

Statement of Case of the Local Planning Authority (Kirklees Council)

Appeal ref: 6013428

Application ref: 2020/92350

Site: Land south of Heybeck Lane, Chidswell

Appellant: C. C. Projects

Documents relating to this appeal can be viewed at the offices of Kirklees Council (Customer Service Centre), Civic Centre 3, High Street, Huddersfield, HD1 2TG during these hours:

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1. Introduction

- 1.1 On 27/01/2026 Kirklees Council refused outline planning permission for a residential development of up to 181 dwellings. The reason for refusal was as follows:

1) The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.

- 1.2 That refused application (ref: 2020/92350) is now the subject of this appeal.

2. Appeal site and surroundings

- 2.1 The appeal site and its surroundings are described in paragraphs 2.1 to 2.9 of the committee report (to the Strategic Planning Committee meeting of 08/12/2022) attached to the council's appeal questionnaire. The appeal site, its surroundings and local highway conditions have not significantly changed since the application was determined, although – as noted in the committee report of 04/12/2025 – work has since been carried out (and is now well progressed) at

the nearby development sites at Owl Lane and Soothill Lane. In addition, two dwellings have been erected on Chidswell Lane, to the south of the former Huntsman PH.

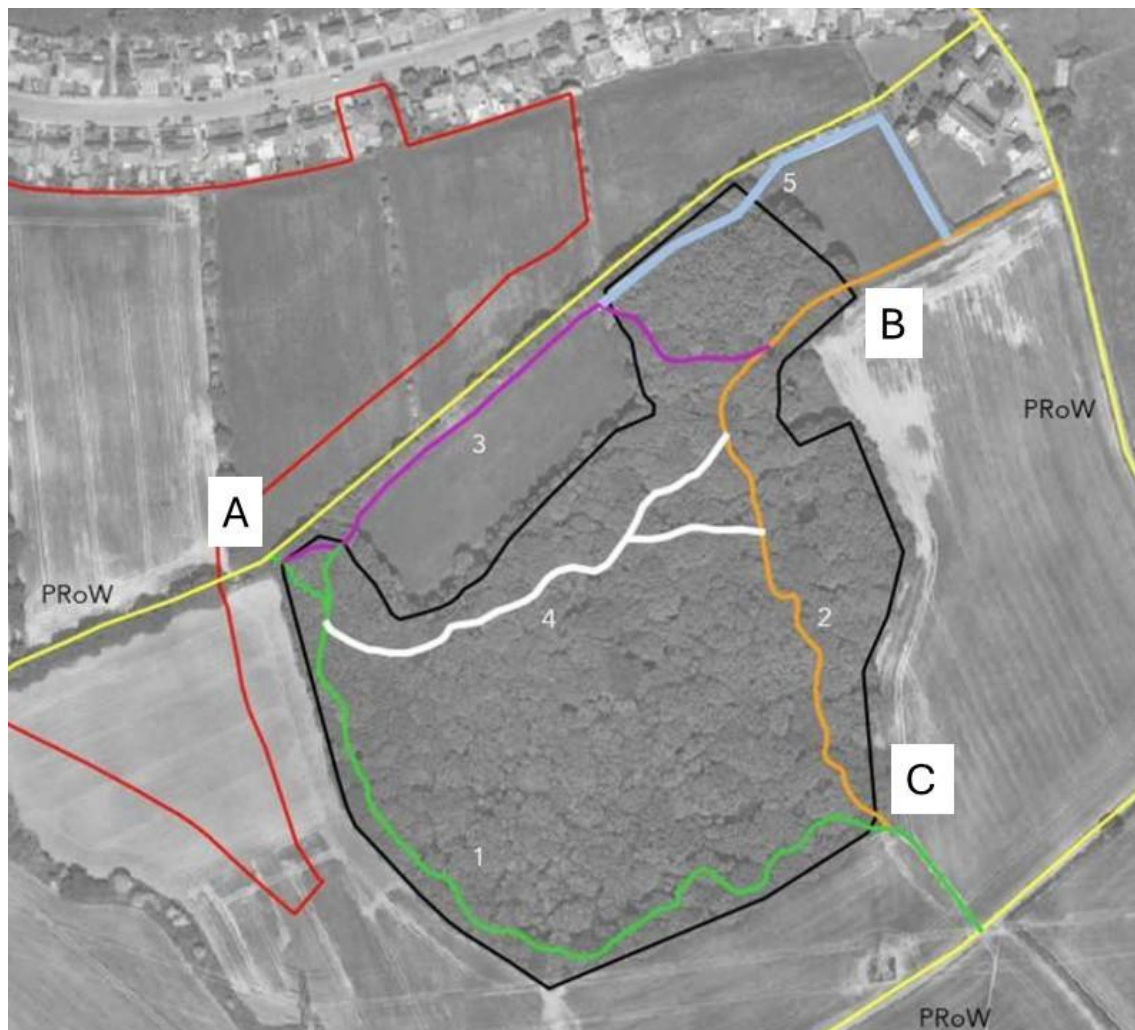
- 2.2 The central issue to this appeal is the impact the proposed development would have on Dum Wood. It is therefore appropriate to identify the ecological and arboricultural value, interest and importance of Dum Wood, as well as relevant designations, relevant vulnerabilities and threats, current means of access and levels of use, and the wider importance of ancient woodlands.
- 2.3 Dum Wood is a Local Wildlife Site, and forms part of the Wildlife Habitat Network. The Impact Risk Zone of the Denby Grange Colliery Ponds Site of Special Scientific Interest extends over Dum Wood and the appeal site. Bats and Twites are known to be present in the area. Dum Wood is located entirely within the Green Belt.
- 2.4 Dum Wood is an Ancient Replanted Woodland subject to Tree Preservation Order 01/87/w2. Dum Wood was classified as W10a in line with the National Vegetation Classification (NVC) in 2013, meaning the woodland composition includes predominately Oak as the canopy trees, Holly and Rowan in the shrub layers, and Bluebell, Bramble and Bracken at the ground level. This meets the criteria as a Priority Habitat. The woodland contains two Veteran Trees and two Notable trees, as identified by the Woodland Trust's Ancient Woodland Inventory. 25 bird species were reported breeding in Dum Wood in 2026, including the Red-listed species Redpoll (*Acanthis flammea*) and seven Amber-list species. The importance of Dum Wood's fungi and lichen populations is not fully known, however several species of fungi have been observed within the woodland including Stinkhorn (*Phallus impudicus*)¹ and the uncommon Parasitic Bolete (*Pseudoboletus parasiticus*). The condition of the woodland appears to be deteriorating in some respects, as the Local Wildlife Site categorisation identified Bluebell (*Hyacinthoides non-scripta*) as frequent, but the Baseline Woodland Survey (Brooks Ecological, July 2026) identifies that for much of the woodland Bluebell is frequent to rare – this is attributed in the report to nutrient enrichment from dog fouling. As a result of this nutrient enrichment, and the lack of age diversity in the trees, the woodland is considered to be in Moderate condition, in line with the Biodiversity Net Gain Condition Assessment Sheets.
- 2.5 The importance of ancient woodlands must be noted. Ancient woodlands are incredibly important because they are unique, irreplaceable ecosystems that have developed continuously over hundreds (and often thousands) of years. In the UK, they have existed since at least 1600, allowing highly specialised communities of plants, animals, fungi and microorganisms to evolve together in stable conditions that cannot be recreated once lost.
- 2.6 One of their greatest values is biodiversity. Ancient woodlands are among the richest habitats in the UK and support more threatened and specialist species than any other terrestrial habitat. Many species, including certain plants, fungi,

¹ This species was seen by officers in Dum Wood on 21/05/2026, and is illustrated in Appendix 1 of this Statement of Case.

Bats, and invertebrates, depend on long-established woodland conditions such as undisturbed soils, deadwood, and veteran trees, and may not survive elsewhere. This makes ancient woodland a critical refuge for conservation.

- 2.7 They are also important because of their complex ecological structure. Over centuries, layers of soil, fungi networks, and decaying wood have built up, supporting intricate ecological processes such as nutrient cycling and soil formation. These long-term processes underpin the resilience and functioning of the woodland ecosystem.
- 2.8 Ancient woodlands provide essential ecosystem services. They help regulate climate by storing carbon, they improve air and water quality, stabilise soils, and support pollination and food webs. Although all woodlands provide some of these benefits, ancient woods often do so more effectively due to their maturity and ecological complexity.
- 2.9 They also have significant cultural and historical value. Many ancient woods contain archaeological features, historic land-use evidence, and landscapes that have remained largely unchanged for centuries, effectively acting as “living museums” of both natural and human history.
- 2.10 Finally, ancient woodlands are especially important because they are irreplaceable. If they are lost or heavily damaged, they cannot simply be recreated by planting new trees, as the soils, species assemblages, and ecological relationships take centuries to develop. This is why UK policy and conservation bodies place such strong emphasis on their protection.
- 2.11 In summary, ancient woodlands are vital because they combine high biodiversity, complex ecological processes, ecosystem services, and cultural heritage, all built over centuries, making them one of the most valuable and vulnerable habitats in the UK.
- 2.12 Although a local organisation (the Chidswell Action Group) are active in relation to Dum Wood, there is no known “friends of” group for the woodland.
- 2.13 Appendix 6 of the Statement of Common Ground for this appeal illustrates informal routes (used by pedestrians) through and around the appeal site and Dum Wood. This plan also shows a “Footpath” (in yellow) running along the northern edge of Dum Wood – this is in fact public footpath BAT/49/10 (a Public Right of Way), sections of which appear to be less heavily used than the adjacent “Route 3” shown in purple in Appendix 6.
- 2.14 It is acknowledged that Routes 1, 2, 3, 4 and 5 (illustrated in Appendix 6) are not Public Rights of Way, however all appear to be well-used. Users of these routes should be regarded as sensitive receptors.
- 2.15 Notwithstanding this level of use, Dum Wood can generally be characterised as a relatively quiet location that is currently subject to some (but not excessively high) levels of noise and other environmental effects.

2.16 Entry points into Dum Wood should also be noted. The points marked A, B and C in the plan below appear to be the points most used by pedestrians to access and exit the ancient woodland.



2.17 Measured as the crow flies, and not including dwellings at Woodkirk Gardens, there are currently 173 residential addresses within 400m of point A.

2.18 Other constraints within the appeal site, and facts known about the site, should also be noted, as should other aspects and sensitivities of the appeal site and its surroundings. In particular, the following is of relevance to this appeal:

- Topography – As noted at paragraph 2.2 of the committee report dated 08/12/2022, the appeal site generally slopes downhill from northwest to southeast. The appeal site's lowest point is approximately 90m AOD at its southernmost point. Dum Wood is located on slightly raised land (100m AOD at the centre of the woodland).
- Tree Preservation Orders – Full details of these were submitted with the council's appeal questionnaire.
- Coal mining legacy – Parts of the appeal site are within a Development High Risk Area as defined by the Coal Authority (now the Mining

Remediation Authority). Most of the appeal site is within the Development Low Risk Area.

- The proximity of existing adjacent residential properties – The appeal site lies behind and existing residential properties at 1064 to 1110 Leeds Road and 1a to 53 Heybeck Lane.
- Agricultural land use – Most of the appeal site is currently in agricultural (arable) use. Additional information is provided at Appendix 10 of the appellant's Statement of Case.

2.19 Paragraph 6.13 of the appellant's Statement of Case introduces new information regarding the root protection areas of trees at the edge of Dum Wood, stating these areas are "currently subject to regular disturbance and damage from ploughing, while the woodland edge will be subject to harm from the application of chemical fertilisers, insecticides, herbicides and fungicides". The appellant had suggested similar text be included in the Statement of Common Ground, however the council could not agree to this, as at the time no evidence had been presented regarding the history and intensity of agricultural activity, chemicals used, any crop rotation, any set-aside and other factors that may affect the condition of the edges of Dum Wood. No such evidence was subsequently included in the appellant's Statement of Case or its appendices.

2.20 Relevant photographs of Dum Wood are provided at Appendix 1 of this Statement of Case.

3. Planning history and procedural matters

3.1 Section 2.0 of the committee report of 04/12/2025 sets out a timeline of events relevant to application 2020/92350.

3.2 The council does not object to the appellant introducing new information at appeal stage in the form of an amended parameters plan, updated ecological information (at Appendix 9 of the appellant's Statement of Case) and an Agricultural Land Classification and Soil Resources report (at Appendix 10 of the appellant's Statement of Case). These documents have been posted online by the council (visible online since the morning of 25/07/2026), giving members of the public an opportunity to consider their contents.

3.3 The only parts of the appellant's Statement of Case that have not been posted online were two components of the appellant's Appendix 9, which related to badgers. The council keeps badger-related information out of the public domain, due to the risks to this vulnerable and persecuted species.

