

**Objection by Local Resident to Application 2024/91242/E by Newett Homes for erection of residential development (up to 50 dwellings) with associated access, parking, public open space, landscaping and infrastructure on land north east of Shepley Road, Stocksmoor, Huddersfield**

Dear Councillors and Officers

As residents of Stocksmoor, my partner and I write to object in the strongest possible terms to the above planning application.

In brief, our grounds of objection are these:

1. We consider that (a) inappropriateness in the way that the developer has conducted itself during this process and (b) the strength of local opposition (with over 200 objections to date) **makes it imperative that this application should be heard in open forum before the full Strategic Planning Committee.**

For instance, the developer looks to have carried out a sham ‘public consultation’. This involved sending flyers to residents with a response deadline of 22 May 2024, only for residents to learn that the developer had already filed its application on 30 April 2024.

**More significantly, the developer only circulated its Flood Risk Assessment (FRA) on 11 June, even though this bears the date ‘April 2024’.** This 187-page document is critically important because of what it says about the site and about the flood risk.

**For a site over 1 hectare, an FRA is compulsory and ‘should accompany all proposals’.** Kirklees Planning should not therefore have ‘entertained’ the application from Newett Homes because it was not ‘accompanied’ by an FRA [NPPF 2023, footnote 59] which was instead only sent 6 weeks later.

In effect, residents have been given only 2 weeks (rather than 8) in which to digest and comment on complex flood-related matters that go to the very heart of this planning application.

**Worse still, an Ecological/Biodiversity Statement (by SLR Consulting Ltd for Newett Homes Ltd) has just appeared on the Kirklees site, having been placed there on either 25 or 26 June 2024. The document itself is dated 24 April 2024. And even though it is positioned at the top of the list of ‘supporting information’ - and should therefore show a date after 11 June - the Kirklees site entry states that it was filed on 21 May 2024.**

**This has given the public one day (or possibly less) to assess and comment on this 104-page document.**

2. Part of the development site is a very steep **downward slope directly abutting** important **Ancient Woodland**. The development site’s geology and topography are significant. They mean that there will be a flow of liquids and materials - above and below ground level - down the hill from both groundwork and building operations.

And even if this flow is only temporary, it will **damage and contaminate** the **Ancient Woodland** (which is an ‘*irreplaceable habitat*’).

Once built, this urban development will **damage and contaminate** the *'irreplaceable habitat'* of **Ancient Woodland** in other ways.

For instance, noise, light pollution (see the Police report), domestic predators (cats) and new species of 'urban' birds will start to disturb, predate and compete with the **Ancient Woodland's** existing flora and fauna (including badgers, bats and rare fungi). The intention, too, seems to be that surface water will be drained into Stone Wood Dike, which itself runs through, or directly by, two distinct sets of **Ancient Woodland**, namely Stones Mill Wood and Hartley Bank Wood.

That surface water will likely contain car wash [*the planning application talks of 127 cars*], window wash detergents and gardening chemicals etc.

3. Newett's hydrologist's Flood Risk Assessment, citing British Geological Society data, **acknowledges a medium risk of ground water flooding on and around this site**. Historic flooding of some properties on Station Road is well known. The evidence includes maps that identify streams within the site and the occurrence of springs and wells within the area.

The area was extensively quarried in years gone by and there is hard rock (Grenoside Sandstone) at shallow depth.

4. The **development is unsustainable** because Stockmoor has no facilities at all, e.g. no shops, no doctor, no dentist, no school, no health facilities, no playing fields, no garage, no employment, no place of worship, no cash machine and no post office (except, that is, for a children's playground (little-used), a pub (little-used) and a village hall).

**The developer proposes that residents of the development should cycle to other villages. This is wholly unrealistic.** Extreme gradients and single-track roads mean this would be both highly dangerous and beyond the most people's physical limits.

There is a station, but it is worth reflecting that (a) trains only run once an hour (when there are no strikes) and (b) a day return to Shepley (just over one mile away) is £3.89.

