



**JohnsonMowat**  
Planning & Development Consultants

Newett Homes

Erection of Residential Development  
with associated access, parking, public  
open space, landscaping and  
infrastructure

Land north east of Shepley Road,  
Stocksmoor, Huddersfield, HD4 6XW.

**Appeal Statement of Case**

[JM200012]

## Johnson Mowat References

<b>Client</b>	Newett Homes
<b>Site</b>	Erection of Residential Development with associated access, parking, public open space, landscaping and infrastructure
<b>Development</b>	Land north east of Shepley Road, Stocksmoor, Huddersfield, HD4 6XW.
<b>Local Planning Authority</b>	Kirklees Council
<b>Document Type</b>	Appeal Statement of Case
<b>Document Reference</b>	[JM200012]
<b>Issue / Revision Date</b>	23 October 2025

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## 1. Introduction

- 1.1 This Appeal Statement of Case is submitted on behalf of Newett Homes in relation to Erection of Residential Development with associated access, parking, public open space, landscaping and infrastructure. This Appeal Statement responds to the refusal of a detailed Planning Application (Application Ref: 2024/62/91242/E) (the Appeal Site) by Kirklees Council (KC).
- 1.2 The detailed Planning Application was submitted to the Council on 30<sup>th</sup> April 2024 (validated on 10<sup>th</sup> May 2024) for 50 dwellings and all associated works. Further submission documents were provided to the Council during the application process including Transport Assessment Addendum and revised plans setting out a scheme for 49 dwellings. The application was refused by delegated decision on 24<sup>th</sup> April 2025.
- 1.3 The appeal relates to an identified safeguarded land allocation in the Kirklees Local Plan, site reference SLS30, Land to the north-east Shepley Road, Stocksmoor.
- 1.4 Provided alongside this Appeal Statement is a Draft Statement of Common Ground and a list of Core Documents (CDs) detailing application documentation, key correspondence and documents to be relied upon as part of the appeal. Appropriate references to the CDs are used throughout this Appeal Statement. Furthermore, the Core Document list includes reference to recent appeal decisions relevant to this case.

### EIA Screening

- 1.5 The appellant did not seek an Environmental Impact Assessment (EIA) Screening Opinion under the provisions of the Environment Impact Assessment Regulations (2017) given that the development is not considered to be EIA development.
- 1.6 The application site measures a total of 2.5 ha. The site sits significantly below both the necessary Schedule 2 thresholds of more than 150 dwellings or the overall area of the development exceeds 5 hectares. It is confirmed that the proposal does not fall within the criteria of Schedule 1 of the Regulations.
- 1.7 The Local Planning Authority validated and determined the application on the basis that it is not EIA development.

### Description of Development

- 1.8 The application description as it appears on the decision notice (CD 3.2) reads as follows: -
- Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure*
- 1.9 This aligns with the general description of development presented on the application form (CD 1.1) at the time of submission which stated:
- Residential Development (up to 50 Dwellings) with Associated Access, Parking, Public Open Space, Landscaping and Infrastructure.*
- 1.10 As detailed below, a scheme for 49 units was presented to the Council ahead of the application determination. It is this scheme of 49 units that the Appellant requests is determined by the Inspector as apart of this appeal.

### Quantum of Development

- 1.11 At the point of application submission on the 30<sup>th</sup> April 2024 the proposals were supported by a range of plans which identified how the site could deliver a scheme of 50 units. Those plans and documents are listed as CD 1.4 to 1.32. Of particular relevance is Planning Layout Rev G (CD 1.5).

- 1.12 During the application process, comments from the Kirklees Highways DM (CD 4.14), dated 14<sup>th</sup> October 2024, identified a number of matters which were stated as needing to be addressed. This included comments in relation to the main point of access, traffic movements along Stone Wood Lane (SWL) and the proposed internal highway layout.
- 1.13 In response, a Transport Assessment Addendum (TAA) (CD 1.33) was submitted to the Local Authority on the 4<sup>th</sup> April 2025 (CD 5.1). The TAA addresses the specific concerns of the Highways Officer (CD 4.14) providing revised access arrangements (Appendix B of CD 1.33), proposed improvements to SWL (Appendix E of CD 1.33) and confirms that internal layout comments could be address through layout revisions which would reduce dwelling numbers from 50 to 49 units (paragraph 6.5 of CD 1.33).
- 1.14 On the 10<sup>th</sup> April 2025 the Case Officer informed the Appellant that Kirklees Highways DM were unable to support the proposals because "*highway boundary constraints do not allow for improvements to a level that would overcome the concerns*" regarding SWL. It was stated that the decision would be made on the originally submitted layout plan (CD1.5) as an amended layout had not been submitted. Crucially, it was conceded that other outstanding issues including, amended layout plan and design amendments, details of measured areas and landscape typologies to generate a calculation for contributions if required and the submission of a Biodiversity Net Gain Metric "*could be resolvable*". The Appellant were told to withdraw the application or accept a refusal. A copy of the correspondence is provided at CD 5.2. Subsequently, those resolvable matters do not form part of the reasons for refusal.
- 1.15 On the 11<sup>th</sup> April 2025 the Appellant made a formal submission to the Case Officer of revised plans, setting out the 49-unit scheme. This submission was made as a direct response to the "resolvable" concerns raised by officers and was made within the determination period of the application. Those plans were as follows:
- Planning Layout (Z159.002J)
  - Landscape Masterplan (H24-0004\_001B)
  - House Type Pack (Z159.007A)
  - Boundary Treatment Plans (Z159.004B)
  - Materials Plan (Z159.005B)
  - Secure by Design Layout (Z159.008A)
  - POS (typologies) Plan (Z159.010A)
  - Ecological Impact Assessment and Biodiversity Net Gain Assessment (Rev 3)
  - Statutory Biodiversity Metric (V5)
- 1.16 A copy of the submission email on the 11<sup>th</sup> April is provided at CD 5.2.
- 1.17 A copy of the Planning Layout Rev J is provided at Appendix 1 for ease of reference and the documents listed above are provided at CD 2.1 to 2.9. An Overlay Plan is provided at Appendix 2 to demonstrate the extent of change between Rev G and Rev J.
- 1.18 Whilst the Case Officer's email on the 10<sup>th</sup> April (CD 5.2) indicated that Highways comments had been received, formal statutory consultee comments in response to the TAA were published on Public Access by Highways Officers as dated the 11<sup>th</sup> April 2025; the same day as the 49 dwelling scheme submission and without regard to the internal layout revisions.
- 1.19 The Highways DM comments confirm that layout changes were discussed with the Appellant during meetings between the parties "*and it was agreed that all of the required changes could be accommodated*". As such it was confirmed that "*HMD do not object to the principle of the proposed site layout arrangements*" (CD 4.16).
- 1.20 The Council proceeded towards determination of the application on the basis of the 50-dwelling scheme despite the submission of revised proposals on the 11<sup>th</sup> April; 13 days prior to the determination of the application.

- 1.21 The Officer's Delegation Report (CD 3.1) under subheading *Site Layout* (page 29) acknowledges the intention of the Appellant to reduce the housing number from 50 to 49 units and confirms that "*fundamentally however, the revised proposals that were informally presented would have gone a long way to address the outstanding issues raised...*" There is therefore a recognition that the Council have seen the 49-unit scheme.
- 1.22 It is the Appellant's case that the Council are wrong in their assertion that the 49-unit scheme was not formally submitted. It was provided to the Council on the 11<sup>th</sup> April 2025 for consideration in the determination of the application.
- 1.23 Whilst the Council proceeded on the basis of the 50 unit scheme, it is clear through the latest Highway comments (CD 4.16) and the Delegation Report (CD 3.1) that the principle of the proposed layout is acceptable and that any further detail or changes to the internal highways layout could be addressed via a suitably worded pre-commencement condition. Such matters were therefore clearly deemed to be minor or non-material in nature by the Council in order for them to conclude that they could be addressed in this manner. In light of this, the Appellant considers that determination of Rev J (CD 2.1) as part of this appeal would result in the same outcome as if dealt with via condition.
- 1.24 It is requested that the Inspector allow the submission of the revised planning layout for 49 units, and the corresponding list of plans (as set out at paragraph 1.15 above) to ensure consistency throughout the appeal proposals, for determination within this appeal.
- 1.25 The Appellant is aware of the Procedural Guide: Planning Appeals – England and the provisions regarding amending schemes within an appeal process. Whilst it is the Appellant's case that the amended Rev J was submitted prior to determination of the application, the tests as per the *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018) should be considered as part of the appeal.
- 1.26 Substantive: The proposals are not considered to result in a fundamental change. This is the relevant substantive test in law and guidance. This is evidenced through the Overlay Plan provided at Appendix 2. Rev J and corresponding plans would result in a development of an almost identical nature, and where the differences do arise they are not on matters that are controversial. The scheme remains of the same nature and character to that of Rev G. It is clear that the proposal could not amount to a new application nor fundamental change. Furthermore, that such layout changes to address outstanding matters were considered by the Council suitable to be dealt with via condition reaffirms that the differences were not considered substantive.
- 1.27 Procedural Fairness: It is not considered that the acceptance of the plans would result in procedural unfairness to anyone involved in the appeal. As is clear from the commentary above the Council were party to discussions regarding the amendments, received copies of the plans on the 11<sup>th</sup> April 2025, before refusing permission, and have confirmed through the Officer's Delegation Report that such proposals could have been addressed by the imposition of conditions. It is the Appellant's intention to undertake further publicity to notify interested parties of Rev J and the 49-unit scheme. A dedicated website has been set up in order to showcase the Rev J proposals and provide details of re-consultation. That website is live as of the submission of the appeal. The Council is asked to make reference to that revised layout plan and where it can be seen when it issues its notification of the appeal and the appellant will undertake all other reasonable steps to make sure all who were notified of the application are also notified of the slightly revised layout plan before the appeal event.
- 1.28 Having regard to the above no party would be prejudiced by the determination of the appeal based on Rev J.
- 1.29 The Core Documents list within the Statement of Common Ground contains a list of all plans and documents submitted for determination. Where plans or documents have been amended, replaced or indeed additional documents provided during the post validation period, copies form the Core Documents pack.