3.4 The council's case is set out below, and includes references to information currently in the public domain. Where that information is provided on the websites of public and campaigning bodies, footnotes direct the reader to this document's appendices, where screengrabs are provided. However, in the case of the academic texts referred to in this document, the council does not have permission to reproduce copyrighted material, and only titles and author details are provided in the relevant footnotes. The council can provide weblinks to those academic texts if required by the Inspector and appellant.

4. Planning policy and guidance

- 4.1 The Kirklees Local Plan was adopted on 27/02/2019. This is the development plan for Kirklees, and it carries full weight.
- 4.2 It remains the case that there is no draft or adopted neighbourhood plan which carries material weight in the decision-making process for this application.
- 4.3 Relevant Local Plan policies are listed at paragraph 6.2 of the Statement of Common Ground, however the following errors therein are noted:
- Policy LP67 (mixed use allocations) is omitted. This policy and its supporting text were, however, provided with the council's appeal questionnaire.
 - The list included "LP59: Outdoor sport, recreation and cemeteries". There is another policy (LP56) titled "Facilities for outdoor sport, outdoor recreation and cemeteries", however that policy relates to Green Belt sites, and was not listed in the committee reports for 2020/92350. It is therefore not relevant to this appeal.
- 4.4 Most Local Plan policies are set out in the council's Strategy and Policies document, however policy LP67 and site allocation MXS7 are set out in the separate Allocations and Designations document, relevant extracts from which were attached to the council's appeal questionnaire.
- 4.5 The appeal site is part of a wider site allocated in the Local Plan for mixed use development (site ref: MXS7 – "Land east of 932-1110 Leeds Road, Shaw Cross / Woodkirk, Dewsbury"). A copy of the site allocation was forwarded with the council's appeal questionnaire. The site allocation sets out an indicative capacity of 1,535 dwellings and 122,500sqm of employment floorspace.
- 4.6 Paragraph 8.1 of the Statement of Common Ground sets out relevant paragraphs of the National Planning Policy Framework (12/12/2024, amended 07/02/2025) that were relevant to this appeal, including (at paragraph 8.3) those that the council believed the proposed development does not comply with. These were paragraphs 187 a, b & d, 193a and 193c of Chapter 15.
- 4.7 A fully revised version of the National Planning Policy Framework (NPPF) was published on 17/08/2026, and took effect immediately. The following national decision-making policies are considered relevant to the appeal proposal:
- DM1: Preparing planning proposals
 - DM3: Determining development proposals
 - DM6: Use of planning conditions and obligations
 - S3: Presumption in favour of sustainable development
 - S4: Principle of development within settlements
 - CC2: Mitigation of climate change
 - CC3: Adaptation to climate change

- HO7: Meeting the need for homes
- HO8: Providing affordable homes
- HO13: Build out of residential and strategic sites
- M6: Safeguarding mineral resources and infrastructure through decision-making
- L2: Making effective use of land
- L3: Achieving appropriate densities
- DP3: Key principles for well-designed places
- DP4: The design process
- TR3: Locating development in sustainable locations
- TR4: Street design, access and parking
- TR6: Assessing transport impacts
- TR8: Public rights of way
- HC3: Community facilities and public service infrastructure serving new development
- HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- P2: Ground conditions
- P3: Living conditions and pollution
- P4: Impact of development on existing activities
- P5: Maintaining public safety and security
- F4: Assessing flood risk for decision-making
- F5: The sequential test
- F7: Ensuring development is safe from flooding
- F8: Sustainable drainage systems and watercourses
- N2: Improving the natural environment
- N3: Trees in new development
- N6: Areas of particular importance for biodiversity and geodiversity
- HE4: Securing the conservation of heritage assets
- HE5: Assessing effects on heritage assets
- HE7: Decisions on non-designated heritage assets
- HE10: Loss or removal of heritage assets

4.8 Plan-making policies (including policy HO1: Assessing the need for homes, HO5: Meeting the needs of different groups, and HC1: Planning for healthy communities) are also referred to in this Statement of Case in relation to Section 106 matters.

4.9 The council considers that the appeal proposal fails to comply with national decision-making policies N2 and N6.

4.10 National decision-making policy S3 sets out the presumption in favour of sustainable development that the planning balance (of relevance to this appeal) needs to be assessed against. Part 1a of policy S3 applies (see paragraph 4.11 below), however part 1c also applies – this states that, in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay. Both parts 1a and 1c need to be considered in the planning balance.

- 4.11 For the avoidance of doubt, the council considers the appeal proposal to be a development within a settlement, given the definition of “settlement” in the glossary of the NPPF, which refers to “...land which is allocated or has permission for development which will form part of the built-up area once the development is complete”. NPPF policy S4 therefore applies.
- 4.12 National decision-making policy S4 states (at part 1) that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF. Part 2 of policy S4 states that the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

5. Updated housing delivery position

- 5.1 The following paragraphs update the housing delivery position applicable to Kirklees, and supersede the text of paragraphs 3.5 to 3.8 of the committee report dated 04/12/2025.
- 5.2 The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020 to March 2023) had fallen below the 75% pass threshold.
- 5.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as delivery of housing has fallen below the 75% HDT requirement, paragraph 11 of the previous version of the NPPF paragraph 11 applied. That paragraph applied a presumption in favour of sustainable development, and for decision making that meant:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

1. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

5.4 Footnote 8 of the previous version of the NPPF clarified that for applications involving the provision of housing, the presumption applied to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test has fallen below the 75% pass threshold.

5.5 The revised version of the National Planning Policy Framework (published on 17/08/2026) makes the council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test less relevant to this appeal, in that there is no longer a *triggered* direction to approve the appeal proposal under national decision-making policies S3 and S4. Instead, there is now simply a direction to approve development within settlements (subject to relevant considerations) regardless of the housing delivery context. Policy S4 now simply states:

Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

5.6 Under the new NPPF, a Local Planning Authority's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test is not referred to in the chapter 4 policy most relevant to this appeal (policy S4). Instead, the matters of five-year supply and the Housing Delivery Test are referred to under policy S5 (in relation to development outside settlements) and policy GB7 (in relation to development in the Green Belt), which are not relevant to the appeal proposal.

5.7 As previously, the new NPPF does not state that the *magnitude* of shortfalls in relation to five-year supply and the Housing Delivery Test are material considerations relevant to decision-making. This is important to note. Paragraph 7 of the NPPF highlights that some of the national decision-making policies indicate how much weight the Government would expect a particular consideration to be given, and in some policies, the Government requires the decision-maker to consider the magnitude of a harm or shortcoming². However, no such consideration is mandated in the NPPF in relation to housing delivery, nor was this mandated in the previous version of the NPPF, and it is noted that the Government did not include such a direction when substantially rewriting the NPPF this year.

5.8 Furthermore, for this appeal, the wording of the new NPPF essentially presents the Inspector with a binary choice between:

a) accepting the council's contention that the appeal proposal would result in the deterioration of ancient woodland (an irreplaceable habitat) and would fail to conserve and enhance existing natural features of nature conservation value, in which case national decision-making policies N2 and N6 states that the development should be refused, and the benefits of the development

² National decision-making policy HE6, for example.

would thus be substantially outweighed by the adverse effects, having regard to part 2c of national decision-making policy S4 (which directs that planning permission should be refused, even if substantial weight was given to the benefits of the proposed housing as set out in national decision-making policy HO7); or

b) reaching a different conclusion to the council regarding ancient woodland impacts (i.e., concluding that the proposal would not result in the deterioration of the ancient woodland), and in that event, in the absence of any other adverse impacts having been identified and in the light of the text of national decision-making policy S4, granting outline planning permission.

- 5.9 Neither of these two routes to determination (as set out in NPPF policies S3 and S4) *require* the Inspector to consider the magnitude of the shortfalls in relation to five-year supply and the Housing Delivery Test. The Inspector could legitimately conclude that the council's case stands or falls on the matter of harm to Dum Wood, and that the housing delivery context is not a consideration relevant to this appeal.
- 5.10 Given the above, it should be enough for the parties to agree (as common ground) that Kirklees does not have a five-year housing land supply. The magnitude of the shortfall need not be considered under this appeal.
- 5.11 Regarding the data that supports the updated five-year housing land supply position for Kirklees, the council's position remains as set out in its Response to the Appellant's Application for a Partial Award of Costs. The data includes commercially sensitive details regarding specific sites. The council's position, in not providing this information, is consistent with its approach to the Stocksmoor appeal (2024/91242, appeal 3375000), which has not yet been determined, where the Inspector has not, to date, specifically raised a concern regarding the council not disclosing detailed information underpinning its housing land supply position.
- 5.12 Whilst it is acknowledged that the council would not usually have the opportunity to provide a further response to the appellant's final comments on costs applications, it is considered necessary to correct various fundamental errors in the appellant's letter of 14/08/2026, to ensure that the Inspector has accurate information before her. The appellant's letter responds to the council's Response to the Appellant's Application for a Partial Award of Costs. Under the heading "Reliance on a 2026 appeal decision" and paragraph 2.12 onwards, the appellant has made various errors in relation to the Stocksmoor appeal. Firstly, the appellant believes the Stocksmoor appeal has been determined – it has not. The appellant also mistakenly believes that the Stocksmoor appeal related to only one dwelling – it did not – it was in fact related to a development of 50 dwellings, and therefore, as a major residential development, it is comparable to the current appeal case at Heybeck Lane. The appellant goes on to state that the Inspector made a finding on the extent of the current supply – this is incorrect, given that no appeal decision has been issued to date. It is entirely incorrect for the appellant to say (at paragraph 2.15 of the letter dated 14/08/2026) that "The facts are therefore entirely different from the current appeal".

5.13 The appellant has referred to case law that they believe demonstrates that the magnitude of a five-year supply shortfall is a material planning consideration. The council would argue that this case law (if relevant, and if it is indeed the *leading* case law relating to the matter) does not compel Inspectors to attach weight to the magnitude of a shortfall. It would be legitimate for an Inspector to simply note that there is a shortfall, having regard to the fact that the NPPF does not seek to quantify or identify degrees of harm relating to a lack of a five-year supply.

6. Amplification of reason for refusal

6.1 The council's reason for refusal refers to policies LP30 (Biodiversity and geodiversity) and LP33 (Trees) of the Kirklees Local Plan. The text of these policies was attached to the council's appeal questionnaire. Chapter 15 (Conserving and enhancing the natural environment) of the previous version of the NPPF was also referred to in the council's reason for refusal. Of note (of particular relevance to this appeal):

- Local Plan policy LP30 states that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network. Proposals having a direct or indirect adverse effect on a Local Wildlife Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term. Development proposals will be required to result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement.
- Local Plan policy LP33 states that the council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
- Chapter 15 of the previous version of the NPPF stated at paragraph 187 that planning decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland; and
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species.

- Chapter 15 of the previous version of the NPPF stated at paragraph 193 that, when determining planning applications, local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6.2 With reference to the revised National Planning Policy Framework (published on 17/08/2026), the council contends that the appeal proposal fails to comply with the following national decision-making policies:

- N2: Improving the natural environment, part 1 of which states that development proposals should conserve and enhance existing natural features of nature conservation value (such as established trees), and should minimise any adverse impacts on biodiversity. Part 2 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, the development should be refused.
- N6: Areas of particular importance for biodiversity and geodiversity, part 1c of which states that, at a site of local importance (such as a Local Wildlife Site), development proposals should only be supported if there would not be a significant adverse effect on the integrity of the site, or the benefits of development in the location proposed clearly outweigh the likely impact on the features which make the site valuable for nature conservation. Part 2 states that, irrespective of a site's status in nature conservation terms, development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Part 3 states that this policy applies to development on land inside or outside a designated area, if it would have an impact on the identified biodiversity value of the area concerned.

6.3 Other paragraphs in the revised NPPF should be noted. In particular, paragraph 1 states that the NPPF is a material consideration of critical importance in the context of making decisions on development proposals, and paragraph 3 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It adds that the national decision-making policies in the NPPF are a material consideration in making these decisions and should be read alongside the policies in the development plan.