5. The application talks of spaces for 127 cars on the built site and this will, we think, be the main means of transport. This will **add to traffic flows in the village**, along Shepley Road itself and along Dam Hill and Thunder Bridge Lane. The extra car use will increase the accident risk on the main exit points to the A629 and the A616. **Increased use of cars on this scale, in this location, will compound the unsustainability of the development.**

6. The **NPPF presumption in favour of sustainable development does not apply:**

- to development - such as this - which has **the obvious potential to adversely affect 'irreplaceable habitats'** (which include Ancient Woodlands: see footnote 7 to Paragraph 11 NPPF)
- to development - such as this - which is susceptible to the **risk of flooding 'from any source'** [NPPF 2023 paras. 166 and 168]
- to development - such as this - which is **inherently unsustainable**
- to development where its adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (i.e. the NPPF) taken as a whole

7. Stocksmoor is technically a hamlet and **development on this scale - adding 50 houses to a mere 180 - would swamp it**. The linear pattern of the development would also **go against the grain of the existing settlement**, which is built largely within a triangle formed by three principal roads.

In addition, by its position - **directly abutting the Ancient Woodland** - the development will **break the flow of open countryside (fields and hedgerows)** between the built environment and the many acres of **Ancient Woodland** that frame it, as the photo below shows. The development would consume the entire field directly under the word 'Huddersfield'. The **Ancient Woodland** is beyond that field:



8. The 50 planned houses and maisonettes are **of unimaginative and mundane design** and external materials appear to include not only **artificial stone and cement tiles but also brick and render**. It is an irony that the site sits on Grenoside Sandstone, which is sought after throughout the UK but in the developer's view, is too good for these buildings.

**The style and materials of these houses will detract from local character and distinctiveness** (rather than adding to it) and **at a stroke, begin to destroy any 'sense of place'**.

The built site will **not respect the mass height and form** of existing buildings in the locality, (looming, for example, over the current houses on Station Road).

It will also in effect create **skyline development**, visible not only from Huddersfield-bound railway carriages (a public place) but also from other vantage points in the surrounding area.

9. Having had two infill developments in recent years, **Stocksmoor needs a 'breathing space'**.

10. There is case law to the effect that train noise can be a reason for refusal. A number of the houses will be very close to the Huddersfield-Sheffield line.

## OPEN FORUM BEFORE FULL PLANNING COMMITTEE

Our strong view is that the application should be decided **in open forum before the full Planning Committee**.

There have been over 200 objections lodged so far, from a village that has only about 180 houses.

The site also **directly abuts Ancient Woodland**, which sits at the bottom of a steep slope (*'1 in 3 in places'*), with stone at shallow depth.

In general, the Newett documents play down that this **is Ancient Woodland**. They also play down its planning significance.

In addition, Newett's materials leave out of consideration that the watercourse (Stone Wood Dike) that runs through the **Ancient Woodland** is a designated **Local Geological Site**.

Secondly, Newett's hydrologist's Flood Risk Assessment, citing British Geological Society data, **acknowledges a medium risk of ground water flooding on and around this site**. Historic flooding of some properties on Station Road is well known. The evidence includes maps that identify streams within the site and the occurrence of springs and wells within the area.

The area was extensively quarried in years gone by and there is hard rock (Grenoside Sandstone) at shallow depth.

**We strongly believe that the Elected Members on the Strategic Planning Committee therefore have a crucial role, namely, to ensure that these matters are properly considered.**

**Ancient Woodland** areas have remained untouched since the time of Queen Elizabeth I. They have special status because they constitute **irreplaceable habitat**. Once damaged, destroyed or contaminated, such areas can never be restored, recreated or replaced.

The topography and geology of the site is critical because:

- it slopes sharply down towards - and directly abuts - a large area of **Ancient Woodland** (Shepley Mill Wood)
- a watercourse (Stone Wood Dike) runs through the central part of the **Ancient Woodland**
- Stone Wood Dike joins with another watercourse that runs through a second section of **Ancient Woodland** (Hartley Bank Wood)
- the site itself is *'hard rock at shallow depth'*
- the last 14 or so metres (c.45 feet) of the site pitches steeply towards the **Ancient Woodland** at *'gradients of up to 1 in 3'<sup>1</sup>*.

The upshot of this topography and geology is that the flow of liquids and materials from the site during construction phase (both above and below ground) is likely - even if only

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<sup>1</sup> *'Preliminary Geoenvironmental Report'* Lithos, for Newett, November 2022.

temporarily - to permeate the **Ancient Woodland** because of the 'up to 1 in 3' gradient down to that **Ancient Woodland**.

Once these 50 houses are built, this urban development will **damage and contaminate** the '*irreplaceable habitat*' of **Ancient Woodland** in other ways.

