



Pre-Hearing Note

APPEAL REF: 6013428

Site address: Land south of Heybeck Lane, Chidswell, Kirklees WF12 7QZ

Appellant: C.C. Projects

Local Planning Authority: Kirklees Metropolitan Council

Background

1. A hearing relating to the above appeal will take place at 10:00 on Wednesday 4 November 2026. It will be conducted by Sarah Manchester BSc MSc PhD MIEEnvSc, who is the Inspector appointed by the Secretary of State to determine the appeal.
2. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done so that it runs smoothly.

Format

3. The event will be a physical hearing. The Inspector will start the event by running through several preliminary matters. A provisional agenda is attached to this note. A final version will be issued shortly before the event. The hearing will be run as a structured discussion with the Inspector asking a series of questions in respect of the main issue. All participants will be given a chance to address the points raised.

Provisional Main Issues

4. Having regard to the submissions made thus far, the Inspector has identified the following provisional main issue in the appeal:
 - The effect of the proposal on Dum Wood ancient woodland and Local Wildlife Site.

Further and Late Evidence

5. Without prejudice to the outcome of the appeal, in order to provide the Inspector with sufficient evidence on which to determine this appeal and to make best use of time on the day, the parties are requested to submit further information as follows:

Statement of Common Ground (SoCG).

- The agreed SoCG is dated July 2026, which pre-dates the publication of the revised National Planning Policy Framework in August 2026. The Council has taken into account the revised Framework in its statement of case and the appellant has also provided comments in relation to the implications of the

revisions to their case. Nevertheless, it would help the Inspector if the SoCG could be updated to take into account the changed policy position and any variation in the parties positions arising from this.

- The SoCG refers to the benefits of the scheme under 'areas of agreement'. It would help if both parties could indicate what weight they attribute to each of the benefits and briefly why.

Five year housing land supply (5YHLS). The parties agree there is a shortfall in housing supply but dispute the extent of this.

- Notwithstanding that 5YHLS is a material consideration, the Inspector considers that the best use of time on the day of the hearing will be to focus on the main issue in the appeal. While 5YHLS may still need to be discussed as an 'other matter', she does not intend to interrogate the appellant's assessment of the housing supply position in any great detail.
- The appellant's evidence in relation to this matter was prepared before the publication of the revised Framework. As the parties are aware, the previous Paragraph 11 presumption in favour of sustainable development has been comprehensively replaced in the revised Framework. It would therefore be helpful if the appellant could explain, with reference to Framework Policy S4 and the Council's statement of case commentary on this at section 5 (particularly paragraphs 5.8-5.9), whether he considers that establishing a greater shortfall in housing supply than the Council's latest position remains relevant to the determination of this appeal and if so, why.
- Notwithstanding, and while the Inspector notes there are commercial sensitivities, it would still be helpful if the Council could explain why it does not agree with the housing supply position calculated by the appellant.

Planning obligation. The Inspector notes the draft section 106 agreement and the Council's statement of case commentary that justifies the need for the contributions. However, and while she appreciates that this information may all already exist elsewhere in the evidence, it would be helpful if the Council could clearly set out the justification for the level/amount of each contribution required eg specific consultee response, relevant SPD or compliance schedule.

6. This further information should be received no later than **5pm 22 October 2026**.
7. The Inspector is not expecting any new evidence to be handed up during the Hearing. The parties should therefore review their cases promptly to ensure that any necessary additional documents are submitted ahead of the Hearing, and by the date specified above, along with reasons why it has not been submitted yet.

Site Visit

8. The Inspector will have visited the general area in advance of the hearing and viewed the appeal site from public land. However, she will still need to visit the appeal site. This will ideally take place once the hearing has closed and on the same day although, given the time of year, it may need to be the day after.
9. The Inspector will need to enter the site to assess the impact of the proposal. If the parties consider this needs to be accompanied, both parties will need to

ensure that they or representatives are available. The Inspector notes that there are health and safety issues associated with farming and livestock. The appellant will need to ensure that the site can be safely accessed by the Inspector. Details will be agreed at the hearing.

Other Matters

10. The venue for the hearing will be Dewsbury Town Hall, Town Hall Way, Dewsbury WF12 8DG. The Council should ensure that the venue can comfortably accommodate the main, and interested, parties. In particular, it should provide adequate desk space for the Inspector and main parties. Ideally, a separate and appropriate retiring/ adjourning room should be provided for the Inspector.
11. If the parties anticipate that persons wishing to join the hearing will be unable to attend in person, the Council will need to make appropriate arrangements for remote joining. The Council should apprise the Planning Inspectorate of any virtual attendance arrangements in advance of the hearing.

END

Provisional Agenda

1. Opening, introduction and preliminary matters
 - Plans
 - Relevant development plan policies
 - Statement of Common Ground
 - Late information
 - Planning conditions and obligation
2. Main Issue – the effect of the proposal on Dum Wood ancient woodland and Local Wildlife Site
3. Other Matters, including but not limited to 5YHLS
4. Conditions and obligation (without prejudice)
5. Applications for costs
6. Site visit arrangements
7. Closing