6.4 Each element of the council's reason for refusal is discussed in the following paragraphs.

Increased access, activity and recreational use of Dum Wood

- 6.5 It is noted that the appellant now intends to close some of the informal paths within Dum Wood (namely, those annotated as route 4 in the plan at paragraph 2.16 above), and maintain a permissive route (comprising current routes 1, 2, 3 and 5) that would remain accessible to the public.
- 6.6 As noted above, measured as the crow flies, and not including dwellings at Woodkirk Gardens, there are currently 173 residential addresses within 400m³ of point A, which is one of the three points that appear to be the most used by pedestrians to access and exit the ancient woodland. Taking into account actual walking distances (i.e., not measuring as the crow flies), a smaller number of existing residential addresses are within a walking distance of 400m metres. All of the dwellings of the appeal proposal would also be within 400m (as the crow flies) of point A. It can therefore reasonably be concluded that the appeal proposal (for up to 181 dwellings) would more than double the number of households living within a reasonable walking distance of Dum Wood. Assuming an average household size of 2.4 people⁴, it would be reasonable to assert that the appeal proposal would introduce an additional 434 people to within that 400m walking distance of point A.
- 6.7 Therefore, as a result of the appeal proposal, there would be a much larger resident population living within walking distance of the ancient woodland. Leeds Road and Heybeck Lane may be a barrier to some (and other amenity areas to the north and west may draw people away in other directions), however there are designated crossing points, and it should not be assumed that residents living on the north side of Heybeck Lane or on the west side of Leeds Road would not come to Dum Wood for recreation reasons. Although the public footpath adjacent to Dum Wood and the informal routes within Dum Wood are not paved, there are currently no significant barriers (such as stiles) along these routes limiting accessibility to the ancient woodland – a pedestrian could in fact walk all the way from Leeds Road, through Dum Wood, to Upper Hey Beck Farm, without encountering such a barrier. This would remain the case following the appellant's proposed closure of route 4. Appendix 2 of this statement includes photographs of the unobstructed access to Dum Wood at points A and C.
- 6.8 Given these facts, there should be no question as to whether the appeal proposal would result in a significant intensification in the use of Dum Wood, although the appellant has apparently attempted to play down this certainty by referring to a “*potential* for intensification of use” in the heading above paragraph 6.39 of the submitted Statement of Case. As is the case with existing residents, members of the (up to) 181 new households will want to access Dum Wood for leisure, play, dog walking and other forms of recreation.

³ 400m is considered to be a reasonable walking distance (in accordance with the shorter definition in the glossary of the NPPF), however it is appreciated that many people (such as runners and dog walkers) are likely to walk greater distances to access areas of greater amenity, such as Dum Wood.

⁴ The national average in 2021, according to the Office for National Statistics - see screengrabs at Appendix 3 captured from the ONS webpage titled *Household and resident characteristics, England and Wales: Census 2021*.

- 6.9 Increased recreation can lead to an increase in the spread of pests and disease. Recreational activities contribute to fungal pathogen dispersion, with tourism and recreation playing a major role in the global spread of fungal pathogens⁵. The spread of *Phytophthora ramorum*, a fungus that causes extensive damage and death to more than 150 plant species⁶, has been linked to human activity and recreation, with increased prevalence associated with increased human activity⁷. Spread of invasive non-native species, such as Himalayan Balsam (*Impatiens glandulifera*) have also been associated with recreation^{8,9,10}, and this can have a highly detrimental impact on woodland flora by shading it out, especially in wetter areas. As it has very shallow roots, and dies back each winter, it can also increase the susceptibility of the soil to erosion. Extensive research shows that increased recreation increases the chances of a woodland being colonised by invasive non-native plants and pathogens.
- 6.10 Another well researched area of impact is the human disturbance effect. Human recreational activities are often considered as potential threats to biodiversity, by restricting animals' access to resources that otherwise would be exploited¹¹. Research in 2017 identified that the number of breeding bird territories, and the bird species richness were ~15% lower in areas of woodland with daily recreation, compared to undisturbed areas¹², again showing the detrimental impact of recreation on woodland biodiversity. Further impacts from additional disturbing factors, such as dogs off lead which expands the radius of the disturbance, is likely to have an even more detrimental effect.
- 6.11 Children of the proposed development will want to visit Dum Wood. While creative and natural play is encouraged by the council (through the provision of appropriately-designed public open space, as set out in the council's Open Space SPD), this can be harmful in ancient woodland.
- 6.12 Den building in ancient woodlands can have a small but sometimes significant impact on these sensitive ecosystems, particularly when it involves breaking branches, stripping bark, or disturbing ground vegetation. Ancient woodlands are

⁵ As studied by Sarah McGrath-Blaser in her 2023 University of Florida dissertation titled *Expanding the Human Footprint: Understanding Human-Mediated Dispersal of Microscopic Fungi in the Context of Tourism and Recreation*.

⁶ See screengrabs at Appendix 4 captured from the Forest Research webpage titled *Ramorum disease (Phytophthora ramorum)*.

⁷ As studied by J Hall Cushman and Ross K Meentemeyer in their paper titled *Multi-scale patterns of human activity and the incidence of an exotic forest pathogen* published in the British Ecological Society's Journal of Ecology, Volume 96, Issue 4, July 2008.

⁸ As studied by Ryszard Staniszewski in his paper titled *Invasive Alien Species Impatiens glandulifera Royle – Spread Dynamics, Environmental Impacts and Youth Perception of the Problem* published in 2022.

⁹ As studied by Christopher P Cockrel and Rober A Tanner in A Handbook of Global Freshwater Invasive Species (Routledge, 2012).

¹⁰ Officers observed this problematic species along public footpaths in hedgerows close to Dum Wood as recently as 05/09/2026.

¹¹ As studied by Jennifer A Gill in her paper titled *Approaches to measuring the effects of human disturbance on birds* published in the International Journal of Avian Science, Volume 149, Issue s1, March 2007.

¹² As studied by Yves Bötsch, Zulima Tablado and Lukas Jenni in their paper titled *Experimental evidence of human recreational disturbance effects on bird-territory establishment* published in the Proceedings of the Royal Society B, Volume 284, Issue 1858, July 2017.

defined by long-term ecological continuity and support complex communities of plants, fungi, and wildlife that depend on stable conditions. When deadwood is moved or living branches are cut for den construction, it can reduce important microhabitats used by insects, fungi, and birds, and may introduce pathways for disease into damaged trees¹³.

- 6.13 On previous visits to Dum Wood, officers have noted an improvised rope swing slung from one of the trees in the ancient woodland. Appendix 1 includes a photograph of a crude circle of stones in Dum Wood, apparently assembled using material taken from a nearby dry stone wall, and presumably intended for use as a den, as seating or as a fire pit.
- 6.14 Increased numbers of people visiting an ancient woodland also increases risks in relation to harvesting. Deadwood collection reduces the amount of habitat available for saproxylic fungi and invertebrates. Research published in 2020¹⁴ suggests that collection of deadwood for fires or decoration, and by children to make dens, impacts on the distribution and availability of fallen deadwood. Dum Wood also contains a number of fruiting species including Bramble, Raspberry and Elder. These are regularly collected by foragers, reducing the availability of this fruit for wildlife and the eventual number of seeds entering the woodland soil. Increased numbers of people could increase the amount of fruit removed from the woodland. This impact would be exacerbated by the increasingly warm, dry summers the UK is experiencing, which is reducing the productivity of plants, and thus the numbers of berries produced. Similarly, the collection of Holly over winter (for wreaths and other decoration) removes an important winter food source for many birds. Removal of fungi (for food and as psychedelics) may also cause harm.
- 6.15 Significant (often inadvertent) harm can be caused by such harvesting, which can reduce food supplies and habitat for wildlife, can reduce the stock of seeds needed for succession and regeneration, and – through the removal of deadwood in particular – can interrupt the important ecological processes described in paragraph 2.7 above.

Trampling, compaction and erosion

- 6.16 In relation to “boots on the ground” impacts, the council again notes the increased number of local residents (and therefore the increased number of people accessing the ancient woodland) that the appeal proposal would bring. This access would result in direct physical impacts on the woodland. Research published in 2001¹⁵ identified that for woodlands dominated by native Bluebells *Hyacinthoides non-scripta* (an ancient woodland indicator species) the carrying capacity in terms of visitor numbers was only 35 people. The research concluded that woodland flora is not resistant to trampling – any resistance observed is not

¹³ As studied by Jürgen Bauhus, Kristin Baber and Jörg Müller in their article titled *Dead Wood in Forest Ecosystems* dated April 2018.

¹⁴ Report by Sophie Lake, Durwyn Liley and Phil Saunders titled *Recreation use of the New Forest SAC/SPC/Ramsar: Impacts of recreation and potential mitigation approaches*.

¹⁵ Paper by James Littlemore and Susan Barker titled *The ecological response of forest ground flora and soils to experimental trampling in British urban woodlands* published in *Urban Ecosystems*, Volume 5, December 2001.

toleration of trampling but merely ability to recover from it. Sustained trampling will therefore result in a loss of woodland ground flora. The report also found that trampling had the most profound impact on Bluebell seed production, and even two years after the cessation of trampling, some samples had still not produced any seeds. This is empirical evidence that trampling will lead to a deterioration of woodland ground flora, including ancient woodland indicator species.

- 6.17 A second impact from higher numbers of “boots on the ground” is increased soil compaction, exposure and erosion. Compaction is caused by repeated footfall in an area, such as along a footpath, compressing the soil, and reducing the amount of air within it. Exposure is caused by footfall damaging ground flora beyond its ability to recover and therefore resulting in areas of bare soil. Where soil is compacted or exposed, this can affect the ability of soil to absorb water during rainfall events – instead of seeping into the soil, the water sits on top of the soil and flows away, taking topsoil with it. Over time, this can then undercut areas, and cause even larger areas of soil to become exposed and more vulnerable to being washed away. Wetter areas of woodland (such as at the western edge of Dum Wood) can be even more vulnerable to erosion. Additionally, recreation close to tree roots has been shown to cause soil compaction, with a detrimental effect on tree roots and associated soil fungi, and can lead to the death of veteran trees¹⁶. Compaction has been shown to impact soil invertebrate communities¹⁷, which can be observed even when the disturbance is no longer occurring. This damage and loss of ancient woodland soil is significant because ancient woodland soil cannot be replaced. A key aspect of the soil’s importance is the duration of time it has been undisturbed and remained in situ.

Widening of paths and creation of new paths

- 6.18 There is currently very little by way of boundary treatments around Dum Wood or along the informal routes through it. Existing dry stone walls are in a poor condition with numerous gaps, and these (together with a short section of barbed wire fencing within the woodland) do not serve as effective barriers to movement. Therefore, there is currently little to stop new routes being formed through Dum Wood. Indeed, the well-trodden routes already formed through the woodland were not planned or aligned to avoid the most sensitive features, and they appear to follow desire lines. Without boundary treatments or other means of guiding people and restricting access, there is a risk that the significant increase in nearby residents (resulting from the appeal proposal) would result in even more trampling, compaction and erosion (as described above) and damage to woodland ground flora and fungi (as described below). While the introduction of fencing and features such as paving and signage may assist in deterring the widening of existing paths and the creation of new paths, they are not certain to be fully effective, and these intrusive interventions themselves can cause harm to the ancient woodland and its biodiversity.

¹⁶ As studied by Lukas F Kuwaczka, Veronika Mitterwallner, Volker Audorff and Manuel J Steinbauer in their paper titled *Ecological impacts of (electrically assisted) mountain biking* published in *Global Ecology and Conservation*, Volume 44, August 2023.

¹⁷ As studied by Cédric Devigne, Pierre Mouchon and Benoit Venhee in their paper titled *Impact of soil compaction on soil biodiversity – does it matter in urban context?* published in *Urban Ecosystems*, Volume 19, March 2016.

Harm to woodland ground flora including ancient woodland flora, and fungi

- 6.19 Some of the vulnerable species known to be present in Dum Wood are listed earlier in this statement. Species are also illustrated in Appendix 1.
- 6.20 Paragraph 6.49.2 of the appellant's Statement of Case suggests it is not yet known what invertebrates, lichens and fungi are currently present in Dum Wood. However, officers are aware of at least two notable fungi being present – Stinkhorn (*Phallus impudicus*) and the uncommon Parasitic Bolete (*Pseudoboletus parasiticus*). Several other species of fungi were observed by officers visiting Dum Wood on 21/05/2026, and photographs of these are provided at Appendix 1.
- 6.21 As mentioned in paragraph 6.16 above, Bluebells are not resistant to trampling, and sustained access results in a reduction in Bluebell seeding. Bluebells are currently dominant in areas of Dum Wood. From the appellant's baseline survey, it appears that Bluebell cover in the woodland has already decreased from what was noted when the area was designated a Local Wildlife Site. Increased recreation in the woodland is expected to further damage the Bluebells within. Holly is frequently harvested in winter for decoration and is currently a dominant part of the understory in areas of the woodland. Bramble is also extensive and frequently foraged. No Invasive Non-Native Species are currently present within the woodland, which is increasingly unusual, and the woodland is very vulnerable in relation to such species. The invasive Himalayan Balsam (*Impatiens glandulifera*) has already been observed close to Dum Wood.

Dumping

- 6.22 The dumping of garden waste in woodlands is not permitted, but is a commonplace. There are a number of detrimental impacts on ancient woodlands as a result of this. Firstly, as with increased "boots on the ground", dumping of garden waste can result in the spread of pathogens and invasive species¹⁸. Rhododendron is a major issue in many UK woodlands, which has spread from ornamental gardens, in part through the dumping of garden waste, and is now having a detrimental effect on woodland ground flora and shrubs.
- 6.23 Garden waste dumping can also result in nutrient enrichment and changes to soil pH levels. Garden waste is often higher in Nitrogen and Phosphorous. Localised dumping of these increases the amount of these elements in the soil, as the vegetation breaks down. This allows more competitive species, or species that are resistant to high nutrient soils, such as Nettle (*Urtica dioica*), to thrive at the expense of other, rarer ancient woodland species. Too much phosphorous in the soil can also lead to stunted growth in plants.

