

Kirklees Council

Summary Proof of Evidence of Jillian Rann, BA (Hons), MSc, MRTPI

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: 27th January 2026

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1.0 INTRODUCTION

- 1.1 My name is Jillian Rann. My evidence covers housing land supply, safeguarded land, planning obligations and other relevant material considerations. My evidence also addresses the planning balance, including the benefits of the development and weight to be afforded to them, and the development plan and weight to be afforded to relevant policies, before concluding why the proposal should be refused.
- 1.2 A suitable Section 106 agreement (S106), securing relevant planning obligations identified in Reason for Refusal 2, would resolve Reason for Refusal 2.

2.0 HOUSING LAND SUPPLY AND SAFEGUARDED LAND

- 2.1 The Council's Authority Monitoring Report 2024/2025 (CD 6.23) identifies that the current housing land supply position in Kirklees is 4.18 years. The Council is therefore currently unable to demonstrate a 5 year supply of deliverable housing sites.
- 2.2 The most recent Housing Delivery Test (HDT) Results, published December 2024 (CD 7.36), demonstrated that housing delivery in Kirklees for the previous three years was 54% of the relevant housing requirement.
- 2.3 Therefore, the relevant criteria in Footnote 8 of the NPPF apply. Consequently, as set out in NPPF Paragraph 11(d), the policies which are most important for determining the application are out-of-date.
- 2.4 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. Therefore, NPPF paragraph 11(d)(i) is not relevant to this appeal.
- 2.5 Accordingly, the presumption in favour of sustainable development, or 'tilted balance', in NPPF paragraph 11(d)(ii) applies.
- 2.6 The Council published the Kirklees Interim Housing Position Statement to Boost Supply (CD 6.3), in February 2024 which, amongst other things, sets out "*the actions the council is proactively taking to support housing delivery*". As the Council still does not have a five year housing land supply, that Interim Statement remains a material consideration in the determination of planning applications for

residential development, including this appeal, and carries substantial weight as a material consideration in that context.

- 2.7 The appeal site is identified as safeguarded land in the Kirklees Local Plan. The site was considered, and rejected, as a housing site when the Local Plan was prepared, using the same assessment methodology as was applied to all potential development options at that time.
- 2.8 In identifying safeguarded land sites as part of the Local Plan, rejected housing allocation options, including the appeal site, were re-assessed to consider whether there might be a reasonable prospect of such land coming forward beyond the plan period. The appeal site was subsequently included in the Publication Draft Local Plan as safeguarded land.
- 2.9 The Council subsequently produced a Schedule of Safeguarded Land Sites (CD 6.8), listing the key constraints which meant they were not justified as housing allocations within the plan period, but *“also demonstrating that there is a reasonable prospect of them contributing towards housing delivery in the longer term, if required”* (Council Response on MIQs Matter 8 (CD 6.19)).
- 2.10 For the appeal site, the Schedule of Safeguarded Land Sites (CD 6.8) concludes:
- “There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific site constraints can be overcome and the site is capable of coming forward for development post 2031. In this case third party land would need to be acquired which is not currently available and further consideration of the scale of development in relation to the local road network.”*
- 2.11 Although safeguarded land sites were assessed at the Local Plan stage, at a level proportionate to the plan-making stage and in accordance with the relevant methodology, the site’s identification as safeguarded land in the Local Plan does not imply that the highway impacts of developing the site would necessarily be considered acceptable, since it was always intended that such impacts would be subject to re-assessment as part of a future Local Plan Review, prior to those sites being developed for housing or any other purpose. Furthermore, any application for major residential development, including on allocated sites, would

require submission of a Transport Statement or Transport Assessment, to allow the detailed highways and transport implications of any specific development proposal to be fully understood and considered at that stage.

3.0 HIGHWAYS AND TRANSPORT MATTERS

3.1 Mr Darwin's evidence sets out the reasons for the Council's Reason for Refusal 1, regarding the effects of the development on the safety and amenity of highway users.

3.2 For the reasons given, having regard to the existing constraints on Stone Wood Lane, including in terms of its width, gradients and lack of forward visibility, the lack of satisfactory passing place provision, and the lack of footways and limited verge provision for active travel users to step off the carriageway to avoid vehicles, it is considered that the additional traffic from the development would have an adverse impact on the safety of users of Stone Wood Lane, and particularly active travel users. The adverse impact would not be satisfactorily mitigated by the passing place improvements proposed. Therefore, the proposed development would have an unacceptable impact on highway safety and on the amenity of active travel users, contrary to Local Plan Policies LP21 and LP24 and to the NPPF.

4.0 OTHER MATTERS

4.1 Other matters raised by the Rule 6 Party, including effects on the ancient woodland, ecology and drainage, did not form reasons for the Council's refusal of the application, subject to relevant conditions.

5.0 PLANNING BALANCE

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 As the Council does not have a 5 year housing land supply, and the most HDT results were below 75%, the presumption in favour of sustainable development, or 'tilted balance', in NPPF Paragraph 11(d) applies.

- 5.3 Nevertheless, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The development plan policies most important for determining the application remain relevant and weight should be given to them, having regard to their degree of consistency with the NPPF.
- 5.4 Local Plan Policy LP6 relates to the supply of land for development, including housing. In the absence of a 5 year housing land supply, and given the most recent HDT results, limited weight can be given to Policy LP6. This is consistent with the Interim Housing Statement (CD 6.3), which makes provision for safeguarded land to be brought forward for development earlier than Policy LP6 anticipates. Nonetheless, the Interim Housing Statement makes it clear that such development will only be considered acceptable where relevant constraints to development can be overcome, and where such proposals accord with other relevant policies.
- 5.5 For the reasons set out in Mr Darwin's evidence, it is considered that the proposed development would result in unacceptable impacts on highway safety and on the amenity of active travel users. I consider that substantial weight should be afforded to those unacceptable impacts, and to the harm arising in those regards.
- 5.6 The proposed development would therefore conflict with Policies LP21 and LP24 of the Local Plan. Those policies, and Policy LP20 which is also relevant, are consistent with the NPPF regarding matters of highway safety and amenity, and promoting sustainable transport use. Accordingly, I consider that full weight should be given to those Local Plan policies, and substantial weight should be given to the conflict with them.
- 5.7 The proposal would provide the following planning benefits (subject, in several cases, to a satisfactory S106):
- The delivery of 50 new homes, including 10 affordable homes – I consider this carries significant weight, in the context of the Council's housing land supply position and given the scale of the development;
 - 10% biodiversity net gain – I consider this carries limited weight;

- Provision of open space on-site, and contributions to off-site open space in the vicinity – I consider this carries limited weight;
- Employment opportunities during the construction of the development – I consider this carries limited weight;
- Additional population, which could contribute to supporting local services in nearby villages – I consider this carries limited weight.

5.8 I consider that other matters cited as benefits by the appellant are neutral, or should be given no weight, in the planning balance, or are not benefits at all, for the reasons in my full proof of evidence.

5.9 Although I acknowledge the benefits of the proposed development as listed above, I nevertheless consider that the adverse impacts of the proposed development on highway safety and the amenity of active travel users significantly and demonstrably outweigh the benefits, taken together, of the proposed development in this instance.

6.0 CONCLUSION

6.1 In conclusion, for the reasons given, it is considered that the adverse impacts of the development on highway safety and amenity significantly and demonstrably outweigh the benefits, taken together, of the proposed development in this case.

6.2 Therefore, it is respectfully requested that the appeal is dismissed.