

## DCAdmin

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**From:**  
**Sent:** 26 June 2024 09:32  
**To:** DCAdmin  
**Cc:** Cllr James Homewood; Cllr Mohan Sokhal; Cllr Bill Armer; Cllr Mark Thompson; Cllr Andrew Pinnock; Cllr Ammar Anwar; Cllr Paul Moore  
**Subject:** 2024/62/91242/E - Land NE of Shepley Road, Stocksmoor, Huddersfield, HD4 6XW

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Good morning,

### **2024/62/91242/E - Land NE of Shepley Road, Stocksmoor, Huddersfield, HD4 6XW**

1. My individual comments on the above application are in full detail in the attached PDF document
2. Photos and dashcam footage from Stone Wood Lane, these are just "snapshots" of typical daily occurrences on this road.

### **SUMMARY OF OBJECTION**

The planning application should be refused on the following grounds:

1. Inappropriate development (excessive density that is not in keeping with that of neighbouring development), contrary to Policies LP7 and LP24 of the Development Plan;
2. Would be severely detrimental to highway safety contrary to Policy LP21 of the Development Plan; and
3. Should be retained as safeguarded land for the reasons identified above, without which the proposal is contrary to Policy LP6 of the Development Plan and contrary to paragraphs 47 and 142 of the NPPF;
4. The negative impacts to the Green Belt and its openness would result, and such negative impacts would not be outweighed by any possible benefits that might result from a contribution to housing numbers.
5. The resultant increased traffic stress not only increases pollution and risks to other road users and pedestrians but also adds stress to other single lane roads in the area e.g. Fulstone Road & Stocks Lane

Please acknowledge the safe receipt of this email.

Kind regards

Chair, Stocksmoor Village Association  
9 Fulstone Road  
Stocksmoor  
HD4 6YD

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## **FORMAL OBJECTION**

The objection to the proposed development at the above site is based on the following:

### **1. Highways / Road Safety (Highway Safety)**

With the identified location of the development, and knowing that the most direct route of travel for those seeking services would be south east to Shepley (via Shepley Road / Stone Wood Lane) highway safety along this route needs to be considered.

The Manual for Streets identifies minimum carriageway widths should be 5.5m. The width of the route between the site and services in Shepley is significantly less than this over considerable sections. In addition, this route is 'unrestricted' in that the speed limit is 60mph.

Policy LP21 states that:

*"All proposals shall:*

*a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;"*

The proposal, with each unit having off street parking space for at least two vehicles, would result in a potential of circa 100 vehicles access / egressing the site at any one time.

The additional volume of traffic the scheme would generate, and the resultant impact on the identified route above (which has no identified passing spaces) would result in an unacceptable and severe impact on the efficient flow of traffic on the surrounding highway network, to the detriment of highway safety, especially knowing the speed limit between the site and services is 60mph, and that the route has no designated passing spaces.

The scale of the development as proposed would have an unacceptable and detrimental effect on highway safety, negatively impacting the surrounding highway network, contrary to the objectives of Policy LP21 of the Development Plan.

### **2. Design / Layout (Over Development)**

Although the application identifies the whole site as being circa 2.5 hectares, to accommodate buffer zones, attenuation tanks, open space and foul water treatment facilities, the area of development, as detailed on submitted plans (notably drawing number Z159.100 Rev G), the resultant area for development is circa 1.3 hectares.

The adjacent development (existing dwellings) has a residential density of circa 10 units / hectare. Knowing the above, the scheme would have a residential density of 38 units / hectare.

Such a difference in residential density would be contrary to Policy LP24 of the Kirklees Local Plan – Strategy and Policies (Adopted 27 February 2019) (the Local Plan).

It reads:

*“Proposals should promote good design by ensuring:*

*a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;”*

Furthermore, Policy LP7 needs to be considered. The relevant sections read:

*“All proposals shall:*

*a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;*

*c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;”*

In this instance, as the site is greenfield (so evidencing viability (which can be secured through an appropriate land value so evidencing viability and not affecting developers profits), and with such a significant increase in density of use to that of the neighbouring properties, immediately adjacent to the Green Belt boundary, it is evident that the layout of the development does not respect the character of the wider townscape (i.e., it is not compatible with its surrounds), it is clearly contrary to the requirements of Policies LP7 and LP24 of the Development Plan.

