



JohnsonMowat
Planning & Development Consultants

Newett Homes

Land North East of Shepley Road,
Stocksmoor, Huddersfield, HD4 6XW

Erection of residential development
(50 dwellings) with associated access,
parking, public open space,
landscaping and infrastructure.

Statement of Common Ground

Appeal Reference: APP/Z4718/W/25/3375000

Johnson Mowat References

Appellant	Newett Homes
Appeal Reference	APP/Z4718/W/25/3375000
Site	Land North East of Shepley Road, Stocksmoor, Huddersfield, HD4 6XW
Development	Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure.
Local Planning Authority	Kirklees Council
Document Type	Statement of Common Ground
Document Status	Signed Copy
Issue / Revision Date	04 February 2026

Contents

1.	Introduction	1
2.	Site Location and Description.....	2
3.	Planning History.....	3
4.	The Appeal Proposal	5
5.	Planning Policy Context	7
6.	Matters of Agreement.....	10
7.	Matters of Dispute	15

1. Introduction

- 1.1 This Statement of Common Ground has been prepared by Newett Homes (The Appellant) and the Local Planning Authority (LPA), Kirklees Council (KC) in respect of an appeal against the refusal of Residential development (LPA Ref: 2024/62/91242/E) on land north east of Shepley Road, Stocksmoor, Huddersfield, HD4 6XW.
- 1.2 The document sets out the matters on which there is agreement and those which remain in dispute.
- 1.3 The Appellant submitted a detailed Planning Application on 10th May 2024 for the following description of development: -

Erection of Residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure.

- 1.4 It is agreed that the Planning Application is submitted in detail.
- 1.5 It is agreed that the proposals do not constitute Environmental Impact Assessment (EIA) development and an Environmental Statement was not required to support the application.
- 1.6 The Application was determined by delegated decision on 24th April 2025. The Decision Notice is dated 24th April 2025 (CD 3.2). The Decision Notice contains the following two reasons for refusal:

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 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.

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

2. Site Location and Description

- 2.1 The following description of the Appeal site is based on that in the Officer's Report dated 24th April 2025 (CD 3.1) which there is agreement with the Appellant.
- 2.2 The application site is approximately 2.5 hectares of greenfield land located to the east of Stocksmoor and is bound by a railway line to the north, woodland to the east, Shepley Road to the south with existing dwellings to the south east and west.
- 2.3 The east woodland, Lower Stone Wood, is designated Ancient Woodland. Access to the site is currently via a field gate from Shepley Road. Shepley Road is a single carriageway two-way road that is subject to a 30mph speed limit along the site frontage.
- 2.4 In terms of existing built form and design, development in the area appears to vary, however, the predominant materials appear to be stone and brick, with the dwellings primarily being two-storey.
- 2.5 The site is identified as safeguarded land within the Kirklees Local Plan.

3. Planning History

Local Plan History

- 3.1 The application site is identified in the Kirklees Local Plan as Safeguarded Land.
- 3.2 It is agreed that the relevant policy for Safeguarded Land sites is Policy LP 6 of the Local Plan Strategy and Policies document.
- 3.3 In the Local Plan, the site reference is SLS30, Land to the north-east of Shepley Road, Stocksmoor. The site is identified as measuring 2.51 ha in area.

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

Figure 1: Extract from Kirklees Local Plan Allocations and Designations document

The Planning Application

- 3.4 The Planning Application was submitted on 30th April 2024 and validated by the Local Authority on 10th May 2024.
- 3.5 The application was submitted following pre-application engagement with the Council. A written pre-application response (reference 2023/21443) was provided by the Local Authority on the 18th March 2024.
- 3.6 The Planning Layout (CD 1.5) and supporting plans demonstrates the proposals' ability to deliver 50 dwellings on site. A full account of the proposals is provided in Section 4 of the SoCG.
- 3.7 During the course of the application, in response to Highways Development Management (DM) comments (CD 4.14), a Transport Assessment Addendum (TAA) (CD 1.33) was submitted to the Council. The point of access into the site from Shepley Road, as shown on Feasibility Layout - Sheet 1 reference 24071-LE-00-ZZ-Dr-D-0001 Rev P4 is considered suitable and safe. It is agreed that the TAA submission followed dialogue with relevant officers at the Council in response to concerns raised by Highways DM.
- 3.8 On 24th April 2024 the Council issued their refusal notice based upon the 50-dwelling scheme. The Decision Notice (CD 3.2) contains 2 Reasons for Refusal based upon the 50-dwelling layout.
- 3.9 Reason for Refusal No.2 could be overcome subject to a S106 Agreement being agreed and submitted into this appeal. The Council will support the appeal with a CIL Regulation 122 Statement.
- 3.10 A full list of application documentation upon which the Council made their determination is listed below. The list is agreed between the Council and Appellant.