¹⁸ As studied by Hans-Peter Rusterholz, Dino Wirz and Bruno Baur in their article titled *Garden waste deposits as a source for non-native plants in mixed deciduous forests* published in Applied Vegetation Science, Volume 15, Issue 3, August 2012.

- 6.24 The appellant (at 6.52.1 of the submitted Statement of Case) appears to believe this concern relates to fly tipping, and notes that no private gardens of the appeal proposal would back onto Dum Wood. However, notwithstanding the buffer proposed between the new private gardens and the ancient woodland, there would be nothing to stop new residents from carrying garden waste to the woodland, mistakenly believing it is good composting material and beneficial to the woodland. Due to limited knowledge of the importance and sensitivities of ancient woodlands, some dumping of garden waste is done with good intentions by people who are not aware of the harm that can be caused.
- 6.25 As a result of the appeal proposal, the scale of the dumping may well increase disproportionately to the increase in numbers of households living within walking distance of Dum Wood, given that an existing resident of Leeds Road (for example) may be less inclined to carry heavy, bulky garden waste to Dum Wood than residents of the nearer new dwellings would be.

Harm caused by domestic cats and dogs

- 6.26 Given the increased numbers of households (of the appeal proposal) within typical cat home range (which averages at 1.51ha, though 25% of cats studied exceeded 2.38ha)¹⁹, the average number of cats per household (which, according to Cats Protection, is 0.4, taking into account house cats²⁰), and the average number of cats that are outdoor cats (Cats Protection put this at 62%²¹), it is reasonable to assume that there would be an increase of 66 cats living close to Dum Wood, 40 of whom would be outdoor cats. It is also reasonable to assume, therefore, that harm to wildlife would increase significantly. There would be no reliable way of preventing domestic cats from reaching Dum Wood, or of enforcing controls on cat roaming through planning. While the appellant may contend that there is some evidence that bells on cat collars can help reduce harm, there would be no enforceable way (through planning controls) of ensuring they would be used.
- 6.27 Outdoor cats have been shown to have a number of different effects on native wildlife, through predation but also through disturbance and fear effects²². Research²³ has found that even briefly confronting blackbirds *Turdus merula* with a taxidermied cat near their nest reduced subsequent feeding of the young by one third and significantly increased the risk of subsequent nest predation by

¹⁹ As studied by Martina Cecchetti, Sarah L Crowley, Jared Wilson-Aggarwal, Luca Nelli and Robbie A McDonald in their paper titled *Spatial behavior of domestic cats and the effects of outdoor access restrictions and interventions to reduce predation of wildlife* published in Conservation Science and Practice, Volume 4, Issue 2, February 2022.

²⁰ See screengrabs from the 2025 Cats Report at Appendix 5.

²¹ See screengrabs from the 2025 Cats Report at Appendix 5.

²² As studied by Arie Trouwborst, Phillipa C McCormack and Elvira Martínez Camacho in their article titled *Domestic cats and their impacts on biodiversity: A blind spot in the application of nature conservation law* published in the British Ecological Society's People and Nature, Volume 2, Issue 1, March 2020.

²³ As studied by Colin Bonnington, Kevin J Gaston and Karl L Evans in their paper titled *Fearing the feline: domestic cats reduce avian fecundity through trait-mediated indirect effects that increase nest predation by other species* published in the British Ecological Society's Journal of Applied Ecology, Volume 50, Issue 1, February 2013.

corvids. Another indirect impact is competition, which occurs when domestic cats exploit the same food, space and/or shelter as other species. For example, every mouse eaten by a cat cannot be eaten by a hawk²⁴. Domestic cats can, furthermore, impact wildlife through disease transmission.

- 6.28 The appellant, at paragraph 6.52.3 of the submitted Statement of Case, states that cats would not cause harm to Bluebells. This misses the point. The appellant has not considered the impact of cats on birds other than ground-nesting birds, and there is no discussion in the appellant's submission regarding mammals. Although dense thorny scrub is referred to, this is often not dense enough to serve as an effective barrier to cats.
- 6.29 Domestic dogs also pose a threat to ancient woodlands and their wildlife. Studies show that dog walking can reduce wildlife abundance and diversity. For example, research in wooded environments found that dog walking led to a 41% reduction in bird abundance and a 35% reduction in species richness, even in areas where dogs were not always present²⁵.
- 6.30 Dog faeces and urine are an important but often overlooked source of nutrient enrichment in woodland ecosystems. Unlike herbivore manure, dog waste is chemically concentrated and can disrupt soil nutrient balances. Studies estimate that dogs can add around 11kg of nitrogen and 5kg of phosphorus per hectare per year in heavily visited natural areas. These inputs can be substantial compared to atmospheric nitrogen deposition²⁶. This enrichment can favour fast growing, competitive species, reduce plant diversity, alter soil pH and alter the subsequent habitat conditions for other plants and other vertebrates.
- 6.31 Officers have noted dog walking regularly taking place in Dum Wood, and have seen dog faeces (bagged and unbagged) littering the woodland floor. Relevant photographs are provided in Appendix 1.
- 6.32 The appellant, at paragraph 6.52.2 of the submitted Statement of Case, appears to believe that dog-related harm only relates to dog fouling, whereas the very presence of dogs (being walked) can be harmful to ancient woodland, as explained above.

Health and safety tree works

- 6.33 Health and safety tree works (such as felling, crown reduction, deadwood removal, or pruning to reduce risk) can have notable ecological effects in ancient woodlands, particularly where they alter key habitat features. Many tree-dependent species rely on living trees, deadwood, cavities, and decaying

²⁴ As studied by William G George in his article titled *Domestic Cats as Predators and Factors in Winter Shortages of Raptor Prey* published in The Wilson Bulletin, Volume 86, Number 4, December 1974.

²⁵ As studied by Peter B Banks and Jessica V Bryant in their study titled *Four-legged friend or foe? Dog walking displaces native birds from natural areas* published in Biology Letters, September 2007.

²⁶ As studied by Pieter De Frenne, Mathias Cougnon, Geert P J Janssens and Pieter Vangansbeke in their article titled *Nutrient fertilization by dogs in peri-urban ecosystems* published in the British Ecological Society's Ecological Solutions and Evidence, Volume 3, Issue 1, January-March 2022.

limbs for shelter and breeding. Consequently, arboricultural operations can directly disrupt these habitats or cause injury and mortality to wildlife if carried out during sensitive periods such as nesting seasons. The removal of deadwood for safety reasons is especially significant, as decaying wood is a critical resource that supports a large proportion of woodland biodiversity and drives nutrient cycling processes, meaning its loss can reduce habitat availability and ecosystem function. Similarly, works on veteran or ancient trees may remove features such as hollowing trunks or large limbs that are disproportionately important for specialist species. Public access into woodlands can necessitate these management requirements²⁷.

Other concerns

- 6.34 The council's reason for refusal refers to the insufficient depth of the proposed buffer. The council notes that Natural England and the Forestry Commission guidance refers to a 15m minimum buffer depth, that site allocation MXS7 does not specify a required width of the buffer, that the appellant proposes a 20m deep buffer²⁸, and that the appellant at appeal has included an "Additional Buffer Area" adjacent to Dum Wood. Nevertheless, it remains the council's position that the buffer is inadequate, as it would not prevent people passing through it (there would, in fact, be paths enabling movement of the development's new residents through the buffer), and the buffer would not be of sufficient depth to keep homes so far away that new residents and their cats would be unlikely or less likely to visit Dum Wood in significant numbers.
- 6.35 Of note, the guidance of Natural England and the Forestry Commission states that, where assessment shows other impacts are likely to extend beyond a distance of 15m, the proposal is likely to need a larger buffer zone. It adds that larger buffer zones are more likely to be needed if the area is less densely wooded (which is the case at the appeal site), close to residential areas (which is also the case at the appeal site) or steeply sloped.
- 6.36 Guidance issued by the Woodland Trust should be noted, although it does not carry the same weight as a material planning consideration as the guidance of Natural England and the Forestry Commission does. As noted in representations made by the Woodland Trust at application stage, a minimum 50m buffer depth is recommended in that organisation's guidance. While this is noted, the council does not consider a 50m buffer to be adequate. Such a buffer would still not be of sufficient depth to keep homes so far away that new residents and their cats would be unlikely or less likely to visit Dum Wood in significant numbers.
- 6.37 The Local Nature Recovery Strategy for West Yorkshire does not set out recommendations for buffer depths, however its associated mapping identifies a wide "Area that could become important to biodiversity" that wraps around Dum

²⁷ See screengrabs from the website titled *Public rights of way: landowner responsibilities* (gov.uk) at Appendix 6.

²⁸ As described in the application-stage Planning Statement, although now referred to (at paragraph 6.6.1 of the appellant's Statement of Case) as having a minimum width of 27.3m.

Wood, and that supports an argument for a generous buffer being provided around the woodland.

6.38 The appellant, at paragraph 6.26.4 of the submitted Statement of Case, has referred to “psychological separation” to discourage access other than along the defined permissive routes, however there is no supporting evidence to demonstrate that this would be effective. Signage can be ignored, defensive planting can be trampled or bypassed (particularly when it is newly planted and immature), and fencing would only be fully effective (against climbing, and cats and dogs) if it is of a design and height that would create other problems in terms of aesthetic and biodiversity harm. The appellant’s claim (at paragraph 6.29 of the submitted Statement of Case) that the dense thorny scrub planting would “prevent informal access into Dum Wood from the proposed development” is also not accepted – planting alone often proves ineffective in guiding people away from their preferred routes, and children in particular are unlikely to be fully deterred.

6.39 It is acknowledged that, at application stage, the appellant worked with officers on measures intended to limit harm to the ancient woodland at Dum Wood. Conditions 6 and 10 were drafted, as was a Section 106 agreement that includes a requirement for the submission and approval of an Ancient Woodlands Management Plan (AWMP). Appendix 6 of the appellant’s Statement of Case elaborates on what the AWMP would include, and refers to, inter alia:

- A single circular path through the woodland (this would involve the closure of existing route 4);
- Provision of a cellular confinement system to 1m wide paths within the woodland, filled with a substrate such as woodchip, and edged with logs or wooden boarding;
- Measures to prevent and discourage access along the paths (the use of dead hedges, woven fencing, retained bramble, log and brash piles are suggested);
- Signage; and
- Dog waste bins.

6.40 A plan (Figure 5) at page 8 of the appellant’s Appendix 6 illustrates the areas of Dum Wood (and the proposed buffer) where public access would not be permitted. The council acknowledges that this would include the majority of the ancient woodland.

6.41 There are also provisions within the appellant’s Appendix 6 relating to woodland management, enhancement of woodland’s ground layer, veteran tree creation, the use of deadwood, and the installation of faunal boxes. The council acknowledges that these measures have the potential to enhance the ancient woodland.

6.42 However, there remain concerns regarding the impacts resulting from the appeal proposal’s introduction of a significantly increased resident population so close to Dum Wood. The best efforts of the appellant (regarding raising public awareness, dog fouling, and guiding visitors along paths, for example) cannot

guarantee that no harm would occur, or that harm would be reduced to an acceptable level. No effective measures to control cat predation are proposed. Signage can be ignored. Barriers can be scaled or penetrated by people, cats and dogs. It is not known whether there would be sufficient interest from residents in creating a “friends of” group (as is proposed at page 18 of the appellant’s Appendix 6)²⁹. While the appellant’s efforts to address the relevant concerns are appreciated, there is simply no way to guarantee that the proposed measures would be effective. There is no certainty that the harm already occurring in Dum Wood or the expected increased harm would (or could) be prevented.

- 6.43 The above concerns are augmented by the wording of the appellant’s Appendix 6. At page 3, the applicant explains that “would” and “could” wording has been used to maintain flexibility and to allow input from relevant stakeholders, however this non-committal wording means it cannot be certain that the measures set out in the document would in fact be implemented.
- 6.44 There are also concerns regarding the impacts of the proposed measures. While the council doesn’t doubt that every effort would be made by the appellant’s contractors to ensure that the works listed at paragraph 6.39 above are carried out with the minimum of harm, some of the works proposed (particularly the laying of new paths with a cellular confinement system filled with substrate, and the erection of fencing) are themselves intrusive (involving the excavation, moving, regrading and covering of existing soils, for example), and the very presence of work crews carrying out the works would be disruptive to wildlife. Paragraph 6.31 onwards of the appellant’s Statement of Case adds no reassuring detail regarding these potential interventions, and without such details, the measures carry little weight in allaying the concerns detailed above.
- 6.45 Of note, relevant legislation, policy and guidance does not specify exactly what level of impact an ancient woodland could tolerate or absorb before those impacts become so great as to warrant refusal of planning permission³⁰. This lack of a definitive threshold is logical and appropriate, given the wide variety of impacts that can arise, the varying condition of ancient woodlands, and the varying degrees of impact. What could be acceptable at one site may not be acceptable at another. In the case of the application that is now the subject of this appeal, the council was free to legitimately take the view that the impacts of the proposal would not be acceptable.