- 1.30 For the benefit of the Inspector and for the avoidance of all a list of the most up to date plans and documents for determination at appeal are as considered as follows:

<b>Core Document</b>	<b>Plan or Document Title</b>	<b>Reference</b>
1.1	Planning Application Form	29/04/2024
1.2	Application Covering Letter	29/04/2024
1.3	Notice Letter	30/04/2024
1.4	Site Location Plan	Z159.011
2.1	Planning Layout	Z159.100 Rev J
2.2	Landscape Masterplan	H24-0004_001B
2.3	House Type Pack	Z159.007A April 2025
2.4	Boundary Treatments Plan	Z159.004B
2.5	Materials Plan	Z159.004B
2.6	Secure by Design Layout	Z159.008A
2.7	POS Plan (Typologies)	Z159-010A
1.12	Topographical Survey – Sheet 1 of 4	
1.13	Topographical Survey – Sheet 2 of 4	
1.14	Topographical Survey – Sheet 3 of 4	
1.15	Topographical Survey – Sheet 4 of 4	
2.11	Indicative Streetscene	P25-2788_DE_01_002
2.12	Indicative Cross Sections	P25-2788_DE_01_003
1.18	Proposed Indicative Engineering Levels	Z159
1.19	Planning Statement	Rev A April 2024
1.20	Statement of Community Involvement	
1.21	Design and Access Statement	Z125.003
1.22	Rapid Health Impact Assessment	29/04/2024
1.23	Transport Assessment	April 2024
1.24	Residential Travel Plan	April 2024
1.25	Arboricultural Assessment	Rev A April 2024
2.8	Ecological Impact Assessment	Rev 3 April 2025
2.9	Biodiversity Metric	
1.28	Biodiversity Metric Condition Assessment	April 2024
1.29	Flood Risk Assessment and Drainage Strategy	April 2024
1.30	Landscape and Visual Appraisal	Rev B April 2024
1.31	Noise Impact Assessment	v.2 April 2024
1.32	Preliminary Geoenvironmental Investigation	April 2024
1.33	Transport Assessment Addendum	P2835 April 2025

- 1.31 In the interest of ensuring a complete and consistent appeal submission associated with the 40 dwelling proposal the Indicative Cross Sections (CD 2.12) and Indicative Streetscenes (CD 2.11) have been updated to reflected Planning Layout Rev J.

## Appeal Procedure

- 1.32 The Appellant considers the appropriate procedure in which to appeal the refusal of Outline planning permission is through the Public Inquiry process.
- 1.33 The Public Inquiry is requested for the following reasons: -
- 1.34 Status of the Development Plan and its out-of-datedness – The current Development Plan for Kirklees is now significantly out of date for several reasons, including an acknowledged shortfall in housing land supply and inconsistency between local and national housing requirements. Consequently, policies relating to Safeguarded Land, can no longer be regarded as up to date. A Public Inquiry would allow the appropriate weight to be attached to these policies to be properly examined through cross-examination, ensuring that the most current national and local policy context informs the decision-making process.
- 1.35 Level of public interest – The application has generated a high level of public interest, evidenced by the submission of 307 individual representations. This demonstrates that the proposal raises matters of local significance which merit examination in a public forum where the evidence can be given transparently and where the community’s concerns can be fully and fairly heard.
- 1.36 Nature of the Council’s case on highways impact – The Council’s reason for refusal centres on alleged unacceptable highway impacts, a Public Inquiry is necessary to allow a detailed and careful explanation—through expert evidence and cross-examination—of the current and future operation of each relevant section of the surrounding road network. Only through such a process can the technical evidence on traffic generation, network capacity, and safety be properly tested and understood.
- 1.37 Need for cross-examination on planning balance and policy weight – A Public Inquiry will provide the appropriate forum to test the overall planning balance between the effects of the proposed development, the improvements it would bring for all users of the transport network, and the implications for other allocated or identified sites in Stocksmoor within the adopted Local Plan. These are complex and interrelated matters of planning judgment and technical assessment which require the rigorous and transparent process afforded by a Public Inquiry.
- 1.38 In line with the Planning Inspectorate guidelines, the formal notification of intent to submit an appeal was issued to Kirklees Council on the 2<sup>nd</sup> October 2025; at least 10 working days before the submission of this appeal (CD 5.4). The Planning Inspectorate were informed that notice had been served on the 2<sup>nd</sup> October 2025 via the [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk) email address.

## 2. Appeal Proposals

- 2.1 The appeal site is identified by the red line boundary as shown on the Location Plan (Drawing Ref: Z159.011) (CD 1.4) and is located on to the east of Stocksmoor. It is bounded by a railway line to the north, woodland to the east, Shepley Road to the south with existing dwellings to the south east land to the south east and west.
- 2.2 The appeal site is 2.5 hectares (ha) in area and of an irregular T shaped field, predominately enclosed by drystone walls. The field is used for hay crops and grazing at respective times of the year. The topography of the site slopes down gently to the north and east; with a steeper incline to the east as it drops down to the woodland.
- 2.3 An existing point of access into the site is taken via Shepley Road. Shepley Road is a single carriageway, two-way road. There are existing pedestrian footways and streetlighting to the west leading in to Stocksmoor.
- 2.4 The proposed development for consideration by the Local Planning Authority and thus now forming this Appeal is a full planning permission for 49 dwellings and associated development.
- 2.5 The Design and Access Statement (CD 1.21) provides further detail in relation to the site location and local character of Stocksmoor.
- 2.6 The D&A demonstrates the site to be in a sustainable location within walking distance of public transport links including bus stops and the railway station.
- 2.7 The development proposals for consideration as part of this appeal comprise of the following elements: -
- New access off Shepley Road;
  - Construction of 49 dwellings with 20% affordable housing;
  - Public Open Space and landscaping;
  - BNG enhancements;
  - Infrastructure including access road and drainage, and
  - Off-site highway improvements.

### New access point off Shepley Road

- 2.8 The proposed access into the application site will be served directly off Shepley Road. The detailed access arrangements are provided on the Feasibility Layout -Sheet 1 reference 24071-LE-00-ZZ-Dr-D-0001 which was submitted to the Council as part of the Transport Assessment Addendum (TAA) (CD 1.33).
- 2.9 The access arrangements are described in Section 4.3 of the Highways and Transportation Statement of Case provided at Appendix 3. It is not considered necessary to repeat the details in full. In summary, a new simple priority 'T' junction on Shepley Road is proposed. Slight realignment and widening works are proposed to Shepley Road and a new 2.0 m footway on the northern side of Shepley Road is proposed. The Site access is to be delivered to a width of 5.5 m with 2.0 m footways to both sides.

### Off-site Highway Improvements

- 2.10 The proposals before the Council at the point of determination included a number of off-site highway improvements located along SWL.
- 2.11 A scheme of improvements including the provision of a number of passing places was presented to the authority through the TAA (CD 1.33). The full scope of improvement works is set out at paragraph 2.24

of the TAA and is not repeated here. The Highways and Transportation Statement of Case at Appendix 3 provides further detail in relation to the proposed off-site highway improvements.

- 2.12 Drawings reference 24071-LE-00-ZZZ-DR-D-0110 P3 and 24071-LE-00-ZZZ-DR-D-0111 P3 (Appendix E of CD 1.33) set out the proposed improvements in plan form.

## The Dwellings

- 2.13 The proposals seek the residential development of 49 dwellings (Rev J as per Appendix 1). Included on the Planning Layout is a Schedule of Accommodation which identifies the housing mix and storey heights. Generally, dwellings are proposed at 2 storey in height (42 no units). A small number of single storey units (4 no.) are proposed as 1 and 2 bed maisonettes and 3 no. 2.5 storey properties are proposed. These are the Osgodby housetype and include a room in the roof.