Plan/Document	Reference	Date received
Site Location Plan	Z159.001	01/05/2024
Planning Layout	Z159.100 Rev G	01/05/2024
Landscape Masterplan	H24-0004_001A	01/05/2024
House Type Pack	Z159.007 April 2024	01/05/2024
Boundary Treatments Plan	Z159.004	01/05/2024
Materials Plan	Z159.004	01/05/2024
Secure by Design Layout	Z159.008	01/05/2024
POS Plan (Typologies)	Z159-010	01/05/2024
Topographical Survey – Sheet 1 of 4	2161 Page 1	01/05/2024
Topographical Survey – Sheet 2 of 4	2161 Page 2	01/05/2024

Topographical Survey – Sheet 3 of 4	2161 Page 3	01/05/2024
Topographical Survey – Sheet 4 of 4	2161 Page 4	01/05/2024
Indicative Cross Section	Z159.009	01/05/2024
Indicative Streetscenes	Z159.007 Rev A	15/07/2024
Proposed Indicative Engineering Levels	Z159	10/05/2024
Planning Statement	Rev A April 2024	10/05/2024
Statement of Community Involvement		11/10/2024
Design and Access Statement	Z125.003	10/05/2024
Rapid Health Impact Assessment	29/04/2024	10/05/2024
Transport Assessment	20547-001 April 2024	01/05/2024
Residential Travel Plan	20547-002 April 2024	01/05/2024
Arboricultural Assessment	Rev A April 2024	01/05/2024
Ecological Impact Assessment and Biodiversity Net Gain Assessment	Rev 2 April 2024	01/05/2024
Biodiversity Metric		10/05/2024
Biodiversity Metric Condition Assessment	April 2024	10/05/2024
Flood Risk Assessment and Drainage Strategy	20547-FRADS-001 April 2024	11/06/2024
Landscape and Visual Appraisal	Rev B April 2024	10/05/2024
Noise Impact Assessment	NIA-10692-23-10857-v2 April 2024	10/05/2024
Preliminary Geoenvironmental Investigation	4594/1A April 2024	10/05/2024
Transport Assessment Addendum	P2835 April 2025	04/04/2025
Feasibility Layout – Sheet 1	24071-LE-00-ZZ-DR-D-0001 Rev P4	04/04/2025
Proposed Contour Plan	24071-LE-00-ZZ-DR-D-0004 Rev P4	04/04/2025
Proposed Centre Line Long Sections	24071-LE-00-ZZ-DR-D-0005 Rev P3	04/04/2025
Vehicle Tracking	24071-LE-00-ZZ-DR-D-0006 Rev P3	04/04/2025
Stone Wood Lane Existing Road Dimensions Sheet 1	24071-LE00-ZZ-DR-D-0100 Rev P2	04/04/2025
Stone Wood Lane Existing Road Dimensions Sheet 2	24071-LE-00-ZZ-DR-D-0101 Rev P2	04/04/2025
Stone Wood Lane Feasibility Layout Highway Improvements Sheet 1	24071-LE-00-ZZ-DR-D-0110 Rev P3	04/04/2025
Stone Wood Lane Feasibility Layout Highway Improvements Sheet 2	24071-LE-00-ZZ-DR-D-0111 Rev P3	04/04/2025

4. The Appeal Proposal

- 4.1 The proposed development is for the residential development of land to the north east of Shepley Road, Stocksmoor.
- 4.2 The Planning Layout Rev G demonstrates how the site can be brought forward for the residential development of 50 dwellings.
- 4.3 A single point of vehicular access is proposed from Shepley Road. The detailed access arrangements are provided on the Feasibility Layout -Sheet 1 reference 24071-LE-00-ZZ-Dr-D-0001 Rev P4 which was submitted to the Council as part of the Transport Assessment Addendum (TAA) (CD 1.33).
- 4.4 The development proposes 50 dwellings including 20% affordable housing. The proposed mix is as follows, and includes comparison with the Expected Mix for this Strategic Housing Market Area (Kirklees Rural East) as set out in the Kirklees Affordable Housing and Housing Mix SPD:

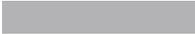
No of bedrooms	No of units	Percentage	Expected Mix in line with SPD
Market Units			
1 bed	0	30%	30 – 60%
2 bed	12		
3 bed	15	37.5%	25-45%
4 bed	8	32.5%	5 – 25%
5 bed	5		
Sub Total	40	100%	

Affordable units		
1 bed	2	20%
2 bed	4	50%
3 bed	4	30%
Sub Total	10	100%

Total units	50
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- 4.5 The proposed affordable housing tenure mix, to be secured through the S106 agreement, is proposed as follows:
- 5 no. x Affordable Rent Units
 - 5 no. x Intermediate Units (3 no. x First Homes and 2 no. x Shared Ownership)
- 4.6 It is agreed that this tenure split is as requested by KC Strategic Housing, consultee response dated 12th June 2024 (CD4.10), and in accordance with the Kirklees Affordable Housing and Housing Mix SPD.
- 4.7 The proposed housing mix within each tenure is set out below and is in accordance with the requirements for the Kirklees Rural East sub-area as set out in the Kirklees Affordable Housing and Housing Mix SPD, and as requested by KC Strategic Housing.

	Affordable Rent Units		Intermediate Units	
	SPD Mix	Rev G Mix	SPD Mix	Rev G Mix
1 and 2 bed	60+%	3 (60%)	40-70%	3 (60%)
3 - bed	20 – 39%	2 (40%)	40-59%	2 (40%)
4+ bed	0-19%	0 (0%)	0-19%	0 (0%)

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- 4.8 It is confirmed that the proposed mix is broadly in keeping with the expected mix for market units as per the Affordable Housing and Housing Mix SPD. The proposal of 20% onsite affordable housing, equating to 10 no. units, is acceptable. It is agreed the provision of appropriate onsite affordable provision, including an appropriate tenure mix in accordance with the Affordable Housing and Housing Mix SPD, could be secured through a Section 106 agreement with the Council.
- 4.9 The housing mix and affordable housing proposals are considered to comply with policy LP11, subject to a satisfactory tenure split and mix for the affordable housing, and a Section 106 agreement to secure the affordable housing.
- 4.10 Dwellings are predominantly 2 storeys in height with a limited number of 2.5 storey dwellings. The scales and appearance of the dwellings, as set out in the house type booklet, is considered acceptable, subject to a condition regarding amendments to fenestration, as set out in the Officer Report.
- 4.11 The proposed development includes Public Open Space, consisting of amenity green space, natural / semi-natural greenspace, and a Local Area of Play. The indicative landscape masterplan shows low level planting and trees throughout the site, with Street Trees provided throughout the layout.

5. Planning Policy Context

- 5.1 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.

Adopted Development Plan

- 5.2 The Adopted Development Plan for this site is the Kirklees Local Plan, which includes:
- Strategy and Policies document ;
 - Allocations and Designations document ; and,
 - Policies map.
- 5.3 The Kirklees Local Plan was adopted on the 27th February 2019 and 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.
- 5.4 The Officers Report provides a list of relevant Local Plan policies. Those policies are as follows:
- **LP1 – Presumption in favour of sustainable development**
 - **LP2 – Place shaping**
 - **LP3 – Location of new development**
 - **LP6 – Safeguarded land**
 - **LP7 – Efficient and effective use of land and buildings**
 - **LP11 – Housing mix and affordable housing**
 - **LP20 – Sustainable travel**
 - **LP21 – Highways and access**
 - **LP22 – Parking**
 - **LP24 – Design**
 - **LP26 – Renewable and low carbon energy**
 - **LP28 – Drainage**
 - **LP30 – Biodiversity and geodiversity**
 - **LP32 – Landscape**
 - **LP33 – Trees**
 - **LP34 – Conserving and enhancing the water environment**
 - **LP43 – Waste management hierarchy**
 - **LP49 – Educational and health care needs**
 - **LP51 – Protection and improvement of local air quality**
 - **LP52 – Protection and improvement of environmental quality**
 - **LP53 – Contaminated and unstable land**
 - **LP63 – New open space**
- 5.5 It is agreed that the Council is currently unable to demonstrate a five year supply of deliverable housing sites. It is also agreed that the most recent Housing Delivery Test for Kirklees Council (2023 results) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 5.6 The last published position from the Council is agreed to be that set out in the Kirklees Authority Monitoring Report (AMR) 2024/2025 and identifies a housing land supply figure of 4.18 years for the five year period commencing April 2025