Cumulative / combined effects

- 6.46 The Inspector need not be reminded that, even if she were to conclude that no single impact alone (considered in isolation) justified a refusal of outline planning permission, it would still be legitimate to conclude that cumulative or combined

²⁹ Paragraph 6.42 of the appellant’s Statement of Case only notes that a “friends of” group *could* be established.

³⁰ Although it is again noted that part 2 of national decision-making policy N6 states that, irrespective of a site’s status in nature conservation terms, development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

effects could justify a refusal. The council would argue that the Inspector could and should apply this approach, if necessary.

Planning balance and conclusion

- 6.47 The benefits of the appeal proposal are duly noted. Those listed on page 16 of the Statement of Common Ground and are not disputed. The delivery of c181 residential units would contribute towards meeting known housing need in Kirklees, as would the proportion of units that would need to be secured as affordable homes. Planning obligations intended to mitigate the impacts of the appeal proposal may also be beneficial to members of the public.
- 6.48 The application was subject to significant local objection regarding matters that were ultimately referred to in the council's reason for refusal. As well as representations from residents, comments (in objection) were received from the Woodland Trust, the CPRE, the Yorkshire Wildlife Trust, the Upper Dearne Valley Environmental Trust, the Chidswell Action Group, Keep Our Rural Spaces, Just Transition Wakefield, and elected ward Members.
- 6.49 The appeal proposal would result in unacceptable and severe impacts. It remains the case that the development would cause significant, demonstrable harm, contrary to Policies LP30 and LP33 of the Kirklees Local Plan and the NPPF's national decision-making policies N2 and N6.
- 6.50 As noted above, national decision-making policy S4 states (at part 1) that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Part 2 of policy S4 states the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. Given the clear "should be refused" wording in policies N2 and N6 (as underlined earlier in this statement), and given the appeal proposal's clear failure to comply with those two policies, it is considered that the adverse effects of the appeal proposal would substantially outweigh the benefits of approval (including any benefit attributed to housing delivery) in this case. Accordingly, policy S4 clearly directs the refusal of planning permission and the dismissal of this appeal. Finally, the appeal proposal must be considered against part 1a of NPPF policy S3, which directs the decision maker to apply policy S4 when considering this within-settlement development proposal (as has been done in the above assessment), and part 1c of NPPF policy S3, which states that development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay (and which does not direct approval of the appeal proposal, given the development fails to comply with the most relevant policies of the Local Plan (which are considered up-to-date) and given it fails to comply with two of the national decision-making policies set out in the NPPF).

6.51 Having the necessary regard to the presumption in favour of sustainable development and the principle of approving development within settlements (as set out in the NPPF's national decision-making policies S3 and S4), it remains the council's view that the benefits of approving the appeal proposal would be substantially outweighed by its adverse effects.

7. Response to appellant's Statement of Case

7.1 The council's case at appeal relies largely on the above assessment and concerns, and the appellant's case is referred to throughout the above commentary, however some of the remaining points made in the appellant's Statement of Case also require a response.

7.2 At paragraph 6.10 of the submitted Statement of Case, the appellant claims that the National Trust and the Woodland Trust *encourage* public access to ancient woodlands. This may indeed be the case at managed estates (where, in some cases, entry fees are charged) located away from residential areas and where the nature and intensity of use is different to that which currently occurs (and is expected to increase) at Dum Wood. In relation to the application that is now the subject of the current appeal, the Woodland Trust submitted objections related to impacts on Dum Wood.

7.3 Although the council has no objection to the appellant's amended parameter plan being considered at appeal, it should be noted that the appellant's reference to a 90m buffer depth (at paragraph 6.27.1 of the submitted Statement of Case) only applies to the distance where the Additional Buffer Area (currently a field inset, on the northwest side of Dum Wood) is taken into account. It remains the case that the development's built-up area would be much closer (than 90m) to Dum Wood.

7.4 Paragraph 6.27.2 of the appellant's Statement of Case appears to suggest a road (shown indicatively, and which coincides with an existing foul sewer easement) and private front gardens should be regarded as forming parts of a 32.6m wide buffer to the adjacent ancient woodland. They should not. As clearly set out in the guidance of Natural England and the Forestry Commission, ancient woodland buffers should contribute to wider ecological networks, should be part of the green infrastructure of the area, and should consist of semi-natural habitats such as woodland or a mix of scrub, grassland, heathland and wetland.

7.5 It is not entirely correct for the appellant to say (at paragraph 6.31 of the submitted Statement of Case) that Dum Wood is currently not managed. As the landowner, the appellant has indeed carried out maintenance pruning and felling, having obtained appropriate consents from the council (as Local Planning Authority) to do so³¹.

³¹ For example, tree works application 2026/92331, submitted by the appellant, is currently under consideration.

- 7.6 The appellant has referred to previous appeal decisions relating to developments allowed in other parts of the UK. The council contends that those developments – or the way in which their appeals were considered – do not bind the Inspector and do not set a precedent that justifies the approval of the appeal scheme.
- 7.7 Throughout the submitted Statement of Case, the appellant has referred to officer-level application-stage assessments of matters now relevant to this appeal. While these are noted, and while the proposed development was indeed considered acceptable at officer level (hence the recommendation to grant outline permission), Members of the council's Strategic Planning Committee legitimately took a different view, and – in respect of Dum Wood – were not satisfied that the provisions proposed by the appellant would adequately address the harm detailed above.

8. Other planning considerations

- 8.1 As set out in the committee report of 04/12/2025, other relevant planning matters have been addressed or can be addressed by conditions and a Section 106 agreement. Subject to conditions being applied and a Section 106 agreement being entered into, there are no reasons for withholding planning permission other than in relation to those matters set out in the council's reason for refusal.

9. Planning obligations

- 9.1 The planning obligations necessary to make the appeal proposal acceptable in planning terms are set out at page 1 of the committee report dated 04/12/2025.
- 9.2 Part 1e of policy DM3 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations.
- 9.3 Part 4 of policy DM6 of the NPPF states that planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as updated) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Paragraph 006 of the Viability section of the Government's planning practice guidance (ref: 10-006-20190509) states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
- 9.4 Local Plan policy LP4 states that the council will work with partners to bring forward the necessary and proportionate essential infrastructure (i.e., infrastructure that is required to make development acceptable in planning terms) that is required in order to deliver the spatial strategy as set out in the Local Plan. Where new infrastructure is needed, the council will link the construction of a

development to infrastructure provision where appropriate. New development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability. This may be achieved on-site or off-site through planning conditions or legal agreements. There is currently no adopted Community Infrastructure Levy (CIL) being applied to developments in Kirklees.

- 9.5 Regarding affordable housing, policies HO1 and H05 of the NPPF highlight the importance of ensuring that the needs of groups with specific housing requirements are addressed. Policy HO5 states that, in relation to affordable housing, policies should set requirements for the type and mix of affordable housing required to meet identified local needs, including the minimum proportion of Social Rent homes required as part of major development. Policy HO8 states that development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent. This should be provided on-site unless specific circumstances apply.
- 9.6 Local Plan policy LP11 states that the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites. The proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. Having regard to policy LP11 and the council's Affordable Housing and Housing Mix SPD, the appeal proposal would be expected to provide 36 affordable units, with the following tenure split:
- 55% Social or Affordable Rent
 - 25% First Homes
 - 20% Other intermediate
- 9.7 Regarding education, policy HC1 of the NPPF states that authorities should attach considerable importance to providing for sufficient education facilities (including early years, school and post-16 provision). Part 1 of policy HC3 states that proposals for housing which would give rise to significant numbers of additional people living in, working in or visiting an area should be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure (whether on or off-site) and provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements. Part 3 of policy HC3 states that planning conditions and obligations should be used to secure the timely delivery of community facilities and public service infrastructure required to serve new development, so that these facilities are available for use when the development (or an agreed proportion of the development) is first occupied or comes into use.
- 9.8 Local Plan policy LP49 states that, where the scale of development proposed may impact on education and health provision, the council will actively work with

applicants to resolve key planning issues in advance of a planning application being submitted. The need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. Developers should work with the council at the earliest opportunity to ensure appropriate mitigation is identified in a timely manner to ensure education provision can be secured.

- 9.9 Regarding open space, of the glossary of the NPPF defines community facilities as including facilities for play, sport and informal recreation. Part 3 of policy HC3 is, therefore, again relevant. The glossary's definition of green infrastructure includes parks and gardens, therefore NPPF policy DP3 (part 2c of which requires development proposals to incorporate and/or connect to a network of high quality, accessible, multifunctional green infrastructure to provide opportunities for recreation and healthy living) is also relevant. Part 1e of NPPF policy N2 requires development proposals to use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits, such as for recreation.
- 9.10 Local Plan policy LP63 states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant. In determining the required open space provision, the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area (assessed in accordance with the council's district-wide open space standards). This analysis will help determine the need for new on-site or off-site provision, enhancement of existing provision and/or a financial contribution. In areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development. Where this is not viable the expansion or improvement of existing open space provision in the area will be sought. In areas where existing provision is sufficient to meet local needs, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. Paragraphs 10.76 to 10.81 of the committee report dated 08/12/2022 explain what open space provision (including a contribution towards off-site provision) would be necessary for the proposed development, having regard to the council's Open Space SPD.
- 9.11 Regarding transport, part 1b of policy TR3 of the NPPF states that opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use. Part 1c adds that any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach. Part 4 of policy TR6 states that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety, taking into account any

mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

- 9.12 In the Kirklees Local Plan, policy LP20 similarly promotes the use of sustainable modes of transport and Travel Plans. Paragraphs 10.34 to 10.53 of the committee report dated 08/12/2022 set out the sustainable travel and highway-related provisions that would be necessary for the proposed development.
- 9.13 Regarding biodiversity, it is noted that the application (that is now the subject of the current appeal) was submitted prior to mandatory Biodiversity Net Gain (BNG) becoming applicable under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, Local Plan policy LP30 requires development proposals to minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Paragraph 10.66 of the committee report dated 08/12/2022 explains that the proposed development would meet the expectation set out in the council's Biodiversity Net Gain Technical Advice Note (paragraph 3.4.1 onwards, which states that applicants will need to demonstrate that sufficient off-site habitat creation or enhancement has been secured to achieve a minimum 10% BNG).
- 9.14 Regarding management and maintenance, a management company would need to be responsible for land not within private curtilages or adopted by other parties (this would include the development's open spaces and estate roads), for infrastructure (including surface water drainage until formally adopted by the statutory undertaker, and of the site's existing watercourse) and for street trees (if planted on land not adopted). Responsibility for this management and maintenance must be clarified and secured, to ensure – for example – the site's open space remains usable (and, therefore, to ensure ongoing compliance with Local Plan policy LP63), drainage infrastructure remains capable of attenuating and disposing of the development's surface water (to ensure ongoing compliance with Local Plan policies LP27 and LP28), and safe and suitable access to the site and efficient flow of traffic within the development would be maintained to ensure ongoing compliance with Local Plan policy LP21.
- 9.15 Notwithstanding the council's position at this appeal, provisions would be necessary in relation to the protection of and access to Dum Wood.
- 9.16 Provisions would be necessary in relation to social value, having regard to the council's Social Value Policy and Local Plan policy LP9, which states that, wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training.
- 9.17 Regarding masterplanning, having regard to criterion d of Local Plan policy LP7 (which requires development proposals to allow for access to adjoining undeveloped land so it may subsequently be developed), provisions would be

required to ensure that no ransom scenarios are created at points where new roads meet other development parcels or phases.

9.18 As noted in the committee report dated 04/12/2025 (in the table following paragraph 5.5), the planning obligation related to air quality (referred to in the committee report dated 08/12/2022) was no longer considered necessary, in light of the adequate mitigation measures proposed by the applicant, which obviated the need for a damage cost contribution.

9.19 Had planning permission been approved, or should the appeal be allowed, obligations relating to the above matters would have been (or would be) necessary. If not secured, the development would fail to sufficiently meet known housing need, would fail to provide adequate, usable outdoor space for its residents, and would not make adequate provision related to education, transport, biodiversity, management and maintenance, ancient woodland protection and management, social value or masterplanning. The consequences of this would be:

- The exclusion of people in affordable housing need from the development (and, indeed, from the neighbourhood, given the shortage of affordable housing). This can additionally result in unmixed and unbalanced communities.
- Residents of the development having inadequate open space to use, or having to use existing, inadequate open space. Of note, only a certain number of children can use a single kickabout space or a single piece of play equipment, and only a certain number of people can use a single park bench at any one time. Without adequate open space and related facilities, existing and future residents' amenities and quality of life would be adversely impacted.
- Children living in the development not being educated, or not being educated locally. This can result in unnecessary and unsustainable travelling to schools further afield (assuming any other schools within a reasonable distance have places available).
- Residents of the development having to use existing, inadequate public transport facilities, and/or not being enabled or encouraged to use sustainable modes of transport. Both these scenarios can result in adverse impacts in relation to congestion, air quality and active lifestyles.
- The development resulting in a biodiversity net loss, worsening the significant biodiversity depletion that has occurred in the UK, and failing to contribute towards reversing this decline.
- The completed development potentially not being appropriately managed and maintained, in turn potentially resulting in increased or increasing flood risk, highway safety risks, and a deteriorating standard of residential amenity and quality for residents of the development.
- The development causing unacceptable and irreversible harm to the ancient woodland and Local Wildlife Site at Dum Wood.