- 2.14 The proposed mix is as follows:

No of bedrooms	No of units	Percentage	Expected Mix in line with SPD
Market Units			
1 bed	0	26%	30 – 60%
2 bed	10		
3 bed	15	38%	25-45%
4 bed	9	36%	5 – 25%
5 bed	5		
Sub Total	39	100%	

Affordable units		
1 bed	2	20%
2 bed	5	50%
3 bed	3	30%
Sub Total	10	100%

Total units	49
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- 2.15 The housing mix is considered to be broadly in keeping with the expected mix for market units as per the Affordable Housing and Housing Mix SPD. This is confirmed in the Officer's Delegation Report (CD 3.1) where it is considered that the proposals are "in compliance with Policy LP11".
- 2.16 A detailed house type pack is provided to support the proposals. A total of 15 no. different housetypes are proposed. Each dwelling is designed to meet Nationally Described Space Standards. The Officers Delegation Report notes that "the proposed dwellings largely have a contemporary vernacular form, which would not appear out of keeping in the varied architecture elsewhere within the settlement."
- 2.17 Each dwelling has been provided with adequate off-street parking provision to meet the requirements of the Highway Design Guide SPD which requires 2 parking spaces for 2 and 3 bed properties and 3 spaces for 4+ bedroom homes. The Highways DM consultation response (CD 4.14) confirms parking arrangements as acceptable.
- 2.18 In addition, there are 12 no. visitor parking spaces within the layout. The Officers Report confirms that the "the proposed 12 no. visitor parking spaces, provided in laybys, are welcomed by officers and are generally acceptable." It goes on to state that "some additional visitor parking has been requested on entry to the site adjacent to the play area, but not provided". In response to Highways DM comments (CD 4.14) Planning Layout Rev J proposes two parking spaces are located adjacent to the LAP to ensure that blocking of the site access does not occur. As previously detailed, Rev J was provided to the Council ahead of the application determination.

- 2.19 It is confirmed that all properties that do not have a garage which can be used for cycle parking, storage would be provided with a secure cycle shed. Such details can be secured through an appropriately worded condition.
- 2.20 Electric Vehicle Charging Points will be provided to each dwelling and are shown on the Planning Layout. Whilst the Council have stated that a condition would be necessary to secure full details of the charging points it is considered that such measures are addressed through Building Regulations.
- 2.21 A materials plan supports the application, plan reference Z159.005 Rev B (CD 2.5). The proposed materials of construction are a mixture of stone and brick-built dwellings with a grey tile roof. The proposed materials have not changed between Rev G and Rev J of the proposal and the proportion and distribution of materials across the site remains comparable. The Officers Delegation Report confirms that the proposed materials *"would be considered in keeping with the surrounding built form and could be acceptable"*. A suitably worded condition to secure material samples would be acceptable to the Appellant.
- 2.22 Every home is designed via a fabric-first approach and will feature renewable technology such as solar PV or air source heat pumps as required by Building Regulations. In addition, every home will seek to reduce water consumption as much as practicable and each home will benefit from electric vehicle charging points as standard. Where homes do not have a garage, a shed will be provided to actively encourage cycling as a sustainable means of transport. Through these measures, the development will as a minimum, achieve the appropriate carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF.

## Landscape and Public Open Space

- 2.23 The proposals are supported by a Landscape Masterplan. In line with the 49 dwelling proposal the Landscape Masterplan has been updated to ensure consistency across the plans pack, reference H24-0004\_001 Rev B (CD 2.2). The Landscape Masterplan identifies low level planting and trees throughout the site including new trees adjacent to the highway. The Officers Reports confirms this will create an attractive environment. Details of specific planting proposals can be secured through appropriately worded condition.
- 2.24 The proposals include circa 9,000 sqm of Public Open Space which the Officers Report acknowledges as *"notable"* and an *"undeniably sizeable provision of public open space, including on the frontage and the buffer zones to the Ancient Woodland and railway."*
- 2.25 A Public Open Space Typologies Plan is provided at CD 2.7 demonstrating that amenity green space (1,714 sqm), children and young people's play provision (Local Area of Play, LAP) (753 sqm) and natural and semi-natural green space (6,327 sqm) are provided on site.
- 2.26 The LAP and natural and semi-natural green space provide functional and useable open space for both residents of the proposed development and existing residents of Stocksmoor. Maintenance and management of onsite provision will be secured through the S106. It is recognised that offsite financial contributions may be required for open space provision and will be for discussion with the Council through the S106 and Statement of Common Ground.

## Drainage

- 2.27 Full details of the drainage strategy are set out in the Flood Risk Assessment (FRA) undertaken by AMA (CD 1.29).
- 2.28 The FRA confirms that surface water is proposed to discharge to a local un-named watercourse to the east of the site. An attenuation tank is proposed in the east of the site to capture excess water in periods of heavy rainfall in order to restrict flows to the watercourse. The discharge rate is to be restricted to 6.2 l/s.

- 2.29 The Lead Local Flood Authority (LLFA) have confirmed that the surface water drainage strategy is acceptable subject to full technical standards being provided via condition (CD 4.9). Such a condition is acceptable to the Appellant.
- 2.30 Foul sewerage is proposed to be pumped to the existing 150mm diameter public combined sewer recorded in Shepley Road. Yorkshire Water have raised no objection to the proposal.

### Woodland Stand-Off

- 2.31 Shepley Mill Wood ancient and semi-natural woodland (ASNW) lies immediately to the east of the site. The woodland is designated as a Strategic Green Infrastructure Network, where priority will be given to safeguarding and enhancing green infrastructure networks and green infrastructure assets. There are currently no trees located within the site, only to site boundaries.
- 2.32 The Planning Layout Rev J identifies a significant buffer to the woodland with dwellings being located 50m away from the woodland edge.
- 2.33 The Government guidance titled *Ancient woodland, ancient trees and veteran trees; advice for making planning decisions* confirms that "for ancient woodland, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage". The 15m buffer zone accords with national guidance as a typical minimum and no identified harms have been raised to warrant a larger buffer zone. A zone of 15m is shown on the Planning Layout Rev J. Notwithstanding the guidance buffer zone, as identified above, the proposal makes provision for a standoff distance far in excess of this between the woodland and the proposed built form.
- 2.34 The Woodland Trust (CD 4.13) advocate for a buffer of at least 30 m from the woodland based on the scale of development. There is no direct link between the application site and the woodland. Whilst there is no justification for a 30 m buffer zone, it is again reiterated that a 50m standoff has been provided within the layout. Whilst areas of POS are included within 30m of the woodland, it is not expected that the use of this land would give rise to adverse harm to the woodland.
- 2.35 The Officers Delegation Report (CD 3.1) concludes that "subject to suitable details on the strength of the planting/ boundary and planting arrangements... a 15m buffer boundary would be sufficient." The proposals are considered acceptable in this regard.

### 3. Planning History

- 3.1 Prior to the submission of application 2024/91242/E there are no known planning applications associated with the appeal site.

#### Pre- Application

- 3.2 Pre-application advice was sought from the Council. The pre-application request was based on an Illustrative Masterplan which set out a development of 49 dwellings.
- 3.3 A formal pre-application response, reference 2023/21443, was issued on the 18<sup>th</sup> March 2023 by the Council. It is understood that the pre-application service between the Council and the Appellant included the provision of a meeting to discuss the proposals.
- 3.4 A copy of the full pre-application response can be found in Appendix A to the Planning Statement (CD 1.19). In summary the Council stated (list not exhaustive):
- Whilst the site was designated as safeguarded land in the context of the lack of a five-year housing land supply the “development of the site for housing could be justified as part of a future planning application, subject to relevant planning considerations.”
  - Concerns were made in relation to the general layout of the pre-application scheme; it was stated that there were too many turning heads within the internal road layout. A loop road was instead suggested.
  - All proposed dwellings were two storey in height and a provision of single storey or bungalow units was requested.
  - Highway safety was raised with concern raised over the proposed access point including visibility onto Shepley Road, gradient of the land, existing speed of the road and ability for two-way vehicle movements.
  - It was stated additional traffic movements would result along SWL. The road has a number of physical constraints.

- 3.5 The overall conclusion was as follows:

*"In summary, there are concerns regarding highway safety and the layout of the development proposed. Any future development will need to be policy-compliant in relation to highways matters and will need to ensure that there would be no detriment to highway safety. Other material planning considerations will also need to be addressed, as set out in this advice letter."*

- 3.6 As a direct response to the pre-application comments, the proposal was amended as per the application submission documents set out in CDs 1.4 to 1.33.
- 3.7 The proposal for determination by the Inspector as part of this appeal is set out in Section 2 of this Statement.

#### Other nearby sites

- 3.8 When considering relevant planning history it is necessary to consider nearby development sites.
- 3.9 The site is located in Stocksmoor. It is not the only proposed residential development in this settlement, the Local Plan Allocations and Designations DPD identifies a number of other development sites within the settlement. These are as follows:
- Housing Allocation HS199
- 3.10 Housing Allocation HS199 is identified in the Local Plan as providing an indicative capacity of 25 dwellings. The Housing Delivery Trajectory in the Strategy and Policies DPD anticipated delivery of the 25 units in 2020/21. Whilst a previous application for 10 dwellings, reference 2019/93035, was submitted to the Council, it was later withdrawn by the applicant. There is no other planning application or consent associated with the site.

- Housing Allocation HS192

3.11 Housing Allocation HS192 is identified in the Local Plan as a housing allocation for 17 units. The Housing Delivery Trajectory in the Strategy and Policies DPD anticipated delivery of the 17 units in 2018/19 and 2019/20. Detailed planning consent, reference 2015/90200, was granted on site for 17 units ahead of the adoption of the Local Plan (10<sup>th</sup> August 2015). The scheme has now been completed and is occupied.