- 5.7 It is agreed that the presumption in favour of sustainable development, or 'tilted balance', in paragraph 11.d) of the NPPF applies. It is agreed 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.
- 5.8 It is agreed that Local Plan Policy LP23, referred to in Reason for Refusal 1, is not a relevant policy in this case.
- 5.9 The following Local Plan policies are relevant to the issues arising from the Reasons for Refusal in this case:
- LP4 – Providing infrastructure
 - LP11 – Housing Mix and Affordable Housing
 - LP20 – Sustainable Travel
 - LP21 – Highways and access
 - LP24 – Design
 - LP28 – Drainage
 - LP30 – Biodiversity and Geodiversity
 - LP49 – Educational and health care needs
 - LP63 – New open space

SPDs

- 5.10 The Supplementary Planning Documents (SPDs) of relevance are as follows:
- Housebuilders Design Guide SPD (2021)
 - Highway Design Guide SPD (2019)
 - Open Space SPD (2021)
 - Affordable Housing and Housing Mix SPD (2023)

Kirklees Guidance Documents

- 5.11 There are a number of other relevant guidance documents:
- Biodiversity Net Gain Technical Advice Note (2021)
 - Planning Applications Climate Change Guidance (2021)
 - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
 - Waste Management Design Guide for New Developments (2020)
 - Green Streets Principles for the West Yorkshire Transport Fund
 - Kirklees Interim Housing Position Statement to Boost Supply (2023)
 - Kirklees Transport Strategy (2025)
- 5.12 The Kirklees Interim Housing Position Statement to Boost Supply (February 2024) is agreed to be a material planning consideration in the determination of the application. It identifies that safeguarded land sites could *"provide potential development opportunities that could be facilitated though their early release for housing where development constraints can be overcome"*, and sets out the criteria under which safeguarded land sites are to be assessed in that context.

Emerging Development Plan

- 5.13 At the time the application was determined, the emerging Kirklees Local Plan was still at an early engagement stage. The Council's published Local Development Scheme (2025) indicates that consultation on the Draft Local Plan will not take place until late 2026 / early 2027.
- 5.14 No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

5.15 Relevant national policy and guidance for this application includes:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021

5.16 Each party will add any additional documents through the Statement of Case and Proofs of Evidence.

6. Matters of Agreement

6.1 The matters of agreement between the parties are as follows:

Principle of Development

- 6.2 The principle of residential development on this Safeguarded Land site is accepted, subject to other material considerations, including the consideration of the matters identified in the reasons for refusal.
- 6.3 In the context of the Council's lack of five-year housing land supply it is agreed that the presumption in favour of development and the 'tilted balance' is engaged. It is agreed 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.
- 6.4 It is agreed that the site is within the urban envelope of the settlement of Stocksmoor albeit on the edge of the settlement. It is agreed that the site is in a sustainable location, taking into account the site's location on the edge of a settlement within a rural area, and that the sustainability of the site's location is not a basis for refusal.

Housing

- 6.5 It is agreed that the site can accommodate 50 residential dwellings.
- 6.6 It is agreed that the proposed housing mix for market units is appropriate and in general accordance with the Housing and Affordable Housing SPD.
- 6.7 Local Plan Policy LP7 states that developments should achieve a net density of 35 dwellings per hectare, where appropriate. The proposed housing density is below the 35 dwellings per hectare. Given the constraints of the site, the proposed density of 29 dwellings per hectare is considered acceptable and to represent an effective and efficient use of the site, in accordance with Policy LP7. This matter was not a reason for refusal.
- 6.8 It is agreed the proposed quantum of affordable housing, 20% equating to 10 no. units is acceptable and policy compliant. This is subject to an appropriate tenure split being proposed and secured via a Section 106 agreement.
- 6.9 It is agreed that the dwellings are to be delivered to Nationally Described Space Standard (NDSS).
- 6.10 It is agreed that the proposed housetypes, as set out in the House Type Pack reference Z159.007 are acceptable and that any minor amendments to fenestration as set out in the Officer's Report can be dealt with via a suitably worded condition.
- 6.11 The proposed design in regard to layout, appearance, scale of the proposed dwellings and massing is agreed, subject to conditions relating to matters including fenestration, boundary treatments, and landscaping.
- 6.12 The delivery of housing is a benefit to be weighed in the planning balance.
- 6.13 The delivery of affordable housing is a benefit to be weighed in the planning balance.