For instance, noise, light pollution (see the Police report), domestic predators (cats) and new species of 'urban' birds will start to disturb, predate and compete with the **Ancient Woodland's** existing flora and fauna (including badgers, bats and rare fungi). It seems unlikely that this **Woodland** could survive unscathed. Damage and contamination - including chemical, animal and biological - will in our view inevitably occur.

Finally, it is relevant that Newett appears not to have conducted itself in an appropriate way during this planning process. It seems that it has not released two key documents, the Flood Risk Assessment (FRA) and the Ecological/Biodiversity Statement (EBS), in a timely manner.

The FRA was produced in April 2024 but not released onto the Kirklees Planning Site until 11 June 2024 (6 weeks after the application was filed), giving the public only two weeks to consider this. The EBS was also produced in April 2024 but not released onto the Kirklees Planning Site until 25 (or 26) June 2024, giving the public little more than one day to assess this.

**In both cases the holding back of these documents amounts in our view to failure of the planning process and the democratic process.**

## WHY THE ULTRA-STEEP GRADIENT OF PART OF THE SITE IS SIGNIFICANT

The eastern edge of the site - to a length of roughly 50 metres - is extraordinarily steep ('gradients of up to 1 in 3<sup>2</sup>'). The drop from the flatter part of the site to Stone Wood Dike is about 14 metres (c.45 feet). The sandstone that underlies the topsoil is quite close to the surface.

A Kirklees officer outlined the destabilisation risks this presents:

'The LLFA considers infiltration into the underlying soil as not being feasible due to the steeply sloping ground to the east of the development and the risk of re-mergence of flows that could destabilise the slope'

It therefore seems unavoidable that at some stage during building operations, materials and liquids will flow (even if only temporarily) down this slope - both above and below ground - and leach into the **Ancient Woodland** and Stone Wood Dike. And in this regard, things might involve more than just building the houses. The Lithos report (for Newett) observes that the steep gradient might even call for:

'...some site regrade...with the need for underbuild and retaining walls'.

To add to this mix, Lithos notes that explosives might even have to be used:

'Given the likely presence of hard rock from shallow depth, excavation greater than around 2m might prove difficult across the site. It would therefore be prudent to allow for excavation of hard rock in any deep excavations such as those that may be required for drainage etc; a breaker, will be required and possibly even blasting.'

This all indicates difficulties ahead for the **Ancient Woodland**, which could face deterioration or other adverse effects on its integrity:

186<sup>3</sup>. When determining planning applications, local planning authorities should apply the following principles...

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...

188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site [e.g. *Ancient Woodland*] (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### Ancient Woodland<sup>4</sup>

Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for:

- wildlife (which include rare and threatened species) - there is also [standing advice for protected species](#)
- soils
- carbon capture and storage
- contributing to the seed bank and genetic diversity
- recreation, health and wellbeing
- cultural, historical and landscape value

It's any area that's been wooded continuously since at least 1600 AD. It includes:

- ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration

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<sup>2</sup> 'Preliminary Geoenvironmental Report' Lithos, for Newett, November 2022.

<sup>3</sup> NPPF 2023

<sup>4</sup> 'Guidance: ancient woodland, ancient trees and veteran trees: advice for making planning decisions'. Natural England, Gov.UK [14.1.22]

- plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi

They have equal protection in the [National Planning Policy Framework](#) (NPPF).

#### Assess the effects of development

When making decisions on planning applications, you should assess the direct and indirect effects of development on:

- ancient woodland
- ancient trees and veteran trees

You should consider both the construction and operational effects of the proposed development.

#### Direct and indirect effects of development

Development, including construction and operational activities can affect ancient woodland, ancient and veteran trees, and the wildlife they support on the site or nearby...

...Direct effects of development can cause the loss or deterioration of ancient woodland or ancient and veteran trees by:

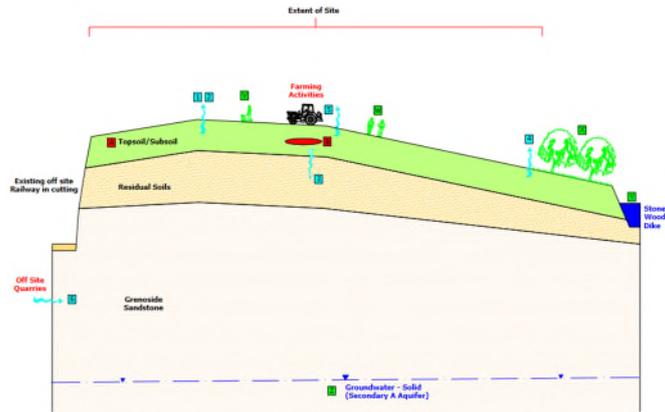
- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil
- damaging functional habitat connections, such as open habitats between the trees in wood pasture and parkland
- increasing levels of air and light pollution, noise and vibration
- changing the water table or drainage
- damaging archaeological features or heritage assets
- changing the woodland ecosystem by removing the woodland edge or thinning trees - causing greater wind damage and soil loss

