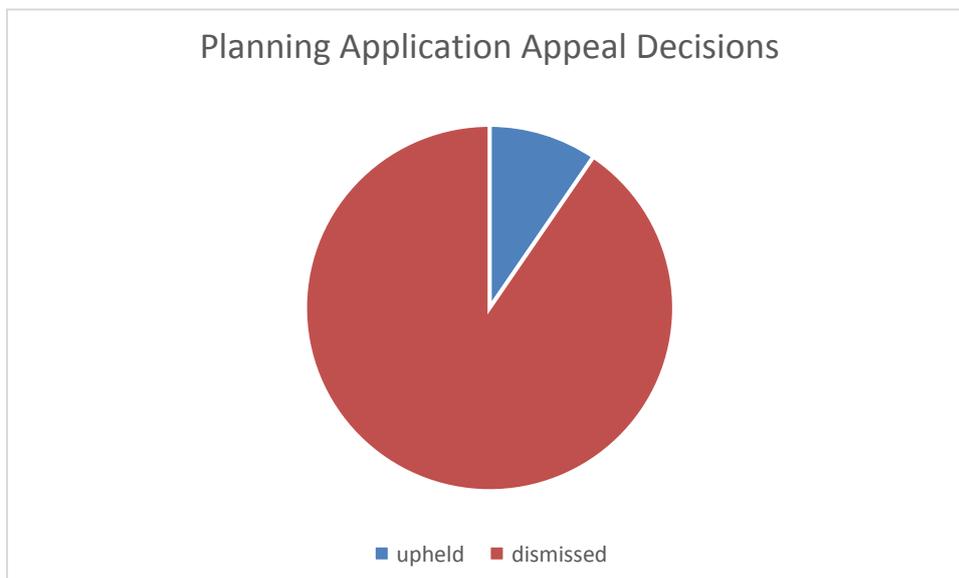
## 2. Key points

### Planning Appeals

2.1 Between January 2018 and December 2018, there were 42 planning appeals submitted relating to planning applications in electoral wards within the Huddersfield Sub-Committee area of the district. Of these, 90% 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, whether dismissed or upheld.

*Figure 1: Breakdown of planning application appeal decisions*



### Trees appeals

2.3 1 tree work appeal was submitted and subsequently withdrawn.

### Application for award of costs.

2.4 Applications for an award of costs were lodged by appellants in respect of two appeals. Both applications were refused.

### Delegated and Committee Decisions

2.5 Of the 42 planning application appeals, 34 decisions were determined under delegated powers. Of these, 32 were dismissed (94%). 8 planning applications were determined by Planning Committee. Of the decisions made by planning committee, 75% were dismissed. Of those dismissed, all of the appeals were in accordance with officer recommendation to committee. Of the

2 appeals that were upheld, both were contrary to the officer recommendation to committee. Appendix 1 provides a list of relevant appeals.

- 2.6 Paragraph 40 of the Ministry for Housing, Communities and Local Government document 'Improving planning performance' states that where there is a 'split decision' on an appeal, the appeal will be treated as if the Local Planning Authority's decision has not been overturned.
- 2.7 For clarity, application ref. 2017/92195 which was part upheld and part dismissed is therefore counted in these statistics as a dismissed appeal.

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

- 2.8 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.
- 2.9 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.
- 2.10 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 (Huddersfield Area)

