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

Appeal reference: APP/Z4718/W/25/3375000
Application reference: 2024/91242
Site: Land north east of, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW
Description of development: Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure
Appellant: Newett Homes
Date: 24th December 2025

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

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Introduction

1. This document forms the Statement of Case of the local planning authority (LPA), in accordance with the 'Statement of case' guidance in the Planning Inspectorate's *Procedural Guide: Planning appeals – England*, updated 1 December 2025.

2. The statement addresses the reasons for refusal on the LPA's decision notice, sets out the LPA's outline case and the LPA's arguments as to why it considers planning permission should be refused, responds to the Appellant's statement of case and identifies the areas of difference.

3. The LPA's decision notice was issued on 24th April 2025. The application was refused for 2 reasons. Each of these will be considered in turn, including with reference to the key relevant matters, the areas of difference and the relevant evidence to be referred to.

4. As per the Planning Inspectorate's guidance, this statement does not repeat or duplicate information which is in the Officer Report. Relevant planning history, policies and guidance are set out in the Officer Report and, therefore, are not duplicated here. However, reference is made to the Officer Report as necessary.

5. The statement also considers the planning balance and sets out the LPA's conclusions.

6. The plans and documents which formed the basis of the LPA's decision are listed in the Plans and specifications schedule on the LPA's decision notice.

7. A list of documents which are considered relevant to the appeal, and which the LPA will be referring to and relying upon, is provided. The LPA reserves the right to refer to such other documents as it considers necessary.

The case for the LPA

8. The LPA's evidence will consider the Appeal scheme in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, specifically, whether the proposed development would be in accordance with the development plan and, if not, whether there are material considerations which indicate that planning permission should be granted.

9. The LPA's evidence will consider the weight to be given to relevant development plan policies, and to national planning policy and guidance, including in the context of the LPA's current housing land supply and housing delivery position.

10. The LPA's evidence will also consider the weight to be given to any benefits that would arise from the development, insofar as they amount to benefits and are not simply mitigation.

11. As the LPA is currently unable to demonstrate a 5 year supply of deliverable housing sites and the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, the LPA will set out that the adverse impacts of granting permission for the development would significantly and demonstrably outweigh the benefits, having regard to the presumption in favour of sustainable development set out in Paragraph 11.d) of the National Planning Policy Framework. For the avoidance of doubt, the LPA accepts that none of the policies listed in footnote 7 of

the NPPF are engaged in this case with reference to the LPA's reasons for refusal, and so paragraph 11(d)(i) of the NPPF is not relevant to this appeal.

Reason for refusal 1 – Highways

12. Reason for refusal 1, relating to highways matters, is:

> *"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 Stoney Wood Lane which are considered to be insufficient to mitigate the harm of additional vehicle movements generated by the proposal. The proposal would therefore result in unacceptable impacts on highway safety and the amenity of active travel users utilising the route, contrary to Kirklees Local Plan Policy LP21(a, b, e), LP23, and LP24(dii) and paragraph 116 of the National Planning Policy Framework."*

13. The site is located on Shepley Road to the east of Stocksmoor. Access to the site is currently via a field gate on to Shepley Road, which is a single carriageway two-way road that is subject to a 30mph speed limit along the site frontage and to the west leads to the main residential area of Stocksmoor. Immediately to the south of the site frontage, the speed limit on Shepley Road changes to National Speed Limit (NSL = 60mph in this location) and the road name changes to Stone Wood Lane further to the south, which then leads to Shepley village circa 1.05km travel distance to the east.

14. The development proposals were subject to a pre-application consultation with the Local Planning Authority in early 2024. This involved a pre-application meeting with the applicant and the designer, and a formal pre-application response was provided by the LPA that included comments provided by the Councils Highway Development Management (HDM) Team. The pre-application response highlighted concerns relating to the proposed site layout and site access proposals. Concerns were also raised regarding the significant level of development traffic that was likely to be generated along Stone Wood Lane, as it is the most direct route to the local amenities available in Shepley (school, shops, medical facilities etc) and for onward journeys to the south. These concerns related to a number of physical constraints along the route, including it being single track width for long sections, having restricted forward visibility, lack of adequate passing places, no pedestrian provision, and being subject to the national speed limit. It was also noted that the road forms part of National Cycle Network (NCN) Route 627 (Kirkburton to Millhouse Green). The HDM response concluded that it did not appear feasible to deliver significant improvements to address the existing deficiencies on Stone Wood Lane due to highway boundary constraints, including the provision of additional passing places, which would likely require land beyond the existing highway boundary. The pre-application response also advised of the highway and transport related information that would be required to support a planning application, including the requirement for a Transport Assessment / Statement and Travel Plan, with the scope of the assessments to be agreed in advance with the LPA.

15. A planning application was then submitted on 30/04/24, which was supported by a Transport Assessment and Travel Plan. However, the scope of the Transport Assessments was not agreed in advance with the Council, contrary to the pre-

application advice, and the proposals did not propose any improvements to Stone Wood Lane to mitigate the impact of development traffic. On the contrary, the Transport Assessment attempted to justify why development traffic would not use Stone Wood Lane, with a very low and unrealistic traffic distribution rate of between 3.8% - 20% of development traffic suggested to utilise this route.