- Safeguarded Land Site SLS29

3.12 Safeguarded Land Site 29 is located to the west of Fulstone Road. The site is identified as measuring 0.64 ha in size; at the Local Plan density of 35 dwellings per hectare the site could deliver circa 22 dwellings. There is no planning applications associated with the site.

3.13 An extract of the Local Plan policies map is set out below detailing the sites in comparison to the appeal site.

Map Extract: Kirklees Local Plan Policies Map – Housing Allocations and Safeguarded Land sites in Stocksmoor.



## 4. Statutory policy context and other relevant policies

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.
- 4.1 At the time of writing the current development plan comprises the Kirklees Local Plan (adopted 27<sup>th</sup> February 2019). The Local Plan is in separate parts (Development Plan Documents (DPDs)) which were adopted on the same day and include:
- Strategy and Policies DPD;
  - Allocations and Designations DPD; and,
  - Policies map.
- 4.2 The Kirklees Local Plan became five years old in February 2024, under the provisions of paragraph 34 of the National Planning Policy Framework (NPPF) strategic policies should be reviewed to assess if they need updating at least once every five years, completing that review no later than five years from the adoption date of the plan. The Kirklees Local Plan has not been subject to review. It is therefore relevant to consider whether the local policies remain consistent with national policies. Due to changing circumstances at a national level, the local strategic policies, namely the housing requirement, is no longer aligned with the Local Housing Need (LHN) for the authority. As a consequence, the Local Plan is considered to be out-of-date.
- 4.3 The LHN figure, as derived by the Standard Method as set out in Planning Practice Guidance, for Kirklees is 1,873 dwellings per annum, higher than the Local Plan requirement of 1,730 dwellings. The Local Plan does therefore not allocate sufficient housing to meet the LHN for the borough.
- 4.4 In addition, the Council also acknowledge it does not have a five-year supply of housing land, under the provisions of paragraph 11d of the NPPF the most important policies for determining the application are out of date.
- 4.5 There is currently no made Neighbourhood Plan for the village of Stocksmoor. Stocksmoor does not have a designated Neighbourhood Plan area.
- 4.6 It is noted that the Council have adopted a number of Supplementary Planning Documents (SPDs) which are a material considerations.

### Kirklees Local Plan 2019

- 4.7 The Kirklees Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017 to be examined by an independent inspector. Katie Child BSc (Hons) MA MRTPI and Elizabeth Hill BSc (Hons) BPhil MRTPI were appointed to conduct the examination to determine whether the Local Plan is sound. The examination hearings commenced in October 2017 and concluded in April 2018.
- 4.8 Following an independent examination of the Local Plan by the Planning Inspectorate the Council received the Inspector's report relating to the Kirklees Local Plan. The appointed Inspectors concluded that with the recommended main modifications (consulted on between 20<sup>th</sup> August 2018 and 1<sup>st</sup> October 2018), the Kirklees Local Plan is sound and compliant with the legal requirements.
- 4.9 The Local Plan was examined and adopted having regard to the NPPF. At the time of the examination of the Local Plan the relevant NPPF was that of the 2012 published version. Whilst an update to the NPPF was published during the course of the examination (July 2018), the submitted Local Plan was subject to transitional arrangements of the July 2018 NPPF which stated the 2012 NPPF will apply for the purpose of examining plans submitted on/before 24<sup>th</sup> January 2019; as was the Kirklees Local Plan.

## The Examination and Site Selection

- 4.10 The Council commenced work on the Local Plan in 2014 with the Kirklees Local Plan early engagement period held between 7<sup>th</sup> April and 30<sup>th</sup> May 2014. The evidence base that supports the Local Plan predominantly spans from this early engagement stage to the Local Plan examination.
- 4.11 The Council identified Safeguarded Sites alongside proposed Allocations. These are identified with the Allocation and Designations DPD. The identified housing requirement is set out in the Spatial Development Strategy policy. It identifies a housing requirement of 31,140 dwellings across the 18-year plan period, 2013 -2031. This equates to an annual requirement of 1,730 dwellings.
- 4.12 Included in the explanation test of the Strategy and Policies DPD, particularly paragraph 8.4 to 8.13, the Council consider how many homes are required to be met through allocations. Having regard to the number of completions between April 2013 (Local Plan base date) and April 2017 and existing commitments and windfall allowance (providing an existing supply of 12,999 dwellings), a total of 20,067 dwellings are allocated in the Allocations and Designations DPD.
- 4.13 Safeguarded Land sites were identified as a longer-term pool of potential development sites, to be removed from the Green Belt alongside the Allocations.
- 4.14 In the run up to and throughout the Examination period, all selected sites were tested to ensure their deliverability to pass the plan making test of exceptional circumstances when removing land from the Green Belt.
- 4.15 At early stages of the Examination process the Inspectors were keen to understand the Council's site assessment process in relation to Safeguarded Land sites. At paragraph 21 of the *Initial note from the Inspector to the Council 25<sup>th</sup> May 2017* (CD 6.7) it is stated:
- 21.Paragraph 5.1 in the Council's Local Plan Methodology Statement Part 2 (BP23) indicates that safeguarded sites are those where the assessment has shown they are unlikely to deliver new homes within the Plan period. Is the Council able to point me to evidence which shows that constraints can be overcome and that sites which are not deliverable/developable are capable of coming forward beyond 2031?*
- 4.16 In response the Council submitted a *Schedule of safeguarded land sites showing their constraints/assessment of future delivery*. The assessment for the appeal site is provided at CD 6.8.
- 4.17 Under the matter of Highways and Transport the site is rated 'green' and it is confirmed that "*site access is achievable. 2.4 x 43 visibility splays are required. Footway needed on site frontage.*" At no point within the assessment was any concern raised in relation to SWL nor any constraint identified as insurmountable to prevent the site from being allocated as safeguarded.
- 4.18 Following initial Stage 1 hearings the Inspectors provided *Interim views on key matters* (CD 6.9). In relation to Safeguarded Land concerns were made in relation the Council's approach to site selection. The Council was requested to consider necessary modifications to deal with the issue.
- 4.19 As a consequence, sites were rigorously tested to ensure the access (and ownership to access) and highway network were suitable and capable of taking the extra traffic generated by these developments. Where selected sites failed this testing, they were removed. A schedule of proposed Safeguarded Land changes was submitted to the Examination (CD 6.10). There are sites within the document are removed due to unsatisfactory access or impact on the local highway network. For example, SL2292 (H765 Netherton) (page 4) was deleted due to Bourne Rd being *unsuitable for further intensification*. This is one of several sites that fell out of the Local Plan at this stage. This suggests a thorough review of highways and access on each given several of these comments are very detailed. Page 12 of the documents identifies "*no change of position. Retain as safeguarded land*" for both proposed Safeguarded Land sites in Stocksmoor. It is therefore concluded that the delivery of the sites would not give rise to unacceptable highways impacts.

- 4.20 The Local Plan Inspector's Report (CD 6.11) under Issue 8 paragraphs 363 to 386 provides a summary of the Safeguarded Land matters.
- 4.21 Inspector's paragraph 385 informs the Plan as modified identifies a total of about 2,300 dwellings on the remaining safeguarded sites. This is the residual amount following several deleted safeguarded sites. It informs this residual amount represents less than 2 years of housing supply.
- 4.22 Paragraphs 370 to 384 inform of the scrutiny undertaken to consider those Safeguarded Sites that sat in the Green Belt beyond the urban area. The Appeal site is identified as SL3358 and the extract from the Inspector's Report repeated below.

380. SL3358, Shepley Road, Stocksmoor (Green Belt release) – The site is extensive in size and sloping, but is well contained. Therefore development would not cause significant encroachment or sprawl, and I am satisfied that impacts on the nearby wood could be dealt with as part of the process of option assessment in the next Local Plan review. Exceptional circumstances have been demonstrated to release the site from the Green Belt. Third party land is needed to provide access but there is a reasonable prospect of securing this beyond the Plan period.

- 4.23 The Appeal site was found suitable for designation as Safeguarded Land. The Appeal Site is 'Safeguarded Land' (Ref SLS30) in the adopted Local Plan and identified in blue to the north-east of Stocksmoor and immediately south of the railway line.



**Local Plan ID:** SLS30

**Address:** Land to the north-east of, Shepley Road, Stocksmoor

**Area Ha:** 2.51

Site SLS30	
Local Plan ID	SLS30
Site address	Land to the north-east of Shepley Road, Stocksmoor, Huddersfield
Site Area (Ha)	2.51

## Plan Policy

- 4.24 Policy LP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.
- 4.25 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-
- "a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing....*
- People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure."*
- 4.26 Policy LP 2 relates to place shaping and sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan.
- 4.27 The identified housing requirement is set out in the Spatial Development Strategy policy. It identifies a housing requirement of 31,140 dwellings across the 18-year plan period, 2013 -2031. This equates to an annual requirement of 1,730 dwellings.

