

Kirklees Council

Rebuttal 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: 4th February 2026

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1.0 INTRODUCTION

- 1.1 I have prepared this rebuttal proof in response to some of the specific matters in the Appellant's Planning Proof of Evidence, by
- 1.2 This rebuttal is limited solely to those matters where further clarification and/or commentary is considered necessary at this stage. If there are other matters in Proof of Evidence that I have not commented on, this should not be taken to mean that I agree with on those matters. I have not sought to comment on all matters raised, nor have I repeated comments which are already in my original Proof of Evidence.

2.0 SAFEGUARDED LAND

- 2.1 As set out in Paragraph 4.16 of my original Proof of Evidence, I was not involved in the Local Plan process. These further comments are based on my understanding from discussions with colleagues in the Council's Policy team and from the relevant Local Plan documents.
- 2.2 With reference to Paragraph 3.17 and 3.18 of Proof of Evidence, I acknowledge that the appeal site was given a 'Green' rating in the Accepted Site Options – Technical Appraisals documents (CD 6.14 and CD 6.15). However, the Conclusion for the appeal site in the Schedule of Safeguarded Land Sites (CD 6.8), which is quoted in Paragraph 3.23 of Proof of Evidence, makes reference to highways matters in its last sentence, as follows:
- “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.”*
- 2.3 Reference was therefore made to further consideration of the local road network, in the context of the site, at that stage.
- 2.4 By way of clarification, although all development options (including sites which were eventually identified as Safeguarded Land in the Local Plan) were assessed against the methodology in the Local Plan Methodology Statement Part 2 (CD 6.13), I understand that the transport model referred to in Paragraph 4.34 of the Local Plan Methodology Statement Part 2 (CD 6.13), (quoted in

Paragraph 3.15 of [redacted] Proof of Evidence) only incorporated the 'accepted site options' (i.e. sites proposed as allocations), and not proposed Safeguarded Land sites.

2.5 Paragraph 3.12 of [redacted] Proof of Evidence, states that "*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*". For clarity, I understand that all site options (i.e. not only the 'selected sites') were assessed to ensure that they were suitable, available and achievable during the plan period. As there were insufficient suitable sites identified within settlements to meet the identified need for homes, it was considered that 'Exceptional Circumstances' therefore existed to justify the release of Green Belt land for housing. In the light of this, site options in the Green Belt were then considered based on their impact on the purposes of the Green Belt and their ability to create a defensible Green Belt Boundary, to identify those sites which were ultimately recommended for removal from the Green Belt. Further explanation on this, including the 'Exceptional Circumstances', is set out in the Green Belt Review Supporting Document (Local Plan Document BP25) (CD 6.32).

2.6 Paragraph 3.29 of [redacted] Proof of Evidence refers to the 'Kirklees Local Plan Examination: Note to confirm council's proposed Safeguarded Land (SL) changes' document, May 2018 (CD 6.10), and states, "*There are sites within the document that are removed due to unsatisfactory access or impact on the local highway network, such as:*", before quoting Site References SL2292, SL2268 and SL2188.

2.7 I note that all three of those sites quoted in [redacted] Proof of Evidence are included in the list of sites in Paragraph 369 of the Local Plan Inspector's Report (CD 6.11), which states:

"A number of safeguarded sites are on land within the built up urban areas of Kirklees, rather than between the urban area and the Green Belt. This is not consistent with paragraph 85 of the NPPF which states that safeguarded land may be identified between the urban area and the Green Belt. Furthermore, if constraints are overcome before 2031, preventing the release of such sites for development could fail to accord with the Plan's strategy to deliver additional

*housing in sustainable locations and support urban regeneration. Accordingly, in order to be effective and consistent with national policy, modifications are necessary to delete the safeguarded sites that are located in the built-up urban areas of Kirklees (site SL2177 in **SD2-MM372**, SL2193 in **SD2-MM373**, SL2292 in **SD2-MM375**, SL2194 in **SD2-MM376**, SL2268 in **SD2-MM377**, SL2271 in **SD2-MM378**, SL3363 in **SD2-MM379**, SL2273 in **SD2-MM380**, SL2201 in **SD2-MM381**, SL2198 in **SD2-MM382**, SL2302 in **SD2-MM383**, SL2171 in **SD2-MM384**, SL2202 in **SD2-MM385**, SL2169 in **SD2-MM388**, SL2187 in **SD2-MM391**, SL2188 in **SD2-MM392**)” (emphases in original).*

2.8 Therefore, on the basis of the Inspector’s Report, it appears that those sites referred to in Paragraph 3.29 of Proof of Evidence were deleted on the basis that they were not consistent with the definition of Safeguarded Land in the NPPF at the time, as they were not *“between the urban area and the Green Belt”*.