16. The development proposals as originally submitted had taken into account some of the main concerns relating to the site layout and site access. It was confirmed in the Highway Development Management (HDM) consultation response of 14/10/24 that the principle of the site access on to Shepley Road was considered appropriate, including the realignment of the bend to improve forward visibility and to allow vehicles to safely pass. However, further changes to the site access arrangements were sought to address outstanding technical matters, together with a request for additional supporting information (including additional speed survey data, level information and swept path analysis, amongst other things). It was also confirmed that whilst the general principle of the revised site layout was now acceptable, further changes and additional supporting information were required, as the proposed streets had not been designed in full accordance with Kirklees Highway Design Guide SPD (and other relevant guidance), and so were not suitable for adoption at that time. It was also advised that subject to revised information being provided that adequately addressed the outstanding site access and site layout issues, a Stage 1 Road Safety Audit (RSA) would then be required.

17. The Council's Highway Development Management (HDM) consultation response of 14/10/24 highlighted a number of deficiencies with the traffic assessment methodology including in the supporting Transport Assessment. This included concerns with the development trip generation assessment that had not been undertaken in accordance with good practice guidance, including no consideration of trips by modes other than motor-vehicles, and making no attempt to take into account the site's low level of accessibility for pedestrians and cyclists. Concerns were also raised regarding the unrealistic traffic distribution assumptions that had been used in the assessment, which included an assumption that development traffic would avoid using Stone Wood Lane and utilise the longer route via Penistone Road/Abbey Road when travelling to/from Shepley. Concerns were also raised regarding the submitted Travel Plan, which did not include ambitious targets to reduce single occupancy car trips, nor agree to provide either the Residential MCard scheme or the Residential Travel Plan Fund that had been identified to be required at the pre-application stage, together with the Council's required Travel Plan Monitoring Fee.

18. The HDM consultation response also reiterated the concern regarding the development traffic impact (which had not been adequately assessed) along Stone Wood Lane, including the adverse impact on its operation, both for drivers, but more importantly for pedestrians and cyclists, who would be at increased risk of collisions with passing and reversing vehicles. On-site observations were also highlighted, with drivers observed having to reverse back for a substantial distance to reach a point where passing could occur due to the lack of adequate passing places, with this problem compounded when multiple vehicles arrive together, resulting in these vehicles having to reverse back even further until there is space for multiple vehicles to pass. The response highlighted what was deemed necessary in terms of adequate passing places for this type of single-track road.

This was based on research by the Transport Research Laboratory (TRL) contained in their advice note entitled *'TSN29R (Studies of delays to traffic on single-lane carriageways with passing places)*', which has been used in various subsequent guidance documents, including the Department for Transport (DfT) document *'TAL 02/04 Rural traffic calming - Bird Lane, Essex'* (with this later document, produced in 2004, highlighted in the subsequent HDM consultation response). It was suggested by HDM that passing places that can accommodate multiple vehicles should be provided, with a maximum spacing of 60m, which are 5.5m wide to allow vehicles to safely pass, and most importantly should include adequate intervisibility between the passing places. It was concluded that a realistic assessment of the traffic impact on the local highway network had not been undertaken, including the assessment of impact on Stone Wood Lane, which is considered to be unsuitable to accommodate additional development traffic without improvement. As such, the development proposals could not be supported.

19. Following the HDM comments, a number of meetings and site visits took place with the Appellant's team (including their new transport consultants), which included HDM and other planning colleagues, to discuss how the outstanding highways and transportation issues could potentially be addressed. This included discussions on the scope for mitigation measures that may be possible on Stone Wood Lane, to mitigate the impact of development traffic. Following these discussions, the Appellant submitted a Transport Addendum Report (TAA) report, which sought to address the concerns previously raised, including revised site access proposals and supporting information, an updated traffic assessment, and proposals for a scheme of passing place improvements on the south eastern section of Stone Wood Lane. This information was submitted on 04/04/25 and included the following:

    - 24071-LE-00-ZZ-DR-D-0001-P4 - Feasibility Layout - Sheet 1
    - 24071-LE-00-ZZ-DR-D-0004-P4 - Proposed Contour Plan
    - 24071-LE-00-ZZ-DR-D-0005-P3 - Proposed CL Long Sections
    - 24071-LE-00-ZZ-DR-D-0006-P3 - Vehicle Tracking
    - 24071-LE-00-ZZ-DR-D-0100-P2 - Stone Wood Lane - Existing Road Widths, Sheet 1
    - 24071-LE-00-ZZ-DR-D-0101-P2 - Stone Wood Lane - Existing Road Widths, Sheet 2
    - 24071-LE-00-ZZ-DR-D-0110-P3 - Stone Wood Lane - Highway Improvements, Sheet 1
    - 24071-LE-00-ZZ-DR-D-0111-P3 - Stone Wood Lane - Highway Improvements, Sheet 2
    - P2835_20250404 - Transport Assessment Addendum (TAA) report

20. The revised site access arrangements (24071-LE-00-ZZ-DR-D-0001-P4) included in the TAA report addressed the main outstanding issues with the site access arrangements. Therefore, HDM confirmed in the consultation response of 11/04/25 that there was no objection to the principle of the proposed site access and that any further changes that may be required, including any changes that may arise from the required Stage 1 Road Safety Audit process, could be addressed via a suitably worded planning condition. In relation to the Travel Plan, the TAA report also confirmed that the Appellant agreed to provide the Council's Travel Plan Monitoring Fee (£10,000 = 5 years x £2,000) and a Sustainable Transport Fund

(currently £832.37 per dwelling, based on the cost of a Residential MCard - Bus and Rail Zone 2-5, which would be index linked).