- 4.28 Policy LP3 states that development will be permitted where it supports the delivery of housing and employment growth including delivering the housing requirements as set out in the Local Plan.
- 4.29 Policy LP4 relates to providing infrastructure including mechanisms to secure contributions to the provision of infrastructure through legal agreements or Community Infrastructure Levy (CIL).
- 4.30 Policy LP 7 relates to the efficient and effective use of land and buildings. It requires (amongst other requirement) for access to adjoining undeveloped land (which the requirement is provided). The policy also requires a net density of 35 dwellings per hectares where appropriate.
- 4.31 Policy LP6 relates to Safeguarded Land (land to be safeguarded for potential future development). It sets out that:
- “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.”*
- 4.32 Policy LP 11 requires that housing is of high quality and design and contributes to mixed and balanced communities:
- “all proposals for housing must provide a broad mix of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should specifically reflect the proportions of households that require housing and achieve a mix of house size and tenure.”*
- 4.33 Policy LP11 further requires that for developments over 10 homes, affordable housing should be 20% of the total homes, subject to viability. In terms of the affordable homes these should:-
- a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;*
- b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and*
- c. be indistinguishable from market housing in terms of achieving the same high quality of design.”*
- 4.34 Policy LP 20 relates to sustainable travel. It sets out that development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The Council will support alternative modes of transport and development close to local facilities.
- 4.35 Policy LP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 4.36 Policy LP 22 is a general policy on parking. In relation to car parking provision the policy sets out:-
- “f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;*
- g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*
- h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*
- 4.37 Policy LP 23 relates to the walking and cycling network to provide an integrated system of cycle routes, public footpaths and bridleways to promote alternative sustainable means of transport.

- 4.38 Policy LP 24 relates to design and promotes the pre-application process. It then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with.
- 4.39 Policy LP27 relates to Flood Risk and Policy LP 28 relates to drainage. The policy sets out a presumption in favour of SuDS.
- 4.40 Policy LP 30 seeks to protect the biodiversity and geodiversity of international, national and local importance of Kirklees.
- 4.41 Policy PLP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area.
- 4.42 Policy PLP 33 seeks to protect trees and woodland of significant amenity.
- 4.43 Policy LP 35 relates to the historic environment and seeks to conserve the significance of designated heritage assets.
- 4.44 Policy LP 47 promotes health, active and safe lifestyle through access to open spaces, local initiatives for healthy food, improving walking and cycling, energy efficient design, air quality and inclusive environments.
- 4.45 Policy LP 49 seeks to ensure that developments do not adversely impact on education and health provision. It is stated that the need for provision of additional school places will be a material consideration for proposals for new housing developments.
- 4.46 Policy LP51 relates to the protection and improvement of air quality in the borough.
- 4.47 Policy LP52 ensure the protection and improvement of environmental quality.
- 4.48 Policy LP53 ensures that contaminated and unstable land is considered through an appropriate contamination assessment and/or instability risk assessment as part of any planning application.
- 4.49 Policy LP 63 requires new housing development to provide or contribute to new open space or the improvement in the existing provision.
- 4.50 Of those policies listed above, the following are specifically listed on the Decision Notice and in the RfRs: LP21 (a, b, e), LP23, LP24 (dii), LP4, LP11, LP28, LP30 (i), LP49 and LP63.

#### **Kirklees Supplementary Planning Documents**

- 4.51 Kirklees Council have adopted a number of SPDs to provide clarity and deliver a higher standard of design in developments within Kirklees. It is acknowledged that proposals which comply with the guidance are more likely to progress through the planning process quickly and successfully. The SPDs relevant to the determination of this application are as follows:-
- Highways Design Guide SPD (2019)
  - Housebuilders Design Guide SPD (2021)
  - Open Space SPD (2021)
  - Affordable Housing and Housing Mix SPD (2023)

## **Material Considerations**

### **National Planning Policy Framework (NPPF)**

- 4.52 The latest version of NPPF was published on 12<sup>th</sup> December 2024 and is an important material consideration in the determination of this appeal. The Appellant will provide evidence to demonstrate that the appeal proposal responds to the requirements of NPPF including supporting a prosperous rural economy, supporting sustainable growth and expansion of all types of business in rural areas and contributes to significantly boosting housing and affordable housing delivery.

4.53 Paragraph 11 of the NPPF is of particular importance to this case. Paragraph 11 sets out the presumption in favour of sustainable development which for decision making means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or,*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

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

*ii. 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.*

4.54 On the matter of which policies may be out-of-date footnote 8 confirms “*this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year housing land supply; or where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*”.

4.55 Having regard to the Decision Notice and RfRs, only paragraph 116 of the NPPF is referenced. Paragraph 116 relates to the determination procedure of developments which present highways safety issues:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

### Planning Practice Guidance

4.56 The Appellant will refer to relevant national documents, including the National Planning Practice Guidance (PPG) and emerging policies and guidance where relevant.

### Kirklees Five Year Housing Land Supply and Housing Delivery Test

4.57 The most up to date five year housing land supply position for Kirklees Council is set out in the 2023 update and stated 3.96 years of housing supply. This falls short of the requisite five years as required by paragraph 78 of the NPPF.

4.58 The Housing Delivery Test (HDT) is published by Government each year. The HDT is an annual measurement of housing delivery for each local authority area against the number of homes required for the last three years. The latest publication, the 2023 measurement, identifies just 54% delivery.

### Kirklees Interim Housing Position Statement to Boost Supply (February 2024)

4.59 In February 2024, acknowledging the lack of ability to demonstrate a five-year housing land supply, the Council released an Interim Housing Position Statement to Boost Supply (CD 6.3). The Statement acknowledges that the lack of five-year housing land supply triggers a presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, also known as the tilted balance.

4.60 At paragraph 4.6 of the Statement it is stated:

*“In the absence of a five-year housing land supply, the most relevant policies are deemed out of date. As the Local Plan safeguarded land policy (LP6) relates to the supply of land for development, including for housing, this policy is considered to be out of date. As such, these sites provide potential development opportunities that could be facilitated through their early release for housing where development constraints can be overcome.”*

- 4.61 This is reiterated within Principle 2 of the document which attributes substantial weight to the presumption of sustainable development (applying the tilted balance). For housing development on land identified as safeguarded land in the Local Plan, the Interim Position identifies that “*these provide potential development opportunities that could be facilitated through the early release for housing where development constraints can be overcome*” (paragraph 4.6).
- 4.62 Whilst the Interim Statement does not replace the Development Plan for decision making, it does form a material consideration as part of the decision-making process and sets out measures for the Council to proactively support housing delivery. The Council are clear through the Interim Statement that at Principle 2 – Safeguarded Land that:

*“Principle 2 – Safeguarded Land*

*Substantial weight will be given to the presumption in favour of sustainable development for housing development on land identified as safeguarded land in the Kirklees Local Plan, where constraints to development can be overcome.*

*Planning permission will be expected to be granted if proposal constitute sustainable development and accord with other relevant policies set out in:*

- The National Planning Policy Framework;
- The Kirklees Development Plan
- Kirklees Supplementary Planning Documents and other planning guidance.

*The council will continue to consider planning applications on their individual merits.*

*It will be expected that proposals on safeguarded land are capable of being brought forward and built out in a timely manner.”*

- 4.63 This position is recognised and acknowledged within the planning balance as set out in the Officer’s Delegation Report (CD 3.1).
- 4.64 The Interim Statement is reinforced as a housing tool in the Council’s latest Housing Delivery Test Action Plan, May 2025 (CD 6.12) as a response to boost housing delivery within the authority.

#### Emerging Kirklees Local Plan

- 4.65 The Council launched a Kirklees Local Plan Early Engagement in late 2024. The consultation ran from 25 November to 28 February 2025. Feedback from this consultation will help shape the vision and objectives and help the Council identify what are to be the main challenges and opportunities when we are planning for the future of Kirklees.
- 4.66 To date, there are no strategies or proposals from an emerging Plan that could carry any weight in this appeal case.

## 5. Matters to be considered at the Inquiry

5.1 The appellant considers those matters to be considered at the Inquiry are as follows: -

- Planning Policy and status of the Development Plan;
- The Housing Land Supply position and the need for Safeguarded Land to boost supply;
- Highway Capacity and Safety;
- Planning Obligations and S106 agreement; and,
- The Planning Balance.

5.2 These matters are derived from the key issues as identified within the Decision Notice (CD 3.2). The Reasons for Refusal (RfR) are set out below:

1. *The detrimental impact of development traffic on the local highway network, namely Stone Wood Lane, would adversely impact the safe and efficient movement of traffic by all modes, and be particularly detrimental to active travel users. Mitigation measures have been proposed to Stone Wood Lane which are considered to be insufficient to mitigate harm of additional vehicle movements generated by the proposal. The proposal would therefore result in unacceptable impacts on highways safety and the amenity of active travel users utilising the route, contrary to Kirklees Local Plan LP21 (a, b, e), LP23 and LP24 (dii) and paragraph 116 of the National Planning Policy Framework.*
2. *There is insufficient information supporting the application relating to requirements to support local infrastructure, to off-set the impacts of additional housing provision. A Section 106 agreement is required to ensure contributions towards the provision of affordable housing, education, on and off-site public open space, and the ongoing management and maintenance of on-site facilities including the public open space, drainage infrastructure (until adoption), and on-site significant ecological habitats. In the absence of an agreed Section 106 agreement, the proposed development therefore fails to achieve requirements of policies LP4, LP11, LP28, LP30 (i), LP49 and LP63 of the Kirklees Local Plan.*

## 6. The Appellant's Case

- 6.1 This section of the Appeal Statement identifies the planning considerations and provides an assessment of those matters referred by the Local Planning Authority in formulating the refusal notice for this appeal scheme. These matters will be explored further in Proofs of Evidence to the Inquiry.
- 6.2 The avoidance of doubt the reasons for refusal are limited to a matter of highways safety and the lack of an agreed Section 106 agreement.
- 6.3 The Appellants are seeking to agree matters of common ground with the Council. At this time the Statement of Common Ground (SoCG) is in draft form.