2.9 Paragraph 21 of the post hearing letter from the Inspector to the Council 27th October 2017 (Local Plan Document EX32) (CD 6.33) also provides comments from the Inspector regarding safeguarded land, including with reference to Paragraph 85 of the NPPF (as it stood at that time) identifying safeguarded land ‘between the urban area and the Green Belt’, and to some of the safeguarded land sites being located within built-up areas of Kirklees. In Paragraph 21 the Inspector states *“my interim view is that the approach to safeguarded land within built-up areas does not appear to be effective or in line with national policy on Green Belts”*.

2.10 In that context, I also note that the Introduction on Page 2 of the ‘Note to confirm council’s proposed Safeguarded Land (SL) changes’ document (CD 6.10) referred to by states:

“The proposed changes take into account the Inspector’s initial findings of whether proposed safeguarded land options meet the definition of safeguarded land as set out in the National Planning Policy Framework and review of evidence regarding whether these sites are deliverable and developable for housing during the plan period or not.”

2.11 For each of the sites quoted by (SL2292, SL2268 and SL2188), column 4 of the respective table in CD 6.10, titled “i) Does this site comply with the NPPF definition”, states “No”.

2.12 Although the tables in CD 6.10 include references to highways matters with regard to those sites, it appears from the Inspector’s Report (CD 6.11), and other documents referred to above, that those sites were deleted from the Local Plan on the basis that they did not accord with the definition of Safeguarded Land in the NPPF, and it is not evident that they were deleted specifically on the basis of the highway matters referred to in CD 6.10.

3.0 PLANNING OBLIGATIONS

3.1 Paragraph 5.67 of Proof of Evidence refers to Biodiversity Net Gain (BNG) Matters, including the use of conditions and a S106 agreement. For clarity, it is considered that the details of how the BNG would be delivered would be covered by the statutory BNG condition. However, as set out in Paragraph 72 of the Council’s Statement of Case (CD 8.3), a planning obligation is also necessary as part of a S106 Agreement to secure the maintenance of significant onsite habitat enhancements for at least 30 years.

4.0 PLANNING BALANCE AND CONCLUSION

4.1 I have acknowledged various benefits of the development, and attributed and explained the weight I consider should be given to those benefits, in Paragraphs 7.25 to 7.32 inclusive of my proof.

4.2 Paragraphs 7.30-7.32 of Proof of Evidence refer to benefits during construction. The HBF Housing Calculator referred to in Paragraph 7.30 of Proof of Evidence has not been provided, and no explanation has been given regarding the context or assumptions on which the conclusions cited in Paragraph 7.30, with reference to that Calculator, are based. Nor has any evidence or explanation been provided regarding the figure quoted in Paragraph 7.31 of Proof of Evidence.

4.3 Notwithstanding this, as set out in Paragraph 7.28 of my Proof of Evidence, I acknowledge that the proposed development would create employment opportunities and benefits during construction. Nevertheless, given the scale of

the development, I consider those benefits likely to be relatively modest in scale, and that they attract limited weight.

- 4.4 No explanation has been provided as to how the sums referred to in Paragraph 7.34 of Proof of Evidence have been calculated. Nevertheless, for the reasons set out in Paragraph 7.32 of my Proof of Evidence, I consider that financial considerations including tax revenues and the New Homes Bonus are not necessary to make the development acceptable in planning terms, and should be given no weight in the planning balance.
- 4.5 For the reasons set out in Paragraph 7.31 of my Proof of Evidence, based on the details submitted with the application, the works proposed to Stone Wood Lane are not considered sufficient to mitigate the adverse impacts of the proposed development with regard to highway safety and amenity.
- 4.6 Further plans have been submitted by the Appellant during the appeal process, showing further revised proposals regarding the passing places on Stone Wood Lane. As set out in my Proof of Evidence, it is the Council's view that the appeal should be determined on the basis of the drawings which were part of the original application, as listed on the decision notice. However, I understand from Mr Darwin's evidence that he still does not consider that those revised passing place proposals would satisfactorily mitigate the adverse effects of the development. Therefore, even were the Inspector to accept those revised proposals, those proposed works are still not considered to be a benefit that would weigh in favour of the proposed development.
- 4.7 I acknowledge the benefits of the proposed development, insofar as I agree that they are benefits as explained in my Proof of Evidence. Nevertheless, I remain of the view that the adverse impacts of the proposed development on highway safety, and on the amenity of active travel users, significantly and demonstrably outweigh the benefits, taken together, of the proposed development.
- 4.8 Therefore, it is respectfully requested that the appeal is dismissed.