21. The HDM consultation response also confirmed that whilst the methodology used in the revised traffic assessment contained in the TAA report was not fully accepted, including the revised assessment of development traffic that would use Stone Wood Lane, the level of peak hour vehicle trips that had been identified using this route was considered to be reasonable. This was on the basis of the 'Sensitivity Test' trip rates that had been agreed between both parties would be utilised within the TAA, to ensure a sufficiently robust assessment of traffic impact was undertaken. The 'Sensitivity Test' trip rate that was agreed to be used was 0.7 two-way vehicle trips per dwelling (35 vehicle trips in total for 50 dwellings) during both weekday peak hour periods, which the TAA assumed would distribute 47% and 53% via Stone Wood Lane in the AM and PM peak periods respectively. This equated to development trip increases of 16 and 19 two-way vehicle trips in the AM and PM peak periods respectively, which the Council considered to be a reasonable future scenario given the range of local amenities in Shepley that would be primarily accessed via this route, as well as onward journeys to the south including when gaining access to the motorway network (M1).

22. Following a review of the proposed passing place improvements included in the TAA report, it was concluded that whilst these works would provide some improvement over the current arrangements along parts of Stone Wood Lane, the improvements are inadequate to mitigate the impact of additional development traffic along Stone Wood Lane, with the passing bay provision still falling well short of what would be required to allow the route to function in a safe and efficient manner for all users. A summary of some of the key issues that were identified with the proposals are as follows:

23. All of the passing bay improvements are proposed in locations where passing already takes place, which includes at gate entrances, on verge areas, and in other naturally created passing places (e.g. not hard paved carriageway areas). Therefore, whilst the proposals would provide a better quality carriageway surface at these existing passing locations, no entirely new passing bays for cars/vans would be created. As such, the proposals would not increase the number/frequency of passing place locations along the route.

24. The proposals would marginally increase the size of some of the passing places. However, some of the passing places (which are not new) can only accommodate one vehicle at best, and wouldn't be effective. Also, some of the passing places are only 4.2m wide, which would be inadequate to enable two vehicles to safely pass, particularly due to the walls, hedges and other vegetation immediately abutting the highway.

25. Whilst some vegetation clearance has been noted on the plans, there are still a number of sections along the route where there would be inadequate inter-visibility between passing places, which cannot be improved due to the horizontal and vertical alignment of the highway, as well as vegetation and other features that are outside of the highway boundary that cannot be readily altered .

26. Even with the proposed improvements, there would still be a number of sections of Stone Wood Lane where the spacing of passing places is well beyond the recommended distance of 60m, and more importantly where there is no inter-

visibility between the passing places, which currently results in long reversing distances when vehicles meet on these sections.

27. For a substantial length of Stone Wood Lane, the carriageway width is generally between 2.6m-3.5m wide (except at the passing places), which is below the width where vehicles can safely pass a pedestrian, cyclist or horse-rider. Also, for much of the route, the verge areas are narrow, muddy and overgrown, and do not provide adequate provision for pedestrians, cyclists or horse-riders to stand clear of passing traffic, including reversing vehicles.

28. In summary, whilst it was appreciated that the Appellant did eventually make some attempt to offer improvements to Stone Wood Lane to mitigate the adverse impact of additional development traffic on this route, the proposed improvements will not materially improve the current situation, with the improvement works only offering marginal benefits for passing traffic and little or no benefit to active travel users. The proposals also do no provide improvements to the most problematic sections of Stone Wood Lane on the approaches to the bend at the top of Stone Wood, which includes the steep section through the woods on approach to bend. These approaches include long single-track sections and lack adequate visibility between the sub-standard passing places that do exist (or are proposed to be improved). There is also severely sub-standard visibility at the bend at the top of the hill through the woods, where there are frequent conflict issues with vehicles (and other road users), which results in safety and congestions issues, with drivers having to reverse long distances, often in pontoons, up and down the hill and around the bend.

29. Therefore, it is concluded that 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, leading to unacceptable impacts on highway safety and the amenity of active travel users utilising the route, and would compound the existing problems that already exist, which are of particular concern during weekday network peak periods.

Response to appellant's Highways Appeal Statement

30. As part of the Appellants Statement of Case, a 'Highways and Transportation Statement of Case (H&T SoC) document has been provided. This H&T SoC document (Appendix 3 to the Appellant's main SoC document) introduces a significant amount of new technical details, including new survey data, that was not submitted at the application stage. The document contradicts or supersedes in a range of areas the Appellant's final TAA report submitted during the planning application determination period. The technical details included in the Appellants H&T SoC document have been prepared by the Appellants new transport consultant (their third different consultant). This includes a completely new assessment of development traffic impact on Stone Wood Lane, and significant amounts of additional data and analysis. The document also seeks to reject the use the 'Sensitivity Test' trip rates that had been agreed between the LPA and the Appellants previous transport consultant (their second consultant), which had been agreed to provide a robust assessment and to test a reasonable future scenario as is required. Therefore, a Technical Response to the Appellants Highway & Transport Statement of Case document (Appendix 1) has been produced to

supplement this main Statement of Case document, and forms part of the LPA's Statement of Case. The Council's supplementary Technical Response to the Appellant's H&T SoC (Appendix 3 of the Appellant's Statement of Case) includes a summary of issues where there is agreement, and where necessary, to identified where there are areas of disagreement, and presents the LPAs updated assessment of the development impact based on the Appellant's new assessments and data. The full contents of the Council's supplementary Technical Response should be taken into account as part of the LPA's Statement of Case. However, a summary of the key issues has been duplicated below. This information and assessment will be elaborated on further as part of the LPA's evidence.