### Principle of Development

- 6.4 It is the Appellant's case that the principle of development of this safeguarded land site is acceptable.
- 6.5 The site is identified as safeguarded land allocation SLS30. Under Policy LP6 it is intended that safeguarded land allocations are protected for potential future development and the status of such sites will only change through a review of the Local Plan.
- 6.6 No Local Plan review has taken place within the Kirklees authority since the adoption of the Local Plan in 2019, despite it now being 5 years old. The site therefore remains safeguarded and the development of the site is strictly contrary to policy LP6 of the Local Plan.
- 6.7 However, the Council has acknowledged that the authority is currently not able to deliver a five-year housing land supply, identifying just 3.96 years' worth of supply as the latest stated position.
- 6.8 In line with footnote 8 of the NPPF, where an authority is unable to deliver a five-year housing land supply the policies which are most important for determining the application are out of date. On this occasion Policy LP6 would be one of the policies most important for the determination of the appeal and is therefore out of date.
- 6.9 Most important policies for the determination of the appeal are not only out of date by virtue of the lack of a housing land supply but also through the failure of the Housing Delivery Test.
- 6.10 It is noted that the Officers Report references a HDT measurement of 64%. This relates to the 2022 measurement. Under the provisions of paragraph 80 of the NPPF the Housing Delivery Test results remain until superseded by the next iteration. Upon adoption of the 2023 measurement, it should have been these results to which the Council referred. In any event, the consequence remains the same, although the problem the Council has with delivery has become materially worse. Both the 2022 measurement (64%) and the 2023 measurement (54%) fall short of 75%, as a consequence is the tilted balance of the NPPF is engaged.
- 6.11 Furthermore, the reduction in housing delivery between the 2022 and 2023 measure only serves to further highlight a worsening delivery record within the authority and a growing shortfall in housing.
- 6.12 The Officer's Delegation Report (CD 3.1) recognises and accepts the out-of-datedness of policy LP6 stating:
 

*"In the absence of a five year housing land supply, the most relevant policies to this application are deemed out of date. As the Local Plan safeguarded land policy (LP6) relates to the supply of land for development, including for housing, this policy is considered out of date. As such, safeguarded sites provide a potential development opportunities that could be facilitated through their early release for housing where development constraints can be overcome."*
- 6.13 This is further reaffirmed in the Kirklees Interim Housing Position Statement to Boost Supply (February 2024) (CD 6.3) where it is confirmed that "substantial weight will be given to the

*presumption in favour of sustainable development on land identified as safeguarded in the Kirklees Local Plan".*

- 6.14 In the context of the engagement of paragraph 11d of the NPPF and the tilted balance any conflict arising with Policy LP6 of the Local Plan and the development of this safeguarded site would attract very limited weight.
- 6.15 This matter has been tested on numerous occasions at appeal. Very recently an appeal for residential development on land north of Hemingfield Road, Hemingfield in the neighbouring Local Authority of Barnsley, part of a Safeguarded Land site was allowed by the Inspectorate (CD 7.2). Like this appeal case, the authority could not demonstrate a five-year housing land supply. Whilst the Inspector found that development of the Safeguarded Land, ahead of a Local Plan Review, would be a conflict with the relevant policy, that conflict would be reduced in light of the housing delivery shortfall and the contribution of the proposal towards housing delivery targets would be given very substantial weight.
- 6.16 It is confirmed that the appeal site or proposals would not affect the application of polices that protect areas or assets of particular importance; it is not a SSSI, designated as Green Belt, Local Green Space, a National Landscape, National Park or Heritage Coast. The site does not contain any irreplaceable habitats, designated heritage assets or assets of archaeological interest or areas at high risk of flooding.
- 6.17 The eastern boundary of the site abuts ancient woodland, an irreplaceable habitat which requires consideration of paragraph 11(d)(i) in the Framework. However, owing to the distance between ancient woodland and the developable area of the site, as well as site topography, there would be no adverse impacts to ancient woodland. There is consequently no reason, let alone any strong reason for refusing development on that basis; this is discussed later within the Report. The tilted balance is therefore fully engaged and not disengaged by reference to NPPF 11 d) i.
- 6.18 The commentary below also identifies that there are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the harms. The principle of development under the tilted balance is therefore met.

## Sustainable development

- 6.19 It is the Appellant's case that the proposals constitute sustainable development. Although the development plan is the starting point for decision-making, the presumption in favour of sustainable development is always applicable and must be integrated into the planning balance. Therefore, it is essential to assess the proposals against the three dimensions of sustainable development: economic, social and environmental.
- 6.20 The appeal site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links via Rail and Bus with acceptable walking distances. Supporting the application submission was a Transport Assessment (CD 1.23). Section 3 of the Assessment refers to the sustain transport provision confirming that the site is within walking and cycling distance of a range of local amenities including rail station and a number of local pubs and beauty salon.
- 6.21 Through the allocation of both housing sites and Safeguarded Land within the settlement of Stocksmoor, the Council have recognised the settlement as capable of accommodating additional growth. Through the allocation of the appeal site as Safeguarded Lane and for development in the longer term, the Council recognise the site as a sustainable location for development. The site assessment provided to the Local Plan Examination (CD 6.8) confirms in the accessibility heatmapping the site was classed as moderately 'green' in terms of its access to features assessed. Therefore, a minor positive effect on Strategic Objective 10, *secure an effective and safe transport network which encourages people to make use of sustainable and active modes of transport*, is likely.

## Social

- 6.22 The proposed development will deliver substantial social benefits that weigh significantly in favour of the appeal when assessed against the planning balance.
- 6.23 The scheme will make a meaningful contribution to meeting both market and affordable housing needs within the local area. In the context of the Council's acknowledged inability to demonstrate a five-year housing land supply, the last published position being 3.96 years, the delivery of 49 no. new dwellings carries significant positive weight. The appeal proposal would assist in addressing this shortfall, providing much-needed homes that will help to meet local demand and contribute to the Government's objective of significantly boosting the supply of housing.
- 6.24 The development proposes a varied mix of house types, sizes and tenures, ensuring that it meets the diverse needs of the community. The inclusion of affordable housing will help to promote social inclusion and provide opportunities for a wider cross-section of society to access high-quality homes. Of the 49 no. proposed dwellings, the delivery of 20% (10 no. dwellings) as affordable is of very substantial weight. All dwellings have been designed to be fully compliant with the Nationally Described Space Standards (NDSS), ensuring that future residents benefit from appropriate internal space standards that support a good quality of life.
- 6.25 The scheme incorporates high-quality, accessible and usable public open space (POS), designed to encourage social interaction, active lifestyles, and community cohesion. The provision of such well-planned green infrastructure will contribute positively to the creation of a healthy and inclusive community, in line with the aims of the NPPF to promote social well-being and sustainable development.

## Economic

- 6.26 The proposed development would achieve a breadth of economic benefits during the construction and operation phases of the development. During the construction phase the development would support direct and indirect construction jobs on-site and in the wider supply chain over the build programme, and contribute gross value added (GVA) to the economy through spend within the construction sector.
- 6.27 During the operational phase of the development, the development would increase the labour force and by association increase local expenditure and the demand for local services; thereby improving their vitality and viability. The Developer would provide monies to the local authority in the form of S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.
- 6.28 The economic benefits associated with the scheme are considered to attract significant weight in the planning balance.

## Environmental

- 6.29 Only offsite highways works have been considered to be of concern to the Council to substantiate a RfR. As demonstrated through the Statutory Consultee responses and Officers Delegation Report there are no other matters pertaining to the environmental strand of sustainable development that give rise to significant harms.
- 6.30 Within the development proposals, and the supporting documentation, there are a number of matters which would give rise to significant benefits. Such matters are set out in the commentary below.