### **3. Five Year Housing Land Supply (5YHLS)**

It is acknowledged that the adopted Local Plan is now more than five years old and therefore paragraph 76 of the National Planning Policy Framework (2023 (the NPPF) needs to be considered. It reads:

*“76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:*

*a) their adopted plan is less than five years old; and*

*b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.”*

Given that the Local Plan is now more than 5 years old (since adoption), the contents of the approved ‘Kirklees BC Interim Housing Position Statement to Boost Supply’ report (approved December 2023) are important, although not overriding of the existing Development Plan nor creating ‘new policy’.

The aforementioned report acknowledges Kirklees BC currently does not have a 5YHLS.

As such, the delivery of housing within the Borough will have a degree of material weight when applications are being considered.

However, the report also stated that the LPA shall produce a Local Plan Review and Update (to establish whether current policies are up to date) by February 2024.

This review is not immediately evident, nor available in a publicly accessible forum (LPA website).

Knowing this, although the report suggests that under 'Principle 2' the LPA may consider the potential release of safeguarded land for housing development\*\*\*, with no evident review of Policies of the Local Plan being available (it is noted that the NPPF 2023 was published in December 2023, after the 'Growth and Regeneration Scrutiny Panel' in November 2023, and at the time the Local Plan was still less than 5 years old, resulting in the default position for the LPA that the Local Plan was still acceptable in terms of the 5YHLS (such a review would have been needed at the end of the 5 year period, with such an assessment of any under provision of housing requirements being detailed at that point). With no evidence of such a review, and no guidance readily available on what the outstanding housing delivery numbers are, it is reasonable to go to the default position, which is that policies within the Local Plan are still relevant and deemed up to date, including Policy LP6, against which this application should be considered.

\*\*\* Such a release of Safeguarded Land should be made in accordance with Policy LP6 and its supporting text.

Therefore, such a release (as might be considered by the LPA on this site which is registered as 'Safeguarded Land') must still be considered against the Development Plan in place (including Policy LP6), ensure the integrity of the surrounding Green Belt is maintained, design is appropriate and highway safety is not jeopardised.

#### **4. Development is not in accordance with the Development Plan**

In this instance, when determining this application, the NPPF needs to be adhered to. In paragraph 47 of the NPPF, it states:

##### **“Determining applications**

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Important in this is the requirement (in accordance with Planning Law) that applications for planning permission are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan includes the 'Kirklees Local Plan – Strategy and Policies (Adopted 27 February 2019)' (the Local Plan), and policies contained therein.

The site that is the subject of this application is registered / identified as 'Safeguarded Land' in the Local Plan (whose Policies are deemed up to date in the absence of the Local Plan Review and Update – see above).

Therefore, to accord with the Development Plan the proposal would need to evidence alignment with current adopted policies, including LP6.

The aforementioned Policy and supporting text, as well as visual evidence of the designation, are included below for ease of reference:

##### **“6.5 Safeguarded land**

## Policy LP6

*Safeguarded land (land to be safeguarded for potential future development) Areas identified as safeguarded land will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long-term development on safeguarded land sites.*

*The status of safeguarded land sites will only change through a review of the Local Plan.*

### Policy justification

6.28 The identification of safeguarded land ensures that Green Belt boundaries will last beyond the end of the Local Plan period. This is in accordance with national planning policies which states the intention for Green Belt boundaries to have permanence in the long term (\*\*).

\*\* The NPPF 2023 reiterates this requirement, as evidenced in paragraph 142 below:

*142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

6.29 Safeguarded land is identified as land to be protected from development during the Local Plan period but to be considered for development through a review of the Local Plan. Although development will not generally be appropriate on safeguarded land, it is recognised that not all development will prejudice the function and the value of the land. It will therefore, be appropriate to permit development required in connection with established uses, or change of use to an alternative open land use or to temporary uses which would not prejudice the possibility of development after the plan is reviewed, nor is detrimental to the character of the site and its surroundings.

6.30 The consideration of the permanent development of safeguarded land, such as for housing or employment, will only occur through a change to the allocation through a review of the Local Plan. During a Local Plan review, the reassessment of safeguarded land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as safeguarded land until the next review of the plan. This reassessment will need to consider the principles of sustainable development and specific constraints to development, such as impact on heritage assets.