Traffic Surveys

31. The LPA accept the Appellant's new ATC data as forming the basis of assessment, on the basis that it is used in conjunction with the previous ATC data used to inform the assessments previously undertaken by both parties. However, the average speed data that has been referenced by the Appellant is not considered to be relevant to the case. The ATC surveys have also not been undertaken in full accordance with good practice. As such, the results need to be treated with caution and are likely to be an underestimate of traffic speeds, particularly along the single-track sections of Stone Wood Lane, as all speed data was not obtained in free flow conditions. The Council will also reference the more robust base traffic flows obtained from the three sets of ATC data provided in the Appellant's various assessments, to ensure a robust assessment of development traffic is considered as part of the Appeal.

Pedestrian/Cycle/Equine Surveys

32. The LPA consider that the new Pedestrian/Cycle/Equine Surveys data included in the H&S SoC document is unreliable, and very limited weight can be given to the data. The data only provide a snapshot of active travel user activity, so does not form any robust basis for assessment. That said, the LPA notes that the data for the AM weekday peak hour period indicates lower active travel flows than the hours on either side of this time period, which provide some evidence (but of limited weight due to the deficiencies with the data) that active travel users are already avoiding Stone Wood Lane during this busier traffic period.

Existing Personal Injury Accident Data

33. The LPA disagrees with the Appellant's assumption that the Personal Injury Accident (PIA) record demonstrates that Stone Wood Lane *'operates safely in practice'*, which is a flawed assumption. The Appellant's assessment also ignores the high number of comments from local people, who have identified safety concerns along the route, and have identified a number of incidents that they are aware of that do not form part of the PIA record (as damage only non-injury related incidents are not recorded). The statements made in the Appellant's H&T SoC document that they do not consider the route to be intimidating for pedestrians (and presumably other active travel users), is not the view expressed by local people, or the experience of Council Officers who have visited the route on numerous occasions, including during the busier (in terms of traffic) AM weekday peak period. Therefore, the LPA consider that the Appellant has not adequately consider the safety risks for all users along Stone Wood lane, which are exacerbated by the highly constrained nature of the route (that the Appellant appears to accept to some

degree), or considered the perception of safety for these users, which is also an important consideration.

Construction Access

34. As stated in the Appellant's H&T SoC document, construction access to the Site would be required from Shepley Road, with all HGV movements prohibited from utilising Stone Wood Lane to the east, and during the construction phase, a Construction Management Plan (CMP) will be required that will need to address/mitigate any potential impacts arising from the development, and ensure that the Site operates efficiently and safely. It is agreed that a CMP would need to be secured by a suitably worded planning condition.

35. A planning condition would also be required for pre and post construction highway conditions surveys and remediation, to ensure that any damage caused to the highway that is associated with construction activities at the Appeal site is rectified, which would need to be secured by a suitably worded planning condition.

Site Accessibility

36. Whilst the information set out in the Appellant's H&T SoC document about the site accessibility by active and sustainable transport modes in not generally in dispute by the LPA, the information is considered to provide only a high level assessment, which does not provide a thorough accessibility audit in accordance with Planning Practice Guidance (PPG) and Active Travel England's (ATE) 'Standing Advice Note: Active Travel and Sustainable Development'. This includes a lack of assessment of development trips by active and sustainable transport modes, with the new supporting traffic assessment contained in the H&T SoC document failing to consider the site's relatively low level of accessibility. The assessment also fails to consider the negative effects of development traffic on active travel users on Stone Wood Lane, with the Appellant concluding that the proposed passing place improvements will also provide a betterment to existing users of the route including pedestrians, cyclists, horse riders. The LPA rejects this conclusion and considers that the additional traffic arising from the development would have a significant and unacceptable impact on the safety and amenity of active travel users (both existing and proposed) on Stone Wood Lane, which is an important active travel route linking the settlements of Stocksmoor and Shepley, and that the proposed passing bay improvement will fail to mitigate this impact. The additional development traffic on this route will also have negative impacts on the nationally recognised cycle route (National Cycle Network Route 627), and will conflict with the core principles in Local Transport Note 1/20 'Cycle Infrastructure Design', by exacerbate existing issues along the route.

Agreed 'Sensitivity Test' Trip Rates and Future Assessment Scenario

37. The LPA does not accept the Appellant's rejection of the use of a 'Sensitivity Test' trip rate, which had been utilised to ensure a robust assessment of development traffic impact on Stone Wood Lane is undertaken. The use of a 'Sensitivity Test' trip rate was agreed in advance with the Appellant's previous transport consultant prior to their completion of the Transport Assessment Addendum report, which is in accordance with the NPPF that states that 'all reasonable future scenarios' should be agreed in advance with the LPA. The LPA also rejects the Appellant's ascertain in the H&T SoC document that the traffic distribution methodology used in the

'Sensitivity Test' assessment was the 'Councils methodology', as the traffic distribution was that proposed by the Appellant's consultant in their Transport Assessment Addendum. Whilst this traffic distribution methodology was not fully accepted by the LPA, it was agreed to form the reasonable basis for assessment as identified in the final HDM consultation response. Notwithstanding that the previous 'Sensitivity Test' assessment had been agreed as a 'reasonable future scenario' between both parties, the LPA have agreed to an adjusted version of the 'Sensitivity Test' assessment. This takes into account a 10% reduction to the previously agreed 'Sensitivity Test' trip rate (as the Appellant is understood to have committed to provide a Sustainable Transport Fund to support Travel Plan measures at the Appeal site) and a simplified assessment of traffic distribution that assumes 50% of development traffic utilises Stone Wood Lane (rather than 47% and 53% in the AM and PM weekday peaks, as had been proposed by the Appellants consultant in the Transport Assessment Addendum).