- Local employment opportunities (including in relation to training) not being created, resulting in the development making an inadequate contribution towards addressing the economic objective of sustainable development.
- The development of adjacent, scarce allocated land being prevented, delayed or otherwise hindered, such that much-needed housing and/or employment floorspace would not be provided.

9.20 If, at the time the current appeal is determined, an appropriate Section 106 agreement (securing all the obligations set out at page 1 of the committee report) has not been completed, the council respectfully requests that the appeal be dismissed on the grounds that the impacts of the appeal proposal would not be sufficiently mitigated, and Local Plan policies would not be complied with.

9.21 The council is of the view that the required planning obligations related to affordable housing, open space, education, transport, biodiversity, management and maintenance, Dum Wood, social value and masterplanning meet all three of the relevant tests (that the obligations must be: 1) necessary to make the development acceptable in planning terms; 2) are directly related to the development; and 3) fairly and reasonably related in scale and kind to the development), as follows:

- An affordable housing provision would be necessary to ensure the development directly meets known need in compliance with Local Plan policy LP11, and the provision is therefore necessary to make the development acceptable in planning terms. The provision would be directly related to the development. The provision would be fairly and reasonably related in scale and kind to the development, being a proportion of the development's dwellings provided at a level (20%) that has been informed by a district-wide assessment of the economic viability of land for housing.
- An open space provision would be necessary to ensure the development directly meets the needs of its residents and would mitigate the development's impacts in compliance with Local Plan policy LP63, and is therefore necessary to make the development acceptable in planning terms. The provision would be directly related to the development, as the development's residents would make use of the facilities provided. The provision would be fairly and reasonably related in scale and kind to the development, being a provision based on an informed, nuanced, benchmark-assessed calculation of the open space requirements of the development, having regard to local provision already available.
- An education provision would be necessary to ensure the development directly meets the needs of its residents and would mitigate the development's impacts in compliance with Local Plan policy LP49, and is therefore necessary to make the development acceptable in planning terms. The provision would be directly related to the development, as the development's residents would make use of the education provision. The provision would be fairly and reasonably related in scale and kind to the development, being based on an informed, nuanced calculation of the

education requirements of the development, having regard to local provision already available.

- A transport-related provision would be necessary to ensure the development directly meets the needs of its residents and would mitigate the development's impacts in compliance with Local Plan policies LP20 and LP21, and is therefore necessary to make the development acceptable in planning terms. The provision would be directly related to the development, as the development's residents would make use of the facilities provided. The provision would be fairly and reasonably related in scale and kind to the development, being a provision based on an informed assessment of the transport-related requirements of the development, having regard to local provision already available.
- A biodiversity-related provision would be necessary to ensure the biodiversity loss directly caused by the development would be compensated for in compliance with Local Plan policy LP30, and is therefore necessary to make the development acceptable in planning terms. The provision would be fairly and reasonably related in scale and kind to the development, being a provision based on a formula informed by the cost of the measures that would effectively address the harm caused by development.
- Management and maintenance provisions would be necessary to ensure the development continues to comply with Local Plan policies including LP21, LP27, LP28 and LP63. The provisions would directly relate to the infrastructure and other features that residents of the development would rely on to enable them to live there. The provisions would be fairly and reasonably related in scale and kind to the development, being only concerned with the infrastructure that supports the development.
- Notwithstanding the council's position at this appeal, provisions related to Dum Wood would be necessary to ensure the development complies with Local Plan policies LP30 and LP33. These provisions would be directly related to the off-site impacts of the development, are necessary to make the development acceptable in planning terms, and would be of a scale proportionate to the development and the importance of the ancient woodland and Local Wildlife Site at Dum Wood.
- A social value provision would be necessary to ensure compliance with Local Plan policy LP9, and is therefore necessary to make the development acceptable in planning terms. The provision would be fairly and reasonably related in scale and kind to the development.
- A provision related to masterplanning would be necessary to ensure compliance with Local Plan policy LP7, and is therefore necessary to make the development acceptable in planning terms. It would additionally assist in achieving housing delivery (by removing barriers to adjacent development) and the meeting the borough's housing targets. Such an unonerous provision would be fairly and reasonably related in scale and kind to the development.

9.22 A draft Section 106 was appended to the Statement of Common Ground. The council will continue working with the appellant, with a view to having a completed Section 106 ready prior to the appeal hearing.

10. Conditions

- 10.1 Without prejudice to the council's position that the appeal should be dismissed (and that relevant planning concerns could not have been satisfactorily addressed through the imposition of conditions), a list of recommended conditions (to be applied in the event that the appeal is allowed) has been provided at Appendix 1 of the Statement of Common Ground.
- 10.2 Part 1 of policy DM6 of the NPPF states that planning conditions should only be attached to planning permissions and other associated consents for development where they are necessary to make the development acceptable in planning terms, relevant to the development and to planning considerations generally, sufficiently precise to make them capable of being complied with and enforced and reasonable in all other respects. These four tests essentially condense the six tests that were referred to in the previous version of the NPPF (and which are still referred to in full in the Planning Practice Guidance³²).
- 10.3 Part 2 of policy DM6 in the NPPF additionally stipulates that conditions should not be used to require payments of money, require that land is formally given up to another party (such as highways to the local highway authority) or restrict national permitted development rights unless there is clear justification to do so.
- 10.4 The council is satisfied that all of the conditions listed at Appendix 1 of the Statement of Common Ground pass all the above tests and stipulations.

11. Conclusion

- 11.1 Having reviewed its case at appeal (as part of sensible, ongoing case management), the council remains of the view that the decision to refuse permission was sound.
- 11.2 National decision-making policies S3 and S4 apply to this appeal.
- 11.3 The appeal proposal would cause clear, significant and demonstrable harm in relation to impacts affecting the ancient woodland and Local Wildlife Site at Dum Wood, and is not in accordance with the development plan. It remains the case that the development would be contrary to Policies LP30 and LP33 of the Kirklees Local Plan and national decision-making policies N2 and N6.
- 11.4 The benefits of the appeal proposal are again noted. Those listed on page 16 of the Statement of Common Ground and are not disputed. The delivery of c181 residential units would contribute towards meeting known housing need in Kirklees, as would the proportion of units that would need to be secured as affordable homes. Planning obligations intended to mitigate the impacts of the appeal proposal may also be beneficial to members of the public.
- 11.5 Having the necessary regard to the presumption in favour of sustainable development and the principle of approving development within settlements (as

³² Paragraph: 003, ref: 21a-003-20190723.

set out in the NPPF's national decision-making policies S3 and S4), the benefits of approving the appeal proposal would be substantially outweighed by its adverse effects. When determining the application, the council legitimately took this view, concluding that permission should be refused. This conclusion was reached having due regard to the fact that the site has been allocated for mixed use (including residential) development, and to the borough's housing delivery situation.

11.6 The council's refusal of planning permission was, and remains, sound, and it is respectfully requested that the appeal be dismissed.

Appendices

Appendix 1 – Photographs taken within Dum Wood



Stinkhorn (*Phallus impudicus*) – photographed 21/05/2026



Six images of other fungi, including Gilled fungus, Small stagshorn and Shelf fungus – photographed 21/05/2026



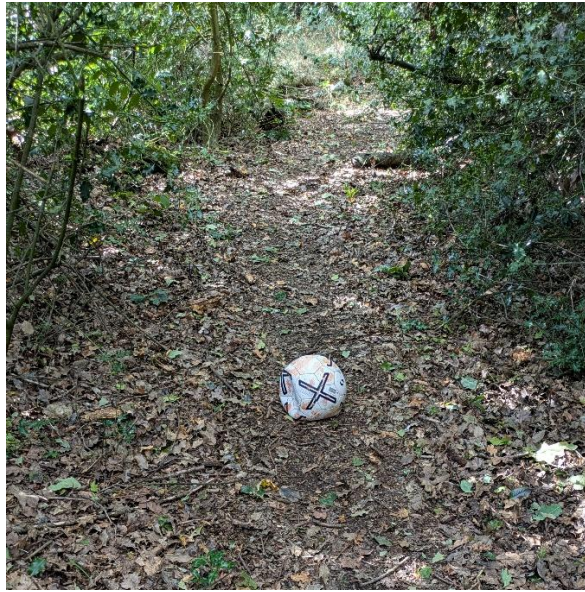
Three images of common woodland flowering plants (Lesser celandine, Bluebell and Yellow pimpernel) – photographed 21/05/2026



Male fern – photographed 21/05/2026



Holly with curled lower leaves (evidence of Deer browsing) – photographed 05/09/2026



Images of litter and deflated, discarded football – photographed 05/09/2026



Images of discarded dog waste bags – photographed 05/09/2026



Barbed wire fencing and crude stone circle – photographed 05/09/2026

Appendix 2 – Photographs of access to Dum Wood



Existing unobstructed access to Dum Wood: point A – photographed 05/09/2026 and point C – photographed 21/05/2026

Appendix 3 – Screenshots from the Office for National Statistics website (captured 10/09/2026)

The screenshot shows a web browser window with the URL ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternet.... The page is from the Office for National Statistics, featuring a navigation menu with links to Home, Business, industry and trade, Economy, Employment and labour market, People, population and community (selected), and Taking part in a survey?. A search bar is present with the text "Search for a keyword(s) or time series ID". The main content area is titled "census 2021 Data and analysis from Census 2021" and includes a breadcrumb trail: Home > People, population and community > Household characteristics > Home internet and social media usage > Household and resident characteristics, England and Wales. The main heading is "Household and resident characteristics, England and Wales: Census 2021". Below this, a paragraph states: "Household size, household composition, household deprivation status, and people's marital and civil partnership status, Census 2021 data." A callout box indicates: "This is the latest release. [View previous releases](#)". At the bottom, a correction notice is displayed: "Correction" with an information icon and the date "13 December 2022 08:13".

Office for National Statistics

English (EN) | [Cymraeg \(CY\)](#)

[Release calendar](#) | [Methodology](#) | [Media](#) | [About](#) | [Blog](#)

Home | Business, industry and trade | Economy | Employment and labour market | **People, population and community** | Taking part in a survey?

Search for a keyword(s) or time series ID

census 2021 [Data and analysis from Census 2021](#)

[Home](#) > [People, population and community](#) > [Household characteristics](#) > [Home internet and social media usage](#) > Household and resident characteristics, England and Wales

Household and resident characteristics, England and Wales: Census 2021

Household size, household composition, household deprivation status, and people's marital and civil partnership status, Census 2021 data.

This is the latest release. [View previous releases](#)

Correction
13 December 2022 08:13

1. Main points

This page is also available in [Welsh \(Cymraeg\)](#) [\(PDF, 404KB\)](#)

- In 2021, there were 24.8 million households in England and Wales, up 6.1% from 23.4 million in 2011.
- Of the 59.6 million usual residents in England and Wales in 2021, 58.6 million (98.3%) lived in households and 1.0 million (1.7%) lived in communal establishments.
- The average household size in England and Wales in 2021 was 2.4 people per household, the same as in 2011; the areas with the highest average household size were Newham, Slough and Redbridge (all 3.0 residents per household).
- Over half of households in England and Wales (51.7%, 12.8 million) were deprived in at least one dimension or measure of household deprivation; this number has decreased since 2011, when it was 57.6% (13.5 million).

Contact
details for this
statistical
bulletin

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44 4972

Appendix 4 – Screenshots from Forest Research website (captured 10/09/2026)

Ramorum disease (Phytophthora) x +

forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/ramoru... ☆

 Forest Research  

 [Back to Pest and disease resources](#)

Ramorum disease (Phytophthora ramorum)

Present in UK

Notifiable – see ‘Report a sighting’ below

Scientific name of causal agent – *Phytophthora ramorum* (*P. ramorum*)

Phytophthora ramorum is a highly destructive, algae-like organism called a water mould. It causes extensive damage and death to more than 150 plant species, including some forest species. The generic name for the diseases which it causes is ramorum disease.



Susceptible species

Among forest plants, larch trees (trees in the *Larix* genus), which are widely grown in the United Kingdom (UK) for the timber market, are particularly susceptible, and large numbers have been affected. In the picture above, the trees with brown, grey and ginger foliage are larch trees with ramorum disease.

Ramorum disease on larch trees is sometimes also referred to in the UK as 'larch tree disease', 'Japanese larch disease' (although European and hybrid larch are also hosts) and 'sudden larch death'.

It has also been found on European sweet chestnut trees (*Castanea sativa*) at a number of locations in southern and central England. See '**Ramorum disease on sweet chestnut**' below.