Access and Highways

- 6.14 It is agreed that the site is in an accessible location in the context of its location in, but at the edge of a settlement in a rural area, and that the site is accessible by public transport.
- 6.15 A single point of vehicular access is proposed from Shepley Road. The proposed site access arrangements are provided on the Feasibility Layout -Sheet 1 reference 24071-LE-00-ZZ-Dr-D-0001 Rev P4, which was submitted to the Council as part of the Transport Assessment Addendum (TAA) (CD 1.33). Those proposed site access arrangements are considered acceptable subject to details of

the preliminary site access design being secured by a suitably-worded condition which would include a requirement for a Stage 1 Road Safety Audit.

- 6.16 It is agreed that the LPA does not object to the development due to potential increased delay to vehicle traffic on Stone Wood Lane, and can confirm that this issue did not give rise to the reason for refusal on highways grounds (reason for refusal 1) in this case.
- 6.17 Highway boundary records have been obtained from Kirklees Council's Street Registry team of the Shepley Road/ Stone Wood Lane corridor. The drawings are provided in Appendix A.

Layout

- 6.18 The proposed development would not have a detrimental effect on the amenity of existing nearby residents, and would provide an acceptable level of amenity for future residents.
- 6.19 It is agreed that the separation distances between the proposed dwellings, and between proposed and existing dwellings, are acceptable.
- 6.20 It is agreed that the proposed site layout would be acceptable as a private street. However, additional information and amendments would be required to ensure that the site layout conforms fully with the Councils Highway Design Guide SPD, to allow the proposed highways to be considered for adoption. However, as highway adoption is not a mandatory requirement of the planning process, and this is not a reason for the refusal of the application, the proposed highway layout could be retained in its current form and remain private. This is subject to the provision of some additional information (including a Stage 1 Road Safety Audit) that ensures that the private streets are still designed and maintained to an appropriate standard to ensure highway safety, which could be secured by a suitably-worded planning condition (if the appeal were allowed).
- 6.21 Such a condition could also accommodate the potential for revised details to be submitted in order to achieve an internal highway layout that could be considered for adoption. An agreed wording for a condition to cover these matters is below:

"Notwithstanding the details on the submitted plans, development shall not commence until details of the proposed estate streets within the development have been submitted to and approved in writing by the local planning authority. The submitted details shall be based on the layout shown on Planning Layout drawing number: Z159.100 Rev G (or as amended to enable an adoptable standard layout to be achieved), and shall include:

- a) Geometric design of the street layout, including widths, radii and horizontal and vertical alignment;*
- b) Surface treatments;*
- c) Junction visibility and forward visibility splays, and their treatment;*
- d) Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;*
- e) Street tree locations and species to be planted;*
- f) Road markings;*
- g) A 'highway areas plan' which confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and shared private drives;*
- h) A Stage 1 Road Safety Audit (RSA), based on an approved RSA Brief, Designers' Responses and Agreed RSA Actions, covering all aspects of these works.*

The estate streets within the development shall be implemented in accordance with the details thereby approved, and shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: *To ensure the free and safe use of the highway, in the interests of highway safety and amenity, and in accordance with Policy LP21 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure that details of the road layout are devised and approved at an appropriate stage of the process."

- 6.22 It is agreed that the proposed layout includes on-site provision of amenity greenspace, children and young people's play provision (Local Area of Play) and natural and semi-natural greenspace. Discussion is ongoing between the Appellant and the LPA in relation to securing on-site provision and appropriate and proportionate financial contributions towards the provision and/or enhancement of off-site public open space via a Section 106 agreement.