38. Based on the adjusted version of the 'Sensitivity Test' assessment, the LPA estimate that Appeal site could generate a total of 32 two-way vehicle trips in both the AM and PM weekday peak hour periods, of which 50% may use Stone Wood Lane, which equates to 16 two-way vehicle trips along this route. This realistic future scenario takes account of the Appeal sites relatively low level of accessibility, the Travel Plan measures now proposed, is consistent with the trip rates agreed for a nearby development site at Storthes Hall, and is based on a methodology previously proposed by the Appellant's consultant in their Transport Assessment Addendum and subsequently agreed by the LPA as forming a reasonable basis for assessment. Therefore, this adjusted 'Sensitivity Test' assessment is in accordance with the requirements of the NPPF, which requires that 'all reasonable future scenarios' be taken into account.

The Appellants new trip rate, traffic generation and traffic distribution assessment

39. The Appellant's H&T SoC document includes a completely new assessment of development traffic generation and distribution (the scope of which had not been previously discussed or agreed with the LPA contrary to the NPPF & PPG). The Appellant's new assessment concludes at paragraph 5.7.2 of the H&T SoC document by stating:

'the proposed development will generate a maximum of 7 two-way vehicular movements along Stone Wood Lane during the busiest morning and evening peak hour periods. This represents 25% of the total 28 vehicle movements predicted (see Table 5.4), which is considered to be robust taking account of each journey purpose and some of the worst-case assumptions applied.'

40. The LPA do not accept that the new assessment provides a robust basis for assessment or that it is based on worst-case assumptions. The assessment also fails to take account of the sites relatively low level of accessibility and includes numerous questionable assumptions and apparent flaws, and is not accepted by the LPA.

Future Year Assessment and Design Flows on Stone Wood Lane

41. The LPA accepts the future design year, and the proposed traffic growth rates contained in the H&T SoC document. However, the LPA have provided a more robust assessment of future design year traffic flows, utilising all of the base traffic

count data available (from all three ATC surveys provided by the Appellant in their various assessments, which show higher average weekday flows than used in the Appellant's assessment, and include the maximum peak hour flows recorded from the various surveys) on Stone Wood Lane, as the LPA does not consider the assessment provided by the Appellant in their latest assessment to be suitably robust.

Materiality Assessment of Traffic Impact on Stone Wood Lane

42. The LPA do not accept the Appellant's assertion in their H&T SoC document that the former 'Guidance on Transport Assessments' documents assessment threshold of 30 two-way peak hour trips has any bearing on the Appeal. The LPA consider that the thresholds identified in the earlier 'Guidelines for Traffic Impact Assessment' document produced by the Institute of Highways & Transportation (IHT), are of more help to consider the significance of the impact of development traffic from the Appeal site on Stone Wood Lane. Based on this former guidance, which suggests thresholds for material or significant traffic increases at 10% on a link, or 5% in sensitive locations, it is clear that the scale of impact of development traffic on Stone Wood Lane is material, even when considering the Appellants new development traffic assessment methodology, which the LPA do not consider to be robust.

Proposed Stone Wood Lane Highway Improvements

43. It is confirmed that the LPA did not object to the development due to the increased delay to vehicular traffic along Stone wood Lane (although this is likely to be an adverse impact of additional development traffic along this route) and can confirm that this issue did not give rise to the reason for refusal in this case. It is the significant inadequacy of the passing place provision along the route (even if the proposed mitigation works were implemented), together with other sub-standard features and conditions along the route that create highway safety related risks, which will be exacerbated by the development, and will not be satisfactorily mitigated by the proposed improvement works. These sub-standard features and conditions create safety risks along the route that effect all roads users, but have greatest impact on the safety (and the perception of safety) for active travel users, which have not been acknowledged by the Appellant (who believe the situation for these users will improve following development) or adequately assessed and mitigated.

44. Therefore, the LPA remain of the view that 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, leading to unacceptable impacts on highway safety and the amenity of active travel users utilising the route, and would compound the existing problems that already exist, which are of particular concern during weekday network peak periods.

The amenity of active travel users

45. In the light of the highway safety concerns identified regarding Stone Wood Lane between the site and Shepley, it is considered that active travel users, including walkers, cyclists and horse riders, would be likely to discouraged from using that route.

46. In addition, because of the configuration of that section of Stone Wood Lane, including its limited widths at various points, active travel users are likely to need to pause at various points if they meet a vehicle, including stepping to the side of the road or onto the verge whilst the vehicle passes them. The disruption of having to do so repeatedly when travelling along the route is likely to detract from the convenience and amenity of active travel users, including walkers and cyclists. The additional traffic associated with the development would increase the likelihood of such users meeting passing vehicles, and would thus further detract from the convenience and amenity of active travel users using the route.

47. This, together with the concerns regarding the safety of the route for active travel users, as explained above, is likely to discourage active travel users from using this route. As such, it would conflict with the aims of Local Plan policies and the NPPF, which seek to promote and encourage active travel and reduce private car use and dependency.

Conclusion – Reason for refusal 1

48. In summary, the LPA will demonstrate that the proposed development would have an adverse impact on the local highway network, namely Stone Wood Lane (between the site and the village of Shepley) and on the safe and efficient movement of traffic by all modes, with particular detriment to active travel users. The LPA will demonstrate that the mitigation measures proposed to Stone Wood Lane are insufficient to mitigate the harm that would arise from the additional vehicle movements associated with the development.