Ramorum disease on oak trees is known as 'sudden oak death', especially in the USA. There, different genetic forms of the *P. ramorum* organism from those present in the UK have caused significant damage to North American native oak (*Quercus*) and tanoak (*Notholithocarpus*) species. However, the genetic forms of the organism found in the UK have had little effect on our two native oak species, which are pedunculate or English oak (*Quercus robur*) and sessile oak (*Q. petraea*).

Beech (*Fagus sylvatica*), southern beech (*Nothofagus* species) and some non-native oak species, including red oak (*Quercus rubra*), Turkey oak (*Q. cerris*) and Holm oak (*Q. ilex*), are also occasional hosts.

European sweet chestnut (*Castanea sativa*) is also a host, and increasing numbers have been found affected in southern England since 2015. (See next section). Horse chestnut (*Aesculus hippocastanum*) can also be infected.

Other conifer species such as Douglas fir (*Pseudotsuga menziesii*), grand fir (*Abies grandis*), noble fir (*A. procera*), and western hemlock (*Tsuga heterophylla*) can be infected when growing near infected larch.

It has also been confirmed on a few Sitka spruce (*Picea sitchensis*), another commercially important conifer species widely grown in the UK.

A comprehensive list of plant species susceptible to *P. ramorum* infection is available on the [UK Plant Health Information Portal](#).

Ramorum disease on sweet chestnut

It has been known for some years that *P. ramorum* can infect European sweet chestnut trees. However, until 2015 the only specimens found infected were trees exposed to heavy inoculum pressure (large doses of spores) because they were standing close to heavily infected other plants. These were usually larch trees or rhododendron shrubs.

Then in 2015 infected sweet chestnut trees were found at a few sites in South-West England, mostly in Devon and Cornwall, where there were no other infected plants nearby. Our scientists are working to understand how this has occurred, including whether the trees could have been infected initially by long-distance *P. ramorum* spread via moist air streams. The disease might then have begun 'cycling' among clusters of chestnut trees, that is, spreading from chestnut tree to chestnut tree. This could occur, because infected sweet chestnut leaves do generate *P. ramorum* spores.

The number of sweet chestnut trees affected is relatively small, but the research will enable us to provide the best possible management advice for growers and owners, and minimise the potential for disease spread.

Meanwhile surveillance of sweet chestnut trees has been stepped up, and we have produced guidance in our [Phytophthora manual](#) for chestnut owners and managers to recognise when their sweet chestnut might have ramorum disease.

Distribution

Ramorum disease has been found in most regions of the UK, but it is more often reported in wetter, western regions.

- The [UK outbreak map](#) shows where ramorum disease has been confirmed or presumed in larch trees. The coloured dots represent the April-to-March years in which infection was confirmed or presumed.
- The larch [situation report](#) summarises the latest disease situation on larch trees across the UK.
- The [sweet chestnut situation report](#) summarises the situation on sweet chestnut trees in England.

More-detailed, country-specific information and guidance are available for Scotland, Wales and Northern Ireland from:

- [Scottish Forestry](#);
- [Natural Resources Wales](#); and
- [the Northern Ireland Department of Agriculture, Environment & Rural Affairs \(DAERA\)](#).

The threat

Ramorum disease could inflict significant damage to our natural environment and plant-based industries if it were allowed to take its course without intervention. That is why we advise, and the plant health authorities require, swift remedial action whenever and wherever it is found.

The prospects will depend on how the pathogen adapts to its hosts in Britain. If new genotypes emerge which increase its impact on current host species, the worst-case scenario is that we could lose a high proportion of our larch and sweet chestnut trees, particularly those growing in wetter, western regions. There might also be the potential for the pathogen to infect other species.

Before the discovery of the disease on larch in 2009, forests of larch occupied about 154,000 hectares, or five per cent of Great Britain's total woodland area. Therefore the overall environmental, landscape and economic impact of significant larch losses would not be great in a Britain-wide context, although it would be, and has been, locally and regionally significant.

Sweet chestnut occupies about 29,000 hectares of woodland, and the loss of veteran trees of this species would be a significant heritage loss, and relatively more so than larch forests. (Most larch were planted after 1945, so there are few veteran larch trees.)

If, however, ramorum disease begins to affect other widely used species in significant numbers, the impact could be greater.

Also of concern is the fact that several other woodland and heathland species are susceptible to *P. ramorum* and its distant relative, *P. kernoviae*. Bilberry (*Vaccinium myrtillus*; also known as blaeberry and winberry) has been found infected in the wild. Bilberry is closely related to blueberry, and if the pathogen were to infect blueberries the economic consequences for the blueberry industry could be serious.

Other plant species have been shown to be susceptible in laboratory trials. Heather is also susceptible, although in laboratory trials wild species appeared to have only low susceptibility, while ornamental cultivars were more susceptible. Heathers and bilberry are ecologically important plants, and there would be serious consequences for their habitats if either pathogen were to cause significant damage to them.

These risks and uncertainties are among the reasons why we advise, and the forestry authorities carry out, almost continuous surveillance for ramorum disease, and deal quickly with outbreaks. As a result, most of our larch forests remain healthy*, and the rates of new larch infection in England and Scotland have been trending downwards in recent years.

There will undoubtedly be reversals of this trend in some years, predominantly when the weather is particularly conducive to spread and infection at critical times. For example, favourable weather for *P. ramorum* spread is believed to have been responsible for the resurgence of the disease in Wales in 2017.

However, provided all parties continue to be vigilant and respond promptly to new findings, there is cause for confidence that we will achieve our strategic goal. That is to maintain the disease at a level which can be managed effectively in the drier, eastern parts of Britain in the course of usual forest management.

* The [National Forest Inventory](#) recorded 111,300 hectares of larch woodland at 31 March 2016. However, this would have included areas of larch due to be felled for ramorum disease control, which were unlikely to be replanted with larch.

Identification and symptoms

P. ramorum infection on conifer trees such as larch can take two forms – bark infection and foliage infection.



Symptoms on the bark include lesions – sometimes known as bleeding cankers – which exude, or ooze, dark fluid from infected bark, as seen on the Western hemlock branch pictured above. This exudate can dry to a crust on the bark. The inner bark under this bleeding area is usually discoloured and dying. Trees with branch dieback can also have numerous resinous cankers on the branches (pictured) and upper trunk. Trees die when the lesions become extensive on the main trunk.



Shoots and foliage can also be affected, visible as wilted, withered shoot tips (above) with blackened needles. The infected shoots shed their needles prematurely.

On other plants, it mostly infects the leaves and shoots, especially of ornamental shrubs such as rhododendron, viburnum, pieris and camellia. Infected leaves of some of these foliar (leaf and shoot) hosts can generate many spores, and in sufficient numbers these spores can then infect the bark of some tree species.

Typical symptoms on rhododendron include leaf-blackening, wilted shoots and die-back. On individual leaves, blackening of the leaf stalk usually extends into the leaf along the mid-vein, although blackening at the leaf tip can also occur. The progress of the disease can be so rapid that shoots wilt, and the leaves hang down.

Spread

P. ramorum spores can be spread over several miles in mists, air currents, watercourses and rain splash. It can also be spread on footwear, dogs' paws, tools, equipment, and vehicle wheels, including bicycle and mountain-bike wheels. Movement of infected plants is also a key means of spreading it over long distances.

Localised movement over short distances by wild animals such as deer and wild boar might also be possible, although there is little to indicate that squirrels might transfer *P. ramorum* from tree to tree.

It is likely that in many cases it initially spread to larch trees from *Rhododendron ponticum*, an invasive, non-native species present in many British woodlands. *R. ponticum* is highly susceptible to ramorum disease, and infected rhododendron produce large numbers of the spores which spread infection. Infected larch trees, in turn, also produce very large numbers of spores – many more than rhododendron plants do – and moist air currents can spread these many miles from tall trees.

Some plant species which can be infected with *P. ramorum* do not go on to produce the spores which spread the disease. These are known as terminal hosts; those which do produce spores are called sporulating hosts.

Preventing and minimising spread

The public

Visitors to woods, forests, parks and public gardens can help to minimise the spread of ramorum disease and other plant diseases. They can do this by brushing soil, mud and leaf debris off their footwear and wheels – including the wheels of cars, bicycles, mountain bikes, baby buggies and wheelchairs – before leaving the site. They should then wash these items at home before visiting another similar site.

Many mountain-biking trails are sited in larch forests, and we strongly encourage mountain-bikers, before they leave, to use the on-site washdown facilities available at many trail centres. If you do arrive with a dirty bike, please use the washdown facility before entering the forest.

Where possible, park motor vehicles on hard-standing, such as tarmac, concrete or gravel, rather than on grassed surfaces when visiting such sites.

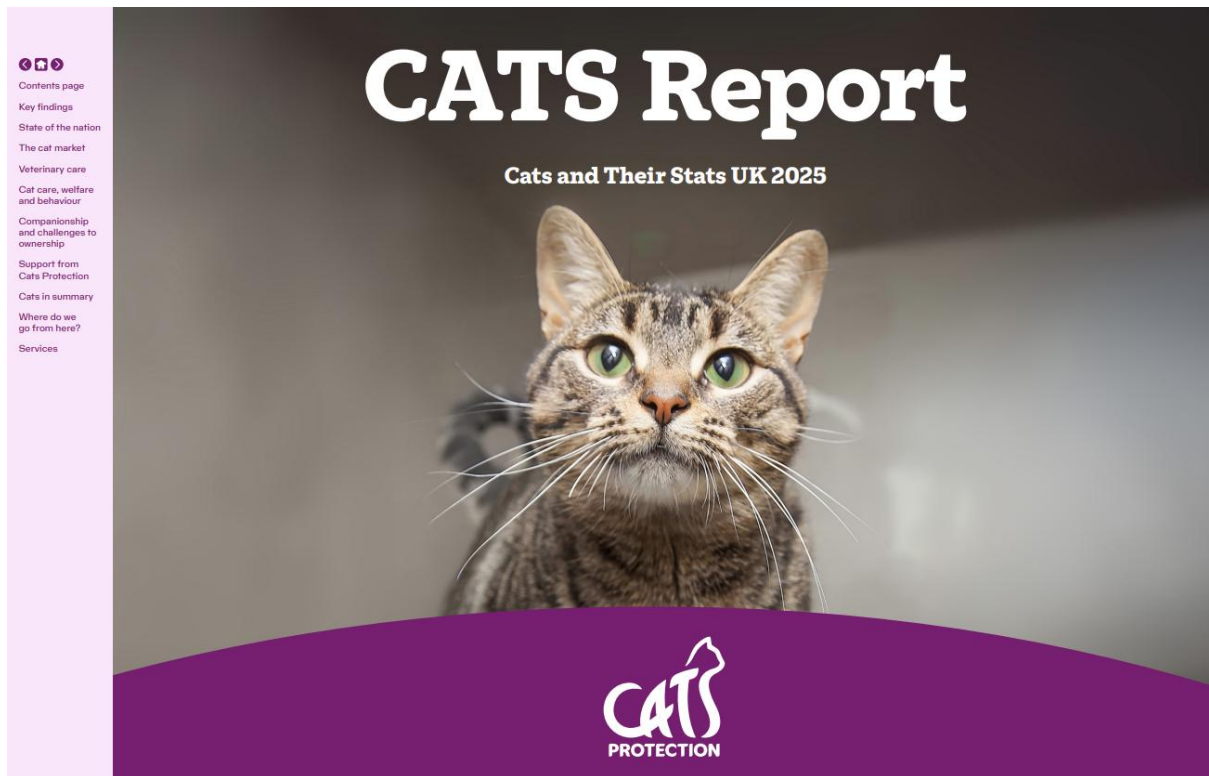
Control and management

No cure for ramorum disease has been found, and there are no effective chemical treatments available. There are fungicides which can suppress the symptoms, but none will kill the pathogen.

The objective of any control approach must therefore be to prevent or minimise further spread of ramorum disease and the damage it causes. The best available scientific advice is to remove and kill the living plant tissue on which the organism depends for reproduction. This means that infected, sporulating plants, such as larch trees, should be felled or otherwise killed as quickly as possible after detection of the disease. If possible, this should be done before the next spring or autumn period of sporulation begins on the needles. Felling for disease control is known as sanitation felling.

We have published advice and guidance in our [Phytophthora manual](#) to help woodland owners and managers, and other parts of the forest industries, to do what they can to prevent or minimise spread of the disease. It includes guidance on which species to avoid and which ones to consider, and other factors, when replanting trees on affected sites.