6.31 The plan provides safeguarded land to accommodate approximately 2300 dwellings (assuming the same indicative housing densities of 35 dwellings per hectare used in the plan). The plan also provides for approximately 2900 dwellings to be delivered on sites post the plan period (17). This equates to a total of approximately 5200 dwellings of safeguarded land/flexibility, equivalent to approximately 26% of the land identified in housing allocations or almost 17% of the objectively assessed need for homes.

### Delivery and implementation

6.32 This policy will be implemented by ensuring that proposals for development on safeguarded land meet the policy requirements and do not prejudice the longer term permanent development of these sites. The effectiveness of the policy will be monitored

though recording the loss of safeguarded land to permanent development through the Annual Monitoring Report.

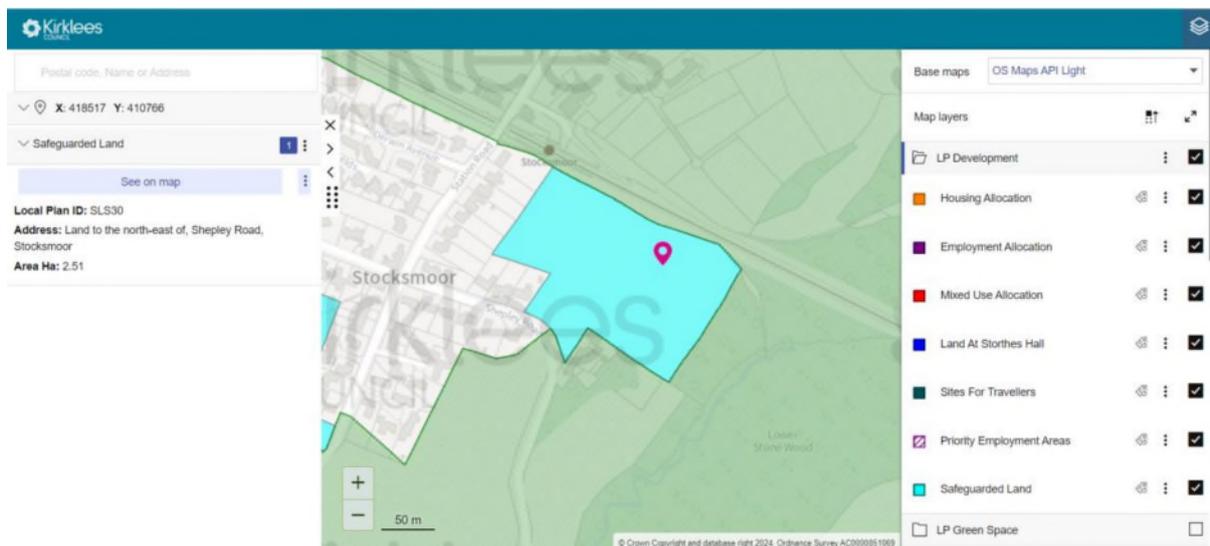
### Links with strategic objectives

- Protect and enhance the characteristics of the built, natural and historic environment, and local distinctiveness which contribute to the character of Kirklees, including the South Pennine Moors, Moorland fringe and the area's industrial heritage.
- Promote the re-use of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas.

### Supporting evidence

- Strategic Housing Market Assessment (SHMA)
- Green Belt Review

Fig. 1 – screen shot of land (identified as Safeguarded Land in adopted LP)



The Policy clearly states land use will only change through a review of the Local Plan. In the interim, appropriate uses for the land may be deemed acceptable (such as agriculture related uses in this case).

As Policy LP6 has not been identified as out-of-date, the proposed development of the site for housing is clearly premature and is not a use that would accord with the Development Plan (being residential and not agricultural).

Therefore, to allow residential development on this safeguarded land site would be contrary to Policy LP6 of the Development Plan, and so against Planning Law as stated in Paragraph 47 of the NPPF.

Furthermore, the provision of housing on the safeguarded land, that is in place to ensure that the adjacent Green Belt boundary will last beyond the end of the Local Plan period, would not serve its purpose, contrary to the objectives and requirements of the NPPF.

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