49. The LPA will demonstrate that the proposed development would therefore result in an unacceptable impact on highway safety.

50. The LPA will also demonstrate that the proposed development would have an unacceptable impact on the amenity of active travel users utilising the route.

51. Consequently, the development would conflict with Local Plan Policy LP21 which, amongst other things, states that all proposals shall ensure the safe and efficient flow of traffic on the surrounding highway network and, where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists and private vehicles, and that all proposals shall take into account the features of surrounding roads and footpaths and provide adequate layout and visibility for the development to be accessed safely.

52. The proposed development would also conflict with Local Plan Policy LP24 which, amongst other things, states that proposals should promote good design by ensuring high levels of sustainability through design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive.

53. The conclusion that the development should be refused on highways grounds is consistent with paragraph 116 of the NPPF, which states that 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.

54. The proposed development would also conflict with policy in the NPPF which states that, in assessing specific applications for development, it should be ensured that sustainable modes of transport are prioritised, taking into account the vision for the site, the type of development and its location, and that safe and suitable access to the site can be achieved for all users, and that transport issues should be considered from the earliest stages of development proposals and, amongst other things, should involve identifying and pursuing opportunities to promote walking, cycling and public transport use.

55. The Council's reason for refusal 1 also refers to Local Plan Policy LP23, which relates to the core walking and cycling network as shown on the Local Plan Policies Map. However, although Stone Wood Lane is part of the National Cycle Network, it is not currently part of the core walking and cycling network identified on the Local Plan Policies Map. Therefore, Local Plan Policy LP23 is not considered to be of specific relevance to this appeal.

Site visit

56. It is anticipated that a site visit would take place during the course of the public inquiry. However, the LPA also respectfully requests that the Inspector visits the site and surrounding area (including the section of Stone Wood Lane between the site and Shepley) at other times, including during the morning and afternoon peak periods (0800-0900 hours and 1700-1800 hours)**.** The LPA considers that such further visits could be carried out by the Inspector unaccompanied by the other parties. A suggested itinerary of such visits will be provided as part of the LPAs evidence. Appropriate footwear and hi-vis are recommended if walking along Stone Wood Lane.

Reason for refusal 2 – Lack of mechanism to secure necessary planning obligations

57. Reason for refusal 2 relates to the lack of a mechanism (Section 106 agreement) to secure various planning obligations which are considered necessary in association with the proposed development. It states:

> *"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 the requirements of policies LP4, LP11, LP28, LP30(i), LP49, and LP63 of the Kirklees Local Plan."*

58. In accordance with relevant Local Plan Policies and Supplementary Planning Documents, numerous planning obligations are considered necessary in association with the proposed development, including the provision of affordable housing, contributions towards relevant local infrastructure (public open space and education) to mitigate the effects of the proposed development on that infrastructure, contributions towards sustainable transport initiatives, including a

Travel Plan Monitoring fee, and the ongoing management of on-site facilities. These are set out in the Officer report and summarised below.

Affordable Housing

59. In accordance with Policy LP11 of the Kirklees Local Plan (the Local Plan), 20% of the proposed houses would be required to be affordable housing (i.e. 10 affordable dwellings, based on the 50 dwellings proposed in total). The affordable housing provision would be required on-site as part of the development.

60. In accordance with the guidance in the Council's Affordable Housing and Housing Mix Supplementary Planning Document (SPD), five of the proposed dwellings should be affordable or social rent and five should be intermediate dwellings. Of the five intermediate dwellings, three should be First Homes and the remaining two can be any other form of intermediate housing.

61. The affordable housing mix should be in accordance with the recommended mix for this Strategic Housing Market Area (Kirklees Rural East), in accordance with the Affordable Housing and Housing Mix SPD.

Public Open Space

62. In accordance with Local Plan Policy LP63, the proposed new housing development would be required to provide or contribute towards new open space or the improvement of existing provision in the area.

63. Some public open space is proposed on site. The management of this on-site open space would need to be secured via a Section 106 Agreement. An inspection fee, to cover the costs of the Council inspecting the on-site open space once completed, would also need to be secured as part of a Section 106 Agreement.

64. A proportionate commuted sum towards the provision and/or improvement of off-site open space would also be required. This would be calculated based on the number of dwellings proposed and the amount and typologies of on-site open space proposed, once the areas and typologies of on-site open space have been confirmed by the appellant, and in accordance with the Council's Open Space SPD.

Education

65. In accordance with Local Plan Policy LP49, and taking into account existing capacity at nearby schools likely to accommodate children who lived at the proposed development, a contribution towards the provision of additional capacity at those schools as necessary would be required.

66. Based on the proposed development, a contribution of £25,681.00 was calculated in this case. This would need to be secured via a Section 106 agreement.

Transport and sustainable travel

67. Local Plan Policy LP20 states that Travel Plans will normally be required for all major planning applications in accordance with current guidance. The Kirklees Highway Design Guide SPD (paragraph 5.19) states that major planning applications should submit a travel plan, and that these are 'residential planning applications where the number of residential units to be constructed is 50 or more'.

68. A Travel Plan was submitted with the application. A Travel Plan Monitoring Fee, to contribute to the Council's costs in monitoring Travel Plan progress, is required. Based on the scale of the proposed development, the required Travel Plan Monitoring fee would be £2000 per annum for the first five years (£10,000 in total).