1. 2016/93315 Land at, Ridings Lane, Golcar, Huddersfield - Erection of detached dwelling – Officer Decision – Appeal dismissed.
2. 2016/93871 Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA – Erection of detached dwelling (within the curtilage of a listed building) – Committee Decision (in accordance with officer recommendation) – Appeal dismissed
3. 2017/90078 adj, 1, Yew Green Avenue, Lockwood, Huddersfield, HD4 5EW - Erection of attached dwelling – Officer Decision – Appeal Dismissed.
4. 2016/91200 23, Spa Wood Top, Whitehead Lane, Lockwood, Huddersfield, HD4 6AY - Erection of single storey rear extension, dormer window to rear and porch to front, formation of retaining wall and associated works – Committee Decision (in contrary with officer recommendation) – Appeal dismissed.
5. 2017/90292 2, Oldfield Road, Honley, Holmfirth, HD9 6NN - Erection of two storey rear extension with Juliet balcony – Officer Decision – Appeal Dismissed.
6. 2017/91833 193, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EZ - Erection of rear dormer windows – Officer Decision – Appeal dismissed.
7. 2017/91834 191, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EZ - Erection of rear dormer windows – Officer Decision – Appeal Dismissed.
8. 2017/91966 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.
9. 2017/92057 36, May Street, Crosland Moor, Huddersfield, HD4 5DG - Alterations to convert basement to apartment – Officer Decision – Appeal Dismissed.
10. 2017/92406 1, Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ – Erection of boundary wall – Officer Decision – Appeal Dismissed.
11. 2017/92385 61, Swan Lane, Lockwood, Huddersfield, HD1 3UB - Erection of single storey extension to shop – Officer Decision – Appeal Dismissed.
12. 2017/92739 44, High Street, Paddock, Huddersfield, HD1 4SJ - Erection of two storey extension with first floor balcony – Officer Decision – Appeal Dismissed.
13. 2017/93051 34, Marsden Lane, Marsden, Huddersfield, HD7 6AF - Erection of balcony enclosure to form conservatory – Officer Decision – Appeal Dismissed.

14. 2017/93147 adj, 31, Quarry Court, Longwood, Huddersfield, HD3 4UQ - Outline application for erection of one dwelling – Officer Decision – Appeal Dismissed.
15. 2017/93308 Birdsall And Armstrong, 80, Fitzwilliam Street, Huddersfield, HD1 5BB - Alterations to convert freemasons hall to 16 student apartments (Listed Building within a Conservation Area) – Officer Decision – Appeal Dismissed.
16. 2017/93297 New Closes Farm Cottage, Wickins Lane, Holmfirth, HD9 3RB - Listed Building Consent for demolition of dog pens, erection of single storey rear extension, demolition of barn and erection of barn using existing materials – Non determined – Appeal Dismissed.
17. 2017/93293 New Closes Farm Cottage, Wickins Lane, Holmfirth, HD9 3RB - Erection of single storey rear extension (Listed Building) – Non determined – Appeal Dismissed.
18. 2017/93326 Land off Woodhead Road, Brockholes, Holmfirth - Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road – Committee Decision (in accordance with officer recommendation). Appeal dismissed.
19. 2017/93341 Adj, 10, Cherry Tree Walk, Scholes, Holmfirth, HD9 1XG - Erection of extensions and alterations to existing detached garage to form dwelling with associated access, parking and curtilage areas – Committee Decision (in accordance with officer recommendation) – Appeal Dismissed.
20. 2017/93405 33, Wilshaw Road, Meltham, Holmfirth, HD9 4DZ - Demolition of garage and erection of two storey and single storey rear extension – Officer Decision – Appeal Dismissed.
21. 2017/93721 New Close Barn, Wickens Lane, Holmfirth, HD9 3RB - Demolition of existing agricultural building and erection of two storey agricultural building (within the curtilage of a Listed Building) – Officer decision- Non determined – Appeal Dismissed.
22. 2017/93708 220, Birkby Hall Road, Birkby, Huddersfield, HD2 2BP - Erection of extensions and porch and alterations – Officer Decision – Appeal Dismissed.
23. 2017/93793 12, George Street, Crosland Moor, Huddersfield, HD4 5AR - Erection of front porch – Officer Decision – Appeal Dismissed.
24. 2017/93833 8 The Barn, Copley House Barn, Deer Hill End Road, Meltham, Holmfirth, HD9 5PU - Erection of single storey front extension – Officer Decision – Appeal Dismissed.