Indirect effects of development can also cause the loss or deterioration of ancient woodland, ancient and veteran trees by:

- breaking up or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects
- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic
- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration
- changing the landscape character of the area

In this general regard, a diagram and a photo in the Newett application materials [*see Lithos report*] appear to seriously misrepresent the general topography and geology of the site.

In particular, the steepness of the slope is self-evidently understated and the depth of the soils on top of the Grenoside Sandstone looks to be overstated (by deploying sketches of people and a tractor) compared with what other reports say:



See also this photograph of the steep section (taken side on towards Sunside) where, judging from the angled buildings, top right, the camera looks to have been slightly inclined to the right to lessen the slope's apparent steepness:



This is a more accurate photo. Looking in particular at the right side of the photo gives a very strong sense of the slope's steepness:



## THE ANCIENT WOODLAND 'RING' SOUTH OF HUDDERSFIELD

We object in the strongest possible terms to Newett Homes' planning application. Our sense also is that Newett's approach has been questionable and less than open.

Newett wants to sell its out-of-character, high-density houses on the back of Stocksmoor's incredible views, **Ancient Woodland** and 'sense of place'.

Yet at the same time, its actions will end up degrading, destroying and despoiling those very same views, woodland and 'sense of place'.

Areas of stunning beauty quite close to Huddersfield were once very much the norm. That no longer holds true. Instead, shoddy, poor quality housing development has blighted large parts of our once-spectacular local surroundings.

This is why the landscape around Stocksmoor is now so unusual and so precious [see photo below]. *The development would completely consume the field under the word 'Huddersfield'.*

It is an exceptional terrain - almost the only one remaining - that the residents of central Huddersfield can visit and enjoy with only a short trip to get there.



Stocksmoor (together with its sister villages of Thurstonland and Farnley Tyas), sits in an area of land that may well be unique in the UK.

It is certainly unique in Kirklees. The extraordinary topography of small gently-rolling hills is **almost completely encircled** by **Ancient Woodland**. The names roll gently off the tongue:

Clough Wood

Hartley Bank Wood

Brown's Knoll Wood

Birks Wood

Shepley Mill Wood (aka Stone Wood<sup>5</sup>)

Woodend Wood

Hallstead Wood

Great Plain Wood

Farnley Bank and Stock Dove Wood

Royd House Wood

Hey Wood

West Wood

Arthur Wood

Roaf Wood

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<sup>5</sup> Upper and Lower Stone Wood