- 6.31 The site is at the lowest risk of flooding and a suitable drainage scheme has been submitted in support of the appeal. Both the LLFA (Cd 4.9) and Yorkshire Water (CD 4.8) confirm the proposals as acceptable subject to suitably worded conditions to secure a drainage scheme.
- 6.32 A number of existing trees are located to the site boundary. The supporting Arboricultural Assessment (CD 1.25) identifies a total of 4 trees or tree groups to be removed in order to facilitate the development. All four trees/ groups are located on the southern boundary, three of which T1, T2 and T3 are required to be removed to facilitate the access point. All trees for removal are identified as Category C specimens.
- 6.33 The accompanying Landscape Masterplan (CD 2.2) identifies proposed tree planting across the site including species such as Cherry and Copper Beech etc. Details of the landscaping specifications can be secured through planning condition. However the Landscape Masterplan is clear that significant new tree planting can be delivered on site, many of which are within the public realm and would be managed under the ManCo. The Council's Tree Officer (CD 4.11) confirms "*The removal of T1, T2 and T3 to facilitate the access road to the site is a tolerable loss due to their category C classification. Also, the loss of these trees can be mitigated through the new planting suggested.*"
- 6.34 As previously discussed, the Planning Layout as due regard to the ancient woodland to the east of the site. A significant buffer of 50m between the woodland and any proposed dwelling is provided, in excess of a 15m buffer as set out in national guidance. The Tree Officer (CD 4.11) confirms that "*the design is a sufficient distance from the ancient woodland to the east that there should be no impact whatsoever.*"
- 6.35 The NPPF is clear at paragraph 11d i) that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 goes on to confirm that irreplaceable habitats would constitute an asset of particular importance; ancient woodland would fall into this category. In this case the proposal would not give rise to any harm to the ancient woodland and would certainly not provide strong reason for refusal.
- 6.36 As already set out above, the proposals do not require any works to the ancient woodland which is located offsite. The Tree Officer has confirmed that there "*should be no impact whatsoever*". The EclA also addresses the matter. It is confirmed that during the construction phase fencing shall be installed to maintain as large a buffer as possible, at least 15m to prevent direct impacts to the woodland. It is confirmed that water pollution prevention measures will also be in place to avoid impacts to the wood. Once operation no impacts are anticipated as the discharge will be uncontaminated water which will travel through an oil separator prior to outfall. Such measures can be secured through appropriately worded condition.
- 6.37 Overall, the EclA confirms that the proposed site layout, including separation distance between the proposed dwellings and woodland, placement of POS, lack of connection between the site and woodland, tree and hedge landscaping proposals to the eastern boundary of the site and the natural topography of the site which steeply slopes eastwards would discourage access from the development to the woodland.
- 6.38 Measures to minimise dust between the site and woodland and minimised light disturbance during construction can also be implemented through a Construction Management Plan and secured through appropriately worded condition. Having regard to the full suite of mitigation measures as set out in the EclA it is considered that there is no significant adverse effect is predicted upon Upper and Lower Stones Wood LWS and Shepley Mill Woods Ancient Woodland.
- 6.39 Natural England (CD 4.12) raised no objection to the proposal and confirms that "*the proposal development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes*".

- 6.40 The application is supported by the Biodiversity Metric (CD 2.9). Having regard to the Planning Layout (CD 2.1) and Landscape Masterplan (CD 2.2) the Metric identifies a 10.93% net gain in habitat units to be delivered on site. The delivery of over 10% net gain in habitat units should be considered a significant benefit.
- 6.41 The Officers Delegation Report (CD 3.1) confirms that the submitted details in relation to BNG are acceptable and deemed sufficient for the purposes of the application. Overall the Officer confirms that the works proposed provide significant benefit from an ecological perspective and such measures to secure the BNG will be set out in the Section 106 agreement.

### Reason for Refusal 1

- 6.42 RfR1 relates to matters of 'off-site' highways only. It is the only substantive dispute. The Appellants Case in response to RrR1 is contained in the Highways and Transportation Statement of Case (H&T SoC) provided at Appendix 3 by Optima Highways.
- 6.43 It is considered that matters relating to the accessibility of the site, the details of the proposed access point and internal road layout including parking provision (as set out with this Statement) are all matters which do not form part of the RfR and are to be agreed with the Council in the SoCG. Both the Highways DM consultation response and Officer's Delegation Report are clear that these matters do not result in insurmountable issues which cannot be resolved through either the layout amendments provided as part of Rev J (Appendix 1) or through suitably worded conditions.
- 6.44 The Council has alleged that the proposed development would generate unacceptable additional traffic along SWL. The Council state that SWL is not considered suitable for any further intensification in use without improvement. This position is well documented in Highways DM responses (CD 4.14 and 4.16) and the Officer's Delegated Report (CD 3.1). It is further alleged that due to the physical constraints of SWL, appropriate improvements do not appear deliverable in the highway boundary.
- 6.45 Firstly, referring back to paragraphs 4.10 to 4.23 of this Statement, it is clear that access and highway capacity has been considered during the Local Plan process and the allocation of this site as Safeguarded Land. No concern in relation to the ability of SWL to acceptably take additional car movements as a result of further development at this site or another allocated site within Stocksmoor was identified during the Local Plan process.
- 6.46 The H&T SoC (Appendix 3) has sought to quantify the additional traffic movements expected to be generated as a result of the proposed development.
- 6.47 The H&T SoC identifies that the proposed development would generate a total of 28 two-way vehicle movements throughout the busiest weekday morning (08.00 to 09.00) and evening (17.00 to 18.00) peak hours. Such a level of impact is below the 30 unit two-way trip threshold where further assessment work may be required. As set out in the previous national Guidance on Transport Assessments GTA document (now withdrawn) below the threshold the impact could be considered non-material. Whilst the Government's current Planning Practice Guidance (PPG) does not specifically refer to 30 two-way trips per hour this remains a threshold which is generally applied within the industry including by many local highway authorities and National Highways.
- 6.48 However, traffic flows are likely to be distributed throughout the local highway network; not all journeys will be made along the Shepley Road/SWL corridor. Having regard to the analysis in Section 5.6 of the H&T SoC it is evidenced that the development would generate a maximum of 7 two-way vehicular movement along SWL during the morning and evening peak hours. This represents just 25% of the total vehicle movements predicted as a result of the development and fall significantly below the 30 two-way trip threshold as referenced above.
- 6.49 It is evident by any measure that an additional 7 two-way vehicular trips along Stone Wood Lane, which equates to one additional vehicle every 8½ minutes, represents a 'non-material' impact.

Furthermore, in terms of the volume of development, the additional trips are certainly not 'severe' which is the test applied in paragraph 116 of the NPPF. The matter of unacceptable 'highway safety' referenced in the same paragraph of the NPPF is considered in Chapter 6.

- 6.50 Adding the anticipated proposed development traffic to flow along SWL to the 2030 base flows, the general design flows at 2030 are set out in Table 5.19 of the H&T SoC and replicated below:

Table 5.19 Shepley Road/Stone Wood Lane Corridor - 2030 Design Traffic Flows

Time Period	Two-way Vehicle Movements		
	2030 Base Flows	Development Trips	2030 Design Flows
AM Peak Hour (08:00 to 09:00)	69	7	76
PM Peak Hour (17:00 to 18:00)	78	7	85

- 6.51 The appeal proposals include a number of offsite highway works to SWL. The proposed improvements were submitted to the Council through the TAA (CD 1.33) and were before the Council at the point of determination.
- 6.52 Full details of the SWL improvement works are set out in Section 2 of the H&T SoC. It is not necessary to repeat the details here. The improvements are also shown on drawing nos. 24071/LE-00-ZZ-DR-D-0110 & D-0111, provided to the appeal at both Appendix E of the TAA (CD 1.33) and Appendix K to the H&T SoC.
- 6.53 In summary, over the full 890m length of the Stone Wood Lane/Shepley Road corridor there are nine improved passing places proposed. All of these are less than 60m from each other, except for two which are 72m and 110m apart from an adjacent passing place.
- 6.54 The proposed improvements are materially beneficial because they increase the length of the passing place to accommodate additional vehicles, provide greater room for pedestrians/cyclists to shelter, reduce inter-visibility between passing places and the separation distances between them. It is concluded that the proposed SWL highway improvements will not only mitigate the low impact of the development proposals but will also provide a betterment to existing users of the route including pedestrians, cyclists, horse riders and drivers.
- 6.55 The off-site improvement works are considered to result in a benefit to all users of SWL which will weigh positively in the planning balance.
- 6.56 Paragraph 116 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be **unacceptable impact on highway safety**, or the **residual cumulative impacts on the road network, following mitigation, would be severe**, taking into account all reasonable future scenarios. The Highways and Transportation Statement of Case is clear that the proposals would not result in an unacceptable impact on highway safety or residual impacts that would be severe. The level of traffic generated by the development can be appropriately accommodate within the local highway network and the off-site improvement works to SWL would result in a benefit to all users. The Council's reason for refusal cannot be substantiated.

## Reason for Refusal 2

- 6.57 RfR2 relates solely to the lack of information arising as a result of a lack of agreed Section 106 agreement.

- 6.58 Given the delegated nature of the refusal, the Appellant was not afforded the opportunity to enter into detailed discussion with the Council regarding the drafting of the legal agreement.
- 6.59 RfR2 can be resolved through the provision of an agreed Section 106. It is the Appellant's Case that the necessary planning obligations can be secured through an appropriately wording Section 106 agreement to be presented at the Public Inquiry. A draft Section 106 agreement is provided with the appeal submission for discussion with the Local Authority
- 6.60 It is noted that the Officer's Report sets out a number of planning obligations. The Appellant's draft Heads of Terms are provided below and will be matters for agreement through the Statement of Common Ground and the finalisation of the draft Section 106 agreement. Upon agreement of the Section 106 agreement this reason for refusal cannot be substantiated.

### Draft Heads of Terms

#### Affordable Housing

- 6.61 Delivery of 20% Affordable Housing equating to 10 no. units on site in line with the requirements of Policy LP11. The proposed affordable housing mix as set out on The Planning Layout Rev J (Appendix 1) is as follows :
- 1 bed properties x 2 units (20%)
  - 2 bed properties x 5 units (50 %)
  - 3 bed properties x 3 units (30%)
- 6.62 The Council's tenure split request for 3 no. x First Homes, 2 no. x other form of intermediate and 5 no. x affordable or social rent is noted.