69. A Sustainable Travel Fund contribution would also be secured as part of a Section 106 agreement. This would be calculated based on the cost of providing one Residential 'MCard' travel pass (Bus and Rail Zone 2-5) per dwelling, and could be drawn on by the Travel Plan Co-ordinator for the development, in association with identified initiatives in the Travel Plan. This could include the purchase of Mcards for potential future occupants, but could also be used towards other identified measures to encourage and promote sustainable travel.

Ongoing management and maintenance

70. As set out above, it is considered necessary to secure arrangements for the management and maintenance of on-site open space via a Section 106 agreement, in accordance with Local Plan Policy LP63 and the guidance in the Open Space SPD.

71. Local Plan Policy LP28 refers to drainage provision. As part of a Section 106 agreement, arrangements would need to be secured for the management and maintenance of drainage infrastructure associated with the development unless and until it was adopted by the relevant statutory undertaker, to ensure the retention of a satisfactory drainage system.

72. The application was received as valid on 10th May 2024, after mandatory 10% Biodiversity Net Gain (BNG) was introduced for new major developments. Relevant information was received as part of the application, including the Statutory Metric. For the reasons set out in the Officer Report, based on the submitted information, it is considered that the works proposed are likely to include significant onsite biodiversity gains. Consequently, and having regard to paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) an obligation is considered necessary as part of a Section 106 agreement to secure the maintenance of significant onsite habitat enhancements for at least 30 years.

Section 106 agreement

73. Reason for Refusal 2 relates to the lack of a Section 106 being in place to secure the various planning obligations summarised above. As part of the appeal, the appellant has submitted a draft Section 106 agreement, which seeks to address Reason for Refusal 2. Subject to a satisfactory Section 106 agreement being agreed between the LPA and the appellant, it is anticipated that this reason for refusal could be resolved prior to the inquiry. In the event that such agreement is not reached in advance of the inquiry, it is considered that these matters could be dealt with via written evidence or a round-table discussion.

'Rule 6' Parties

74. It is noted that Rule 6 status has been granted to Stocksmoor Vision.

Planning balance, including Safeguarded Land

Housing Land Supply and Safeguarded Land

75. The Council's most recent Authority Monitoring Report 2024/2025, published December 2025, identifies that the Council's current housing land supply position is 4.18 years. The LPA is therefore currently unable to demonstrate a 5 year supply of deliverable housing sites. The Housing Delivery Test also indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Accordingly, the 'tilted balance' in paragraph 11.d) ii. of the NPPF applies. This states that, where the policies which are most important for determining the application are out-of-date, the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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.

76. The site is identified as 'Safeguarded Land' in the Kirklees Local Plan. Policy LP6 of the Local Plan states 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…".*

77. In the absence of a five year housing land supply, the Council published an *Interim Housing Position Statement to Boost Supply*, ('the Interim Housing Position Statement') in February 2024.

78. The Interim Housing Position Statement states that it does not set new policy or replace the Development Plan for decision making purposes, 'but has been produced as a positive and pro-active way forward', and 'will form a material consideration in the determination of planning applications'. However, it also states that:

> *"Notwithstanding the guidance set out within this statement, compliance with the principles of the statement does not guarantee a planning application will be approved, and all applications will be judged on their individual merits."*

79. In that context, and in the absence of a five-year housing land supply, the Interim Housing Position Statement states that the most relevant policies are deemed out of date and that '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'. It goes on to state that:

> *"As such, these sites provide potential development opportunities that could be facilitated through their early release for housing <u>where development constraints can be overcome</u>"* (emphasis added).

80. In that regard, Principle 2 – Safeguarded Land of the Interim Housing Position Statement states that:

> *"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 proposals 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."

81. In that context, the Council will present evidence relating to the identification of the appeal site as Safeguarded Land as part of the current Local Plan, including with reference to relevant background documents from the Local Plan process and the methodology and extent of the assessments of the site that were undertaken at that stage.

82. The Council will also explain how the proposed development was considered in the context of the Safeguarded Land designation and the guidance in the Interim Housing Position Statement.

83. For the reasons given, based on the highway safety implications of the proposed development, the Council maintains that the proposed residential development of this area of Safeguarded Land is not acceptable on the basis that development constraints would not be overcome with regard to highway safety in this case.

Planning balance

84. The Council acknowledges the following matters as planning benefits of the proposed development in this case:

- The proposed development would deliver 50 new homes, including 10 affordable homes (subject to a satisfactory Section 106 agreement), and would thus contribute towards meeting identified housing need, including in the context of the Council's inability to demonstrate a 5 year supply of deliverable housing land. This carries significant weight as a benefit in the planning balance.

- The proposed development would be required to provide a 10% biodiversity net gain, which would represent a benefit in the overall planning balance. However, given the scale of the development and the areas involved, the weight afforded to this benefit is somewhat limited.

- The proposed development would include some open space on site, and would contribute to the provision and/or enhancement of existing open space in the vicinity (subject to a satisfactory Section 106 agreement). This provision is required in order to mitigate the effects of the development and make it acceptable in planning terms as set out above. However, it would also provide some limited benefit for existing nearby residents, which would carry some limited weight, given the scale of the proposed development.

- The proposed development would create employment opportunities during the construction phase of the development. Modest weight is given to this as a benefit, given the scale of the development.
- The proposal would bring additional population into the area which could contribute to supporting local services within nearby villages. Modest weight is given to this as a benefit, given the scale of the development.

85. A Travel Plan Monitoring Fee, and contributions towards sustainable transport, would also be required. The Council acknowledge that, subject to the completion of a Section 106 agreement, Reason for Refusal 2 relating to such planning obligations could be resolved. However, even if such measures were secured via a satisfactory S106, these are mitigation for the development, not a benefit weighing in its favour.