25. 2017/93853 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB - Erection of mixed use agricultural and educational building – Committee Decision (in accordance with officer recommendation). Appeal dismissed.
26. 2017/93861 Land off, Vicarage Road, Longwood, Huddersfield - Discharge condition 10 (surface water) on previous permission 94/93648 for formation of roads, footpath, sewers and ground works for phase II of residential development – Non determined – Appeal Dismissed.
27. 2017/93944 4, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA – Formation of new boundary wall – Officer Decision – Appeal Dismissed.
28. 2017/93972 Upper Millshaw Hall Farm, Mill Shaw Lane, Hepworth, Holmfirth, HD9 7TG - Demolition of farmhouse and hall, erection of two dwellings, link extension to farmhouse and two garages (modified proposal) – Officer Decision – Appeal Dismissed.
29. 2017/94157 Ballantrae, 322, Cowcliffe Hill Road, Fixby, Huddersfield, HD2 2HN – Erection of one detached dwelling – Officer Decision – Appeal Dismissed.
30. 2017/94267 Adj 468b, Manchester Road, Crosland Moor, Huddersfield, HD4 5BW - Advertisement Consent for erection of 2 illuminated LED advertising display sign – Officer Decision – Appeal Dismissed.
31. 2018/90274 5, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP - Erection of single and two storey rear extension (modified proposal) – Officer Decision – Appeal Dismissed.
32. 2018/90717 126, Coniston Avenue, Dalton, Huddersfield, HD5 9PU - Erection of single and two storey extension – Officer Decision – Appeal Dismissed.
33. 2018/91263 52, Broad Oak, Linthwaite, Huddersfield, HD7 5TE - Erection of single storey front extension – Officer Decision – Appeal Dismissed.
34. 2018/91763 8 & 10, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ – Erection of single storey rear extensions – Officer Decision – Appeal Dismissed.
35. 2018/91854 Land adj, 12/12a, Round Ings Road, Outlane, Huddersfield, HD3 3FQ - Outline application for erection of detached dwelling – Officer Decision – Appeal Dismissed.
36. 2017/90962 170-172, Longwood Gate, Longwood, Huddersfield, HD3 4XF - Demolition of double garage and erection of detached dwelling – Officer Decision – Appeal Dismissed.

37. 2017/91555 35, Upper Mount Street, Lockwood, Huddersfield, HD1 3RX - Formation of driveway through ground floor of 35/37, alterations to form flat above and change of use of land to form parking and turning area – Committee Decision (In accordance with officer recommendation) – Appeal Dismissed.
38. 2017/90516 Land adjacent to 38, Broad Lane, Upperthong, Holmfirth, HD9 3XE - Reserved matters pursuant to outline permission 2015/91726 for erection of 10 dwellings. Committee Decision (Contrary to officer recommendation) – Appeal Upheld.
39. 2017/92941 19, Yew Green Avenue, Lockwood, Huddersfield, HD4 5EW - Erection of first floor extension over existing porch to front – Officer Decision – Appeal Upheld.
40. 2017/91676 Haggwood Quarry, Woodhead Road, Holmfirth, HD9 6PW - Formation of new access from existing stone yard to adjacent storage area including excavation/engineering works – Committee Decision (Contrary to officer recommendation) - Appeal Upheld.
41. 2018/92104 Cold Hill Farm, Cold Hill Lane, Berry Brow, Huddersfield, HD4 6TU – Installation of windows. Officer Decision - Appeal Upheld.
42. 2017/92195 688, Bradford Road, Fixby, Huddersfield, HD2 2JY - Erection of porch to existing dwelling and erection of detached garage with annexe accommodation over to create dwelling forming annex accommodation associated with 688 Bradford Road, Fixby, Huddersfield HD2 2JY – Officer Decision – Appeal part upheld, part dismissed.

Appeals lodged but subsequently withdrawn

2016/92181 Land off, Woodhead Road, Honley, Holmfirth, HD9 6PR - Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road. Committee Decision (in accordance with the officer recommendation) - Appeal Withdrawn.

2017/93947 Burn Croft, Burn Road, Birchencliffe, Huddersfield, HD2 2EG - Works to TPO(s) 06/16. Officer Decision - Appeal Withdrawn.