#### Public Open Space

- 6.63 It is the Appellant's view that a quantum of on-site public open space can be facilitated within the site. Included at CD 2.7 is an open space typologies plan setting out provision of the following on site POS:
- Amenity green space – 1,714 sqm
  - Children and young people – 753 sqm
  - Natural and Semi-natural green space – 6,327 sqm
- 6.64 However, there is also an expectation for offsite financial contributions towards other forms of public open space including outdoor sports facilities and parks and recreation grounds where deemed necessary. Calculation of any offsite contributions will have regard to the provisions of the Open Space SPD.
- 6.65 The Appellant welcomes further discussion with the Council on this matter.

#### Education

- 6.66 The Statutory Consultee response from Kirklees Council states a financial contribution of £25,681.00 is required towards education provision (CD 4.3). The Officer's Delegation Report confirms this figure and states that it is agreed with the applicant. The contribution is accepted by the Appellant and considers it meets the requirements of Policy LP 49 of the Local Plan.

#### Travel Plan Monitoring Fee

- 6.67 The Appellants commit to a Travel Plan monitoring fee of £10,000 (£2,000 per annum for five years).

#### Sustainable Travel Fund

- 6.68 A financial contribution will be provided for the provision of MCard scheme for future residents. This will be the subject of discussion and agreement.

### Management and Maintenance

- 6.69 The legal agreement is anticipated to secure the ongoing maintenance and management of drainage infrastructure (prior to adoption by a statutory undertaker), Public Open Space, any Ecological Net Gain features for a period of 30 years and any other on site amenity area outside of dwelling curtilage.

## 7. Summary and Conclusion

- 7.1 This Planning Appeal is being submitted by the Appellant, Newett Homes, against the refusal of planning permission for 50 dwellings.
- 7.2 The Decision Notice contains two Reasons for Refusal:-
- Reason 1: Off -Site highway capacity/safety concerns
  - Reason 2: The lack of a S106 Agreement
- 7.3 Reason for Refusal No.2 will be resolved through a S106 Agreement which then leaves Reason for Refusal 1 to address through evidence.
- 7.4 The Inspector is respectfully requested to determine this appeal on the basis of the 49 dwellings scheme set out in appeal documentation CD 2.1 to 2.9, reflective of Planning Layout Rev J (provided at Appendix 1). As demonstrated within this Statement the documentation was submitted to the Council in advance of the application determination. The Council within statutory consultee comments and the Officer's Delegation Report have acknowledged the 49 units scheme and the measures it provides to addresses minor layout concerns which the Local Authority consider suitable to be dealt with via condition.
- 7.5 The overlay at Appendix 2 of this Statement demonstrates the changes are not substantive in comparison to Rev G upon which the Council determined the application. An appropriate publicity exercise has been devised to ensure no party is prejudiced.
- 7.6 Notwithstanding the above it is recognised that details of layout do not form part of the reason for refusals which, of a technical nature, are focused on off-site highways matters.
- 7.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicated otherwise. The Kirklees Local Plan is not up to date having reached five-years-old and not yet been formally reviewed. In addition, the Council acknowledge it is unable to demonstrate a five-year housing land supply and as such the tilted balance at paragraph 11d is engaged. This Statement has demonstrated that the application of policies that protect areas or assets of particular importance which would provide a strong reason for refusing development, do not indicate that the proposal should be restricted. Consequently, the presumption in favour of sustainable development applies, and planning permission should be granted without delay.
- 7.8 The site is currently identified as Safeguarded Land in the Local Plan. This Statement acknowledges some, albeit limited, conflict with the development plan and policy LP6. It is identified that the site is designated as a safeguarded land site intended to meet development needs in the long term. In response to the lack of five-year housing land supply the Council have published an Interim Position Statement to Boost Supply which confirms that safeguarded land sites can provided a contribution to the supply should constraints be overcome. The harm arising from this conflict is therefore limited.
- 7.9 The principle of development is considered to be accepted and the Council have not disputed this fact. There is no reason for refusal which addresses the principle of development.
- 7.10 The Appellant disputes the reasons for refusal and the Appellant's statement has demonstrated that the proposed development would secure high-quality and well-designed development that has a strong character and attractive appearance that is appropriate to for the locality and is sympathetic to the amenity of existing neighbouring occupiers.
- 7.11 This Statement has identified that there are no technical reasons which are not insurmountable through mitigation measures to be secured by way of appropriately worded condition or Section 106 legal agreement.

- 7.12 In relation to Reason for Refusal No.1, the H&T SoC clearly demonstrates that levels of traffic generation from the proposed development would be considered non-material; resulting in 28 two-way traffic movements in the peak morning and evening hours, of which just 7 two-way units are expected to be distributed to SWL.
- 7.13 A scheme of improvement works is proposed along SWL as part of the appeal scheme. It is concluded that the proposed SWL highway improvements will not only mitigate the low impact of the development proposals but will also provide a betterment to existing users of the route including pedestrians, cyclists, horse riders and drivers.
- 7.14 It has therefore been demonstrated that the proposed development passes the NPPF test (para 116) and it will not have an **unacceptable impact on highway safety**. To the contrary, it will deliver highway safety benefits, and as such it also complies with the Kirklees Local Plan policies LP21(a, b, e), LP23 and LP24(dii) which require the safe/efficient flow of traffic on the local highway network, the provision of improvements to deliver this and the promotion of walking/cycling. The RfR cannot be substantiated.
- 7.15 RfR 2 will be addressed through the agreement of a Section 106 legal agreement, a draft of which supports the appeal submission.

### Planning Balance

- 7.16 This Statement has identified a number of benefits associated with the proposal. The list below summaries the benefits identified and attributes weight to each matter.

#### Benefits:

- 7.17 Very substantial weight to delivery of housing in the context of no five year-housing land supply on a site which is in a highly sustainable location.
- 7.18 Very substantial weight to the delivery of affordable housing in the context of historic under delivery of affordable housing across the borough.
- 7.19 Significant weight to delivery of Biodiversity Net Gains, in excess of 10%.
- 7.20 Significant weight to the ecological measures embedded within the scheme which would result in significant positive benefits at a local level.
- 7.21 Significant weight to the offsite highway improvements to SWL.
- 7.22 Significant weight should be afforded to the economic benefits of the proposal.

#### Harms:

- 7.23 In terms of adverse impacts, it is identified that the proposal will result in the development of a greenfield site. This carries very limited weight in the context of meeting the borough's local housing need.
- 7.24 A degree of conflict with the development plan has been identified, although the planning harms that arise from this are limited. The acknowledged development plan conflicts should not weigh heavily against the proposal in the planning balance.
- 7.25 The Council have alleged that there is harm arising through the detrimental impact of development traffic on the local highway network at SWL which would adversely impact the safe and efficient movement of traffic by all modes, and be particularly detrimental to active travel users. This Statement and the appended H&T SoC are clear that the development proposals would generate a level of traffic that would represent a non-material impact. Furthermore, the proposed offsite improvement works to SWL would not only mitigate the low impact of the development proposals but will also provide a betterment to existing users of the route including pedestrians, cyclists, horse riders and drivers. As such no highways harm arises as a result of this appeal proposal.

## Overall Balance

- 7.26 Turning to the overall planning balancing exercise, the titled balance is engaged. The limited harms identified would not significantly and demonstrably outweigh the benefits of the proposal. The balance is firmly in favour of a grant of planning permission. It is for these reasons the Appellants respectfully requests the Inspector allows this appeal.

Appendix 1. Site Layout Plan Rev J– 49 dwellings



- Site Boundary
- Proposed Fencing
- Alternative Units
- Existing stone wall to be retained
- Existing Enclosing
- Proposed Enclosing
- Ash Road
- Shared Surface
- Access Way (LAMP)
- Potential LULUs area
- 15M buffer to Ancient Woodland
- Existing Stone Wall retained
- Proposed stone wall to match existing
- EV charging point
- Cycle storage
- Vehicle overflow barrier

Development Statistics	
Plot Area	10,000 sqm
Site Area	10,000 sqm
Net Area	10,000 sqm
Useful Area	10,000 sqm
Plot Ratio	0.2
Site Ratio	0.2
Net Ratio	0.2
Useful Ratio	0.2
Plot Coverage	20%
Site Coverage	20%
Net Coverage	20%
Useful Coverage	20%
Plot Density	20 units/ha
Site Density	20 units/ha
Net Density	20 units/ha
Useful Density	20 units/ha

Date	Description	By
01/02/23	Initial design	D
10/02/24	Final design	E
10/02/24	Approved	F
12/02/24	Approved	G
06/11/24	Approved	H
06/11/24	Approved	I
06/11/24	Approved	J

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Scale: 1:500  
 Date: 15/01/2025  
 Drawing No: 2158/100  
 Rev: J

## Appendix 2. Overlay Plan



**SHEPLEY ROAD, STOCKSMOOR – OVERLAY PLAN**

PEGASUSGROUP.CO.UK | TEAM/DRAWN BY: VB | APPROVED BY: PC | DATE: 20/10/2015 | SCALE: 1:500 @A1 | DRAW: P25-2788\_DE\_01\_001 | CLIENT: NEWETT HOMES



## Appendix 3. Highways and Transportation Statement of Case