**Appendix 5 – Screenshots from Cats Report – Cats and Their Stats UK 2025
(Cats Protection) (captured 10/09/2026)**





Contents

4	Methodology	42	Cat care, welfare and behaviour
5	Welcome	42	Sources of cat care information
7	Key findings	46	A cat's environment
8	State of the nation	51	Behaviour and stress
8	Cat population	53	Fireworks
10	Household cat ownership across the UK	56	Companionship and challenges to ownership
11	Profile of cat owners	56	Why we have cats
14	The cat market	59	Barriers to cat ownership
14	What type of cats do people have?	60	Support from Cats Protection
18	How cats are acquired	64	Cats in summary
21	Where people find cats to buy	66	Where do we go from here? A message from John May, Chief Executive.
23	Cat adoption	67	Services
28	Veterinary care		
28	Veterinary capacity		
29	Vet registration		
30	Vet visits		
32	Microchipping		
35	Neutering and breeding		
39	Insurance		
39	Vaccinations		
40	Parasite treatments		
41	Health and diet		

Methodology

For the sixth year, we have commissioned an external and independent agency, Basis Research, to conduct the research contained in the *CATS Report UK 2025*.

An online survey was used to collect information among a nationally representative audience of adults over the age of 18 in the UK, allowing us to estimate the proportion of cat owners in the UK. We also conducted a more detailed survey among cat owners. This was carried out between 25 February 2025 and 26 April 2025. 'In the last 12 months' within the report refers to the time period March 2024 to March 2025 and unless otherwise stated, comparative data in this survey uses data from the *CATS Report UK 2024*.

The research consisted of a UK nationally representative sample of 3,521 individuals and a boost of 6,322 cat owners, including regional boosts to ensure accurate representation in these areas. Overall, 10,626 people participated in the study.

Data presentation

We work with Basis Research to calculate estimates of the cat population annually. Three data sources are used in this calculation:

- nationally representative online survey panel to determine the percentage of UK households who own a cat (n=3,521)
- data from the survey of cat owners on the number of cats owned by each household
- data from the Office for National Statistics (ONS) on the number of households

Percentages throughout the report are rounded to the nearest whole number. Due to rounding, there will be instances in the report where percentage calculations do not total 100%. Other figures, such as the estimated numbers of cats in the population, are rounded to two significant figures. When calculating cat estimates, we have taken the total estimated cat population figure and multiplied it by the whole percentage, for example 15% of all cats are not registered with a vet, equating to 1.5 million cats. Statistics and population calculations are estimates based on owner-reported responses to the online survey.

Significance testing is undertaken on the data at 99% and 95% confidence intervals. When a finding is referenced as significant within the report it has found to be significant at a 95% confidence interval.

Cat acquisition: Throughout this report we look at recency of cat acquisition, typically looking at all those cats acquired in the last 12 months compared to another time period, for example over a year ago. The data is sourced from the question 'When did you acquire your cat?' in the CATS 2025 Research Survey.

Nationally representative sample: The population of interest is the entire population of the UK. The nationally representative sample reflected its structure including gender, age, socio-economic groupings and regions.

More information available upon request from stats@cats.org.uk

Key findings

State of the nation

- There are 10.2 million owned cats across the UK, a slight fall from 10.6 million in 2024
- Ownership among those aged 35 to 54 has declined
- Cat owners tend to be younger compared to the general population

The cat market

- Specific breeds of cats make up over 50% of recent acquisitions and now represent 36% of the total cat population
- For cat acquisition, there has been a shift back to using classified sites, but social media continues to play a significant role
- Those acquiring cats tend to be younger, more affluent owners living in urban areas

Veterinary care

- Neutering numbers are falling as we also see a rise in younger, more affluent pet owners of pedigree cats, many of whom want their cats to have kittens
- More owners are choosing to breed their cat, but more kittens are being given away, rather than sold
- Microchipping numbers have not increased, despite the introduction of compulsory microchipping for pet cats in England in 2024

Cat care, welfare and behaviour

- Cat owners are researching the needs of their cats more, but younger owners are turning to their vet for advice less often
- Social media and video content are increasingly influential on the knowledge of cat owners
- Fears over cats getting hurt or lost mean owners are choosing to keep their cats indoors

Companionship and challenges to ownership

- Companionship is still the main reason that people own cats
- The companionship benefits of cats are most keenly felt by those who live alone, and female owners
- Affordability is a leading barrier to cat ownership

Download a sharable PDF of this page at
bit.ly/UK-KeyFindings2025

State of the nation

Key takeaways

1

There are 10.2 million owned cats across the UK, a slight fall from 10.6 million in 2024

2

Ownership among those aged 35 to 54 has declined

3

Cat owners tend to be younger compared to the general population

Cat population

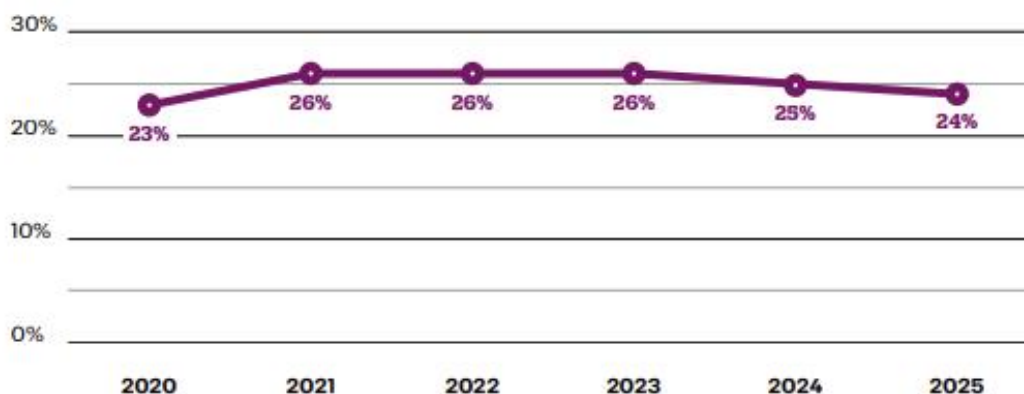
24% of households in the UK own a cat.



There are **10.2 million owned cats** across the UK (10.6 million in 2024).

Proportion of cat owners in the UK

The proportion of households that own a cat has reduced since last year. Although this drop itself is not statistically significant, it continues a declining trend in cat ownership since 2021 seen across most UK regions. Looking at 2020 data though, we may just be experiencing a return to 'normal' pre-pandemic ownership figures.

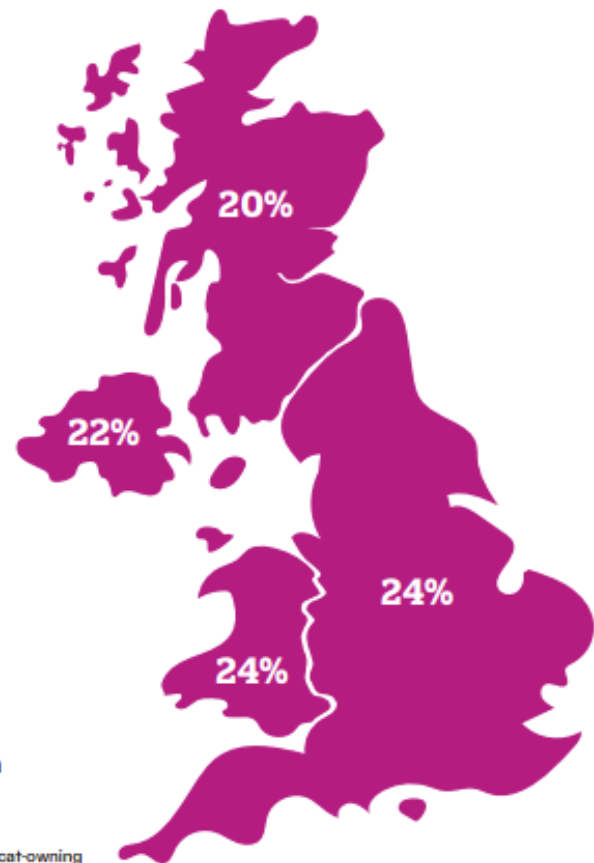


The average number of cats per cat-owning household is 1.5 cats, with 66% of households having one cat and 34% owning two or more cats.



Household cat ownership across the UK

Cat ownership levels vary across the UK, ranging from 20% of households in Scotland owning one or more cats, to 24% of households in England and Wales, with no statistically significant changes from last year's figures.



The distribution of the owned cat population remains largely the same across the UK*.

	In millions		% of cat-owning households	
	2024	2025	2024	2025
Total UK	10.6	10.2	25%	24%
England	9.0	8.5	25%	24%
Wales	0.5	0.5	24%	24%
Scotland	0.8	0.7	22%	20%
Northern Ireland	0.2	0.2	21%	22%
Greater London	1.5	1.4	31%	28%
South East England	1.5	1.4	26%	25%
North West England	1.1	1.2	24%	24%
West Midlands	0.8	1.0	22%	26%
East of England	1.0	0.9	23%	22%
South West England	0.9	0.8	24%	23%
Yorkshire and the Humber	1.2	0.7	32%	21%
East Midlands	0.7	0.6	24%	21%
North East England	0.2	0.3	12%	17%

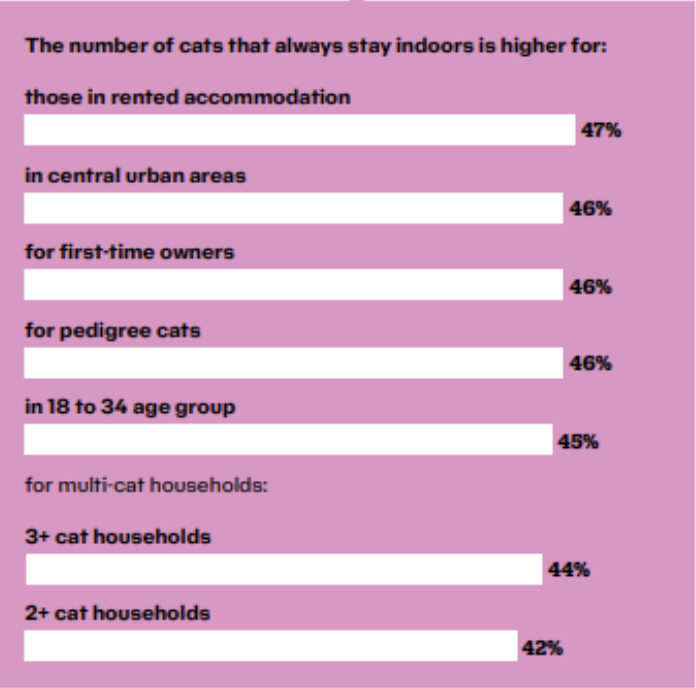
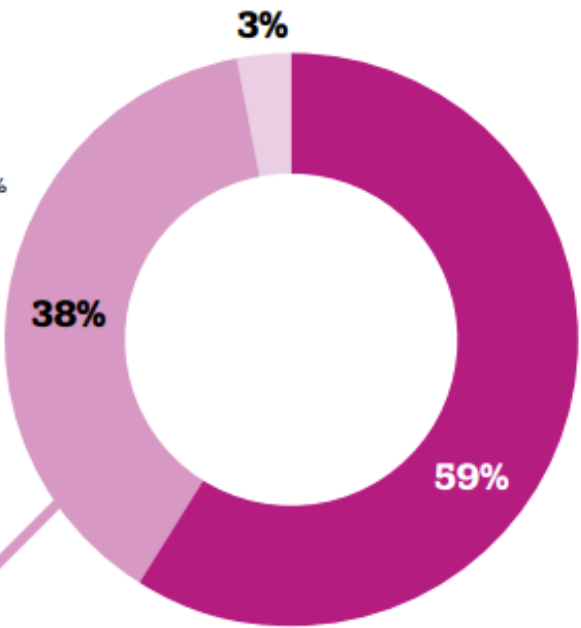
*Source: ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/datasets/familiesandhouseholds
England regional breakdowns only. Sample size too small for Scotland, Wales and Northern Ireland regions.

A cat's environment

Indoor versus outdoor cats

Most cats have outdoor access.

- They go both indoors and outdoors: 59%**
(61% in 2024, 61% in 2023, 60% in 2022)
- They always stay indoors: 38%**
(36% in 2024, 37% in 2023, 37% in 2022)
- They always stay outdoors: 3%**
(3% in 2024, 2% in 2023, 3% in 2022)



Appendix 6 – Screenshots from Public rights of way: landowner responsibilities (gov.uk) (captured 10/09/2026)



[Home](#) > [Environment](#) > [Rural and countryside](#) > [Countryside](#) > [Access to the countryside](#)

Guidance

Public rights of way: landowner responsibilities

As the owner or occupier of land with a public right of way across it, you must keep the route visible and not obstruct or endanger users.

From: [Natural England](#)

Published: 11 September 2014

Last updated: 4 January 2024 — [See all updates](#)

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Keep public rights of way clear of obstructions

As the owner or occupier of land with a public right of way across it, you must:

- avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire
- make sure vegetation does not encroach onto the route from the sides or above, bearing in mind the different clearances needed for users of different types of route, for example by horse riders

Obstructing a public right of way is a criminal offence. The highway authority has the right to demand you remove any obstruction you cause. If you don't, the highway authority can remove the obstruction and recover the cost from you.

You must not disturb the surface of byways, restricted byways and unsurfaced public roads, eg by cultivating.