Sinking Wood

Carr Wood

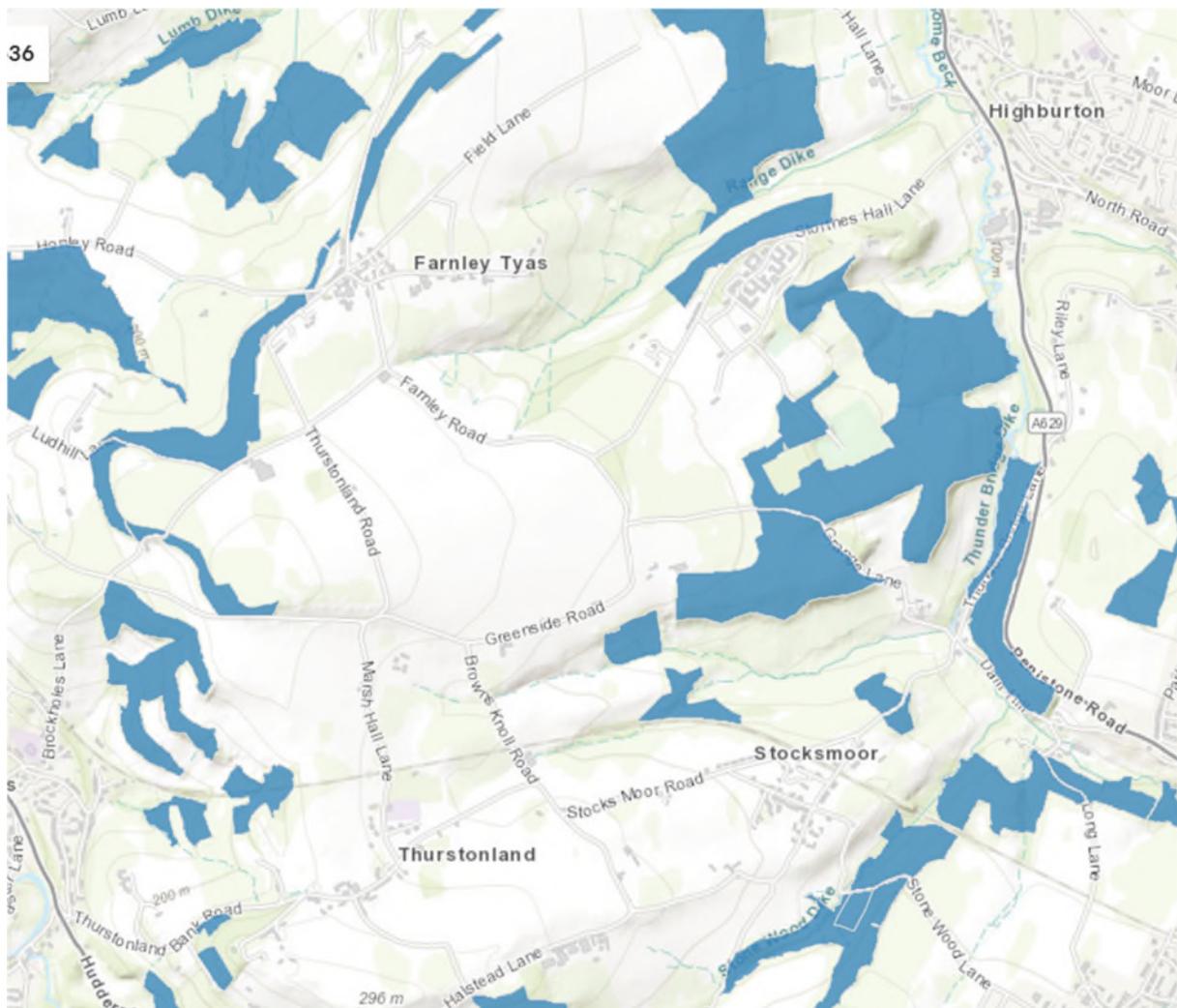
Black Gutters Wood

North Spring Wood

All these woods have been here for over 400 years, which is why they **all** have the **Ancient Woodland** designation.

And yet all this history, ecology and unspoilt beauty is on Huddersfield's doorstep, just over 3 miles from the town centre and there for people to visit and enjoy.

The Natural England interactive map<sup>6</sup> shows how this circle of **Ancient Woodland** (in blue) envelops and cossets Stocksmoor, Thurstonland and Farnley Tyas:



Into this, Newett hopes to inject its quickly-thrown-up 'product'.

<sup>6</sup> <https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::ancient-woodland-england/explore?location=53.592400%2C-1.731930%2C14.44>

These product 'types' will be built either of 'ersatz' materials (such as artificial stone and cement roof tiles) or else even cheaper materials such as brick and render. These materials are utterly out of step with the *'sense of place'* and *'vernacular'* of this extraordinary locality.

Paradoxically, a report by Lithos for Newett, commenting on local quarries, says: *'sandstone within the district'* [and, by implication, under the site] *is important for construction projects throughout the UK'*. This stone is, however, seemingly too good for buildings on the site itself.

## PLANNING PRESUMPTIONS

Newlett will be seeking to rely on various planning presumptions, including the NPPF presumption in favour of sustainable development. However this presumption **does not apply to:**

- to development - such as this - which has **the obvious potential to adversely affect 'irreplaceable habitats'** (which include **Ancient Woodlands**)[*see footnote 7 to Paragraph 11 NPPF 2023*]
- to development - such as this - which is susceptible to the **risk of flooding 'from any source'** [*see NPPF 2023 paras.166 and 168*]. The flooding here would be ground water flooding
- to development - such as this - which is **inherently unsustainable**
- to development where its adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (i.e. the NPPF) taken as a whole

## TIMINGS, CONSULTATION AND OTHER MATTERS

We wanted to underscore other matters that we have observed:

- Newett posted glossy flyers through residents' letter boxes. These invited them to join in a 'public consultation'. This was however an empty exercise. Newett had been looking at this site for over 3 years and had already carried out a wide range of surveys. We imagine, too, that it had already been in contact with Kirklees Planning.

