

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT LAND SOUTH OF HEY BECK LANE, CHIDSWELL, DEWSBURY

STATEMENT OF PROCEDURE TO BE USED TO DETERMINE THE APPEAL - APP2.1

1 PREFERRED PROCEDURE

- 1.1 This Statement of Procedure relates to an appeal by C.C. Projects (**Appellant**) in respect of the decision of Kirklees Council (**LPA**) dated 27 January 2026 to refuse an outline planning application (2020/60/92350/E) (**Application**) for the development of land south of Hey Beck Lane, Chidswell, Shaw Cross, Dewsbury (**Appeal Site**).
- 1.2 The application sought permission for “*residential development (use class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure*” (**Proposed Development**).
- 1.3 This Statement sets out the Appellant’s preferred procedure for the determination of the appeal and the reasons for that preference, with reference to the Planning Inspectorate’s Guidance entitled “Criteria for determining the procedure for planning, enforcement, advertisement and discontinuous notice appeals” updated on 5 August 2024 (**Guidance**).
- 1.4 The Appellant considers that a hearing would be the appropriate procedure and satisfies the criteria set out in the Guidance, as explained in section 2 of this statement.
- 1.5 Neither written representations nor a full inquiry would be appropriate in the circumstances of this case (as explained in section 3 of this statement).

2 APPLICATION OF THE GUIDANCE ON HEARINGS

- 2.1 The Guidance sets out six criteria which may indicate that a hearing is appropriate. Four of those criteria are relevant and, as explained below, apply in this case (in terms of the remaining two, the status or personal circumstances of the Appellant are not at issue and the matter is not an enforcement appeal)

The Inspector is likely to need to test the evidence by questioning or to clarify matters (For example where detailed evidence on housing land supply needs to be tested by questioning)

- 2.2 The Application was refused against the recommendation of officers on the basis of impacts on ancient woodland (a single reason for refusal). Information on the matters underpinning that reason for refusal was not requested during the determination process. The Appellant has submitted technical information as necessary to respond to that reason for refusal and the Inspector is likely to have questions on that information.

2.3 The Appellant has agreed a detailed statement of common ground with the LPA setting out the issues that are agreed and not agreed. However, at the point of submission, the LPA reserves its position on the need for evidence on a number of issues. The LPA's position is not therefore fully understood at the time of writing.

2.4 As the Proposed Development includes housing and the LPA does not have a 5 year housing land supply, the LPA has been invited to provide details of its housing land supply. It currently declines to do so on the grounds of commercial confidentiality. The Appeal is therefore accompanied by information prepared by the Appellant on the housing land supply position. The Inspector may have questions on the evidence on the point.

There is no need for evidence to be tested through formal questioning by an advocate or given on oath

2.5 The issues in this Appeal, whilst requiring the Inspector to ask questions of the parties, are not of a nature or complexity that necessitates formal cross-examination by an advocate. The principal matter in dispute, namely the impact of the development on the ancient woodland, can be adequately explored through the hearing process led by the Inspector. There is no suggestion that any witness evidence needs to be given on oath, nor is there any factual dispute of the kind that would typically require testing through a formal inquiry.

The case has generated a level of local interest such as to warrant a hearing (Where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure)

2.6 The case has generated a level of local interest. A local action group, Chidswell Action Group (CAG), has actively opposed the Proposed Development (including by way of judicial review leading to the quashing of the permission previously granted for the Proposed Development on a single procedural ground).

2.7 It is anticipated that the Appeal will therefore continue to generate local interest from CAG and potentially other organisations or individual residents. A hearing would provide an appropriate forum for local interested parties to attend and, at the Inspector's discretion, participate in the discussion, while ensuring that the proceedings remain proportionate.

It can reasonably be expected that the parties will be able to present their own cases (supported by professional witnesses if required) without the need for an advocate to represent them

2.8 The Appellant will be represented by professional witnesses from various disciplines (including planning and ecology) who can adequately present the technical evidence

with appropriate assistance from legal advisors. A hearing by way a structured discussion led by the Inspector is well suited to the nature of this case.

3 APPLICATION OF THE GUIDANCE ON INQUIRIES AND HEARINGS

- 3.1 The written representations procedure would be inadequate in this case given the additional technical information submitted to respond to the single for refusal, that it remains the position that the LPA's case is not fully understood and that the Inspector is likely to need to test the evidence by raising questions.
- 3.2 The Appellant does not however anticipate that legal submissions of the complexity that would necessitate an inquiry or that formal questioning by an advocate will be required. Whilst there is additional technical information, this responds only to a single reason for refusal and the issues are not sufficiently complex to warrant an inquiry.

CHARLES RUSSELL SPEECHLYS