86. It is considered that the works proposed to Stone Wood Lane would not be sufficient to mitigate the adverse impacts of the proposed development with regard to highway safety. Consequently, those works are not considered to be a benefit that would weigh in favour of the proposed development.

87. The appellant also refers to additional council tax payments and the New Homes Bonus. However, although the Planning Practice Guidance (PPG) advises that a local planning authority must have regard to a 'local finance consideration' (such as New Homes Bonus payments) as far as it is material, it states that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. The PPG also clearly states that 'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority' (paragraph reference ID: 21b-011-20140612). Such sums are not necessary to make the development acceptable in planning terms, and the potential for such payments to raise money for the local authority is not a material consideration to which weight should be given as a benefit in support of the scheme. Accordingly, no weight has been given to this in the Council's planning balance.

88. Nevertheless, notwithstanding the acknowledged planning benefits of the scheme, as set out in paragraph 84 above, there are significant concerns regarding the effects of the proposed development on highway safety in this case. Given the nature of Stone Wood Lane, including deficiencies in its width and passing places, combined with additional traffic associated with the proposed development, would also compromise the amenity and convenience of active travel users. This, taken together with the highway safety concerns relating to Stone Wood Lane would also be likely to discourage the use of that route by Active Travel users, thus conflicting with policies which seek to promote and prioritise active travel and non-car-based travel. It would therefore conflict with Policies LP21 and LP24 of the Kirklees Local Plan, and with the guidance in the NPPF as set out above.

89. In the absence of a Section 106 agreement, the lack of a mechanism to secure relevant planning obligations, including infrastructure necessary to mitigate the effects of the proposed development, in accordance with relevant Kirklees Local Plan Policies and SPD guidance as set out above, also remains a reason for refusal.

90. In carrying out the planning balance, taking into account the benefits of the scheme and the identified harm and conflict with Development Plan policies as set out above, including significant harm to highway safety, the Council maintains that adverse impacts of the proposed development, including significant harm to highway safety, would significantly and demonstrably outweigh the benefits in this instance, when assessed against the policies in the NPPF taken as a whole, including having regard to the key policies identified in paragraph 11.d) and footnote 9 of the NPPF.

Conclusions

91. The LPA concludes that the Appeal should be dismissed.

92. It is acknowledged that, as the LPA cannot currently demonstrate a 5 year supply of deliverable housing sites and the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, the 'tilted balance' in paragraph 11.d) of the NPPF is engaged. Nevertheless, the LPA will evidence that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits in this case.

93. The LPA considers that matters concerning highways and transportation, and the planning balance, would be most appropriately considered via cross-examination, due to the nature of the evidence in these regards.

94. With reference to Reason for Refusal 2, in the event that a satisfactory Section 106 agreement was not agreed between the appellant and the LPA in advance of the inquiry, it is considered that these matters could be dealt with via written evidence or a round-table discussion.

95. The LPA is aware that Rule 6 status has been granted to Stocksmoor Vision.

List of documents

96. The following documents are relevant to the Appeal, in addition to those referred to in the Technical Response to the Appellants Highway & Transport Statement of Case at Appendix 1:

- Kirklees Local Plan (adopted 2019)
- Kirklees Affordable Housing and Housing Mix SPD
- Kirklees Open Space SPD
- Kirklees Highway Design Guide SPD
- Kirklees Housebuilders Design Guide SPD
- Kirklees Council Travel Plan Guidance
- Kirklees Interim Housing Position Statement to Boost Supply (February 2024)
- Kirklees Council Biodiversity Net Gain Technical Advice Note
- Kirklees Council Planning Applications Climate Change Guidance
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Council Waste Management Design Guide for New Developments
- Green Streets Principles for the West Yorkshire Transport Fund
- Kirklees Authority Monitoring Reports (AMRs)
- Housing Delivery Test results

- Local Plan Background Papers (BP), Local Evidence (LE) and other relevant documents including:
  - Kirklees Council draft Local Plan Methodology Statement Part 1: National Policy Requirements (BP22);
  - Kirklees Publication Draft Local Plan – Methodology Part 2: Site Allocation Methodology (BP23)
  - Publication Draft Local Plan Accepted Site Options – Technical Appraisals (November 2016) (BP29)
  - Kirklees Local Plan Submission Documents – Accepted Site Options – Technical Appraisal July 2017 (BP29.1)
  - Kirklees Local Plan Rejected Site Options Report July 2017 (LE4.1)
  - Responses to the matters, issues and questions – Kirklees Rural Sub-Area (Matter 45)
  - Local Plan Inspector's Report
- National Planning Policy Framework (December 2024)
- Planning Practice Guidance
- National Design Guide
- Planning application documents (including Officer Report)
- Pre-application correspondence
- Letters of representation
- Consultation responses
- Relevant appeal cases
- Ancient woodland, ancient trees and veteran trees: advice for making planning decisions – Natural England and Forestry Commission 'standing advice' guidance (www.gov.uk).

Conditions

97. Without prejudice to the LPA's conclusions that the proposed development would be unacceptable, the LPA will provide a list of suggested conditions for consideration, in the event that the Inspector were to allow the appeal. This is currently being formulated, and it is anticipated that this would form part of a Statement of Common Ground between the LPA and the appellant, with any areas of disagreement between the parties identified therein.

Appendix 1: Technical Response to the Appellant's Highway & Transport Statement of Case (Appendix 3 of the Appellant's Statement of Case).