So while Newett told residents they had until 22 May to respond - strongly inferring that their observations would matter - Newett omitted to mention that they would be filing the planning application on 30 April.

The upshot was that residents were being drawn into a bogus, purposeless exercise. Newett had already decided what it wanted to do, no matter what 'the public' said.

- when Newett lodged its application (on 30 April), it waited six weeks - until 10 June and 13 June - to file five important documents, including the key flood risk assessment (FRA) (which is compulsory for a Zone 1 land area this size). **For this FRA, residents were therefore given only around two out of the allotted eight weeks to assess and comment on the material.** The FRA had been written in April 2024.

- in the same vein, Newett published its Ecological/Biodiversity Statement on the Kirklees site on either 25 or 26 June 2024. The document itself is dated 24 April 2024. And even though it is positioned at the top of the list of 'supporting information' - and should therefore show a date after 11 June - the Kirklees site entry states that it was filed on 21 May 2024.

**This means the public have been given one day (or possibly even less) to assess and comment on this 104-page document.**

- and in all this, Newett has played down the most significant matter of all, namely the proximity and siting of the **Ancient Woodland**.
- separately, there are questions about the state of the land itself. Inspections carried out for Newett in November 2022 describe it as '*a grassed field with evidence of recent pastoral farming use*' and it is unlikely, as Grade 4 land, that - at best - it would only ever be used for rough grazing. Yet a Google Earth view of the site dated 23.4.21 clearly shows the field as ploughed (see below).

We understand that if a field has not been ploughed for 15 years it is unlawful (under the Environmental Impact Regulations) to plough it without a screening decision from Natural England and it seems reasonable to ask whether such a decision was needed and if so, obtained, ahead of the 2021 ploughing.



0% [Data attribution](#) 4/23/2021-newer

## SOME OF NEWETT'S ANSWERS TO QUESTIONS IN ITS APPLICATION

- under 'Trees and Hedges', in answer to the question:

**And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?**

Newett answers: 'No', when in fact the land adjacent to the site is **Ancient Woodland**.

This answer is seriously misleading. In addition, some of the materials submitted as part of the application clearly show that the **Ancient Woodland** tree canopy also overhangs the site.

- Under 'Assessment of Flood Risk', in answer to the question:

**Is the site within an area at risk of flooding?**

Newett answers: 'No', when in fact Newett's own FRA says it is at risk of ground flooding.

- Under 'Assessment of Flood Risk', in answer to the question:

**Will the proposal increase the flood risk elsewhere?**

Newett answers: 'No', when in fact land 600 metres away (downstream on the same watercourse) is shown as having flood risk (and so should have answered 'Yes') and when Newett's FRA shows that areas around the site are also susceptible to flooding.

- Under 'Biodiversity and Geological Conservation', in answer to the question:

**Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?**

a) Protected and priority species

Newett answers: 'No', when in fact the **Ancient Woodland** - in which '*protected and priority species*' are almost certain to live - is directly adjacent to the application site.

Nor is it clear how Newett can be certain that no '*protected or priority species*' live on the development site itself.

- Under 'Biodiversity and Geological Conservation', in answer to the question:

**Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?**

c) Features of geological conservation importance

Newett answers: 'No', when in fact the **Ancient Woodland** is directly adjacent to the application site and when, in addition, Upper and Lower Stone Woods (i.e. the **Ancient Woodland**) is a designated '**Local Geological Site**'.

The geological makeup of **Ancient Woodland** is critical to its significance as an irreplaceable habitat. Increased water discharge both because of building operations and as a result of built environment (the plan is to put run-off water into Stone Wood Dike) [*erroneously described in the application materials as an 'unnamed watercourse'*] will, over time, alter the geology of Stone Wood Dike.

## **SAFEGUARDED SITES, LAND SUPPLY AND THE PRESUMPTION IN FAVOUR**

Newett alleges that Kirklees Council does not have a five-year supply of specific, deliverable sites.

It suggests this entitles it to invoke the so-called 'presumption in favour' of sustainable development ('the tilted balance'), citing Paragraph 11(d) of the NPPF.

However, important footnotes qualify and disapply the so-called 'presumption in favour' on sites such as the application site which are at risk of flooding, contain important grassland habitats and adjoin one of the most complete extensive and untouched Ancient Woodlands in the locality.

# MASSING