Ecology/Landscaping and Woodland matters

- 6.23 It is agreed that the submitted ecological surveys were carried out at a sub-optimal time of year for many protected species, but this was not a reason for refusal, subject to conditions, including to secure further species surveys prior to works commencing.
- 6.24 It is agreed that the Council's report (CD 3.1) considered that the Ecological Impact Assessment (EclA) provided by SLR (CD 1.26) "provides a comprehensive ecological assessment of the site".
- 6.25 It is agreed that the impact and risks of the development on protected/important species are low and can be minimised with appropriate mitigation measures, subject to appropriately-worded conditions.
- 6.26 It is agreed that the proposals could deliver 10% Biodiversity Net Gain (BNG). However, this would be subject to detailed proposals with regard to whether all of that BNG could be delivered on-site. It is agreed the net gain in biodiversity is a benefit in the planning balance. This would be subject to the standard biodiversity gain condition and a Section 106 agreement to secure the management of significant on-site habitat enhancements for at least 30 years.
- 6.27 It is agreed that, based on the submitted details and the comments from Natural England, there would not be any significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.28 It is agreed that weight can be attributed to the ecological measures embedded within the scheme, as set out in the bullet points in Section 4.9 of the submitted EclA (Rev 2, received 01/05/2024), which would result in positive benefits at a local level.
- 6.29 An appropriate standoff between the proposed built form and the ancient woodland to the east/south east is provided within the proposed Planning Layout. It is agreed that, based on the submitted proposed Planning Layout drawing Rev G, no new buildings are proposed within 30m of the ancient woodland, and the nearest dwelling would be at least 45m distance from the ancient woodland.
- 6.30 This stand off exceeds the minimum 15m buffer zone depth, as referred to in the Natural England and Forestry Commission "*Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*" guidance.
- 6.31 It is agreed that the proposals do not include any new access point to the ancient woodland from the site, and this could be secured via a condition requiring boundary treatment details along that boundary to exclude any means of access between the site and the ancient woodland.
- 6.32 It is agreed that no trees within the ancient woodland would be removed as part of the proposal.
- 6.33 Conditions would be necessary, requiring details of appropriate planting and boundary treatment proposals in the eastern part of the site which, together with the topography of the eastern part of the site would also serve to mitigate against human disturbance near the woodland.
- 6.34 Mitigation measures during the construction phase of the development could be secured through appropriately worded conditions, including an Arboricultural Method Statement (AMS) and Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity).
- 6.35 Subject to the imposition of suitably worded conditions it is considered that the proposed development would not have an unacceptable direct or indirect adverse effect on the ancient woodland, including its function as a Local Wildlife Site and part of the Wildlife Habitat Network.

- 6.36 It is agreed that the removal of 3 no. trees to facilitate the site access is acceptable on balance and could be mitigated through the new planting proposed (subject to a condition regarding detailed landscape proposals).
- 6.37 It is agreed that, subject to conditions, matters relating to ecology and the ancient woodland did not give rise to, and are not, reasons for refusal, and that the proposals are considered to accord with relevant Local Plan Policies, including LP30, LP32 and LP33, in those respects.

Other matters

- 6.38 It is agreed that the site is located in Flood Zone 1.
- 6.39 It is agreed that the proposals would not give rise to increased risk of flooding from any source including fluvial, surface water or groundwater.
- 6.40 The proposed approach to flood risk and drainage is supported by Kirklees Council Lead Local Flood Authority, subject to appropriately-worded conditions, as set out in the agreed list of draft conditions.
- 6.41 It is agreed that there are no network capacity issues raised by Yorkshire Water (CD 4.8) in relation to foul drainage and that Yorkshire Water do not object to the scheme.
- 6.42 It is agreed that the proposal to discharge attenuated surface water to a local watercourse to the east of the site is acceptable, subject to suitably worded conditions and Section 106 obligation to secure the detailed drainage proposal and future maintenance of the drainage system. It is agreed that the approach follows the drainage hierarchy.
- 6.43 It is agreed that matters relating to flood risk and drainage are not capable of forming a reason for refusal and that the proposals meet the aims and objectives of Local Plan Policy LP28 subject to conditions requiring the approval and implementation of temporary surface water drainage arrangements during the construction phase, a Pollution Plan, details of overland flow routes in an exceedance event, and securing a detailed drainage scheme, and a Section 106 agreement to secure maintenance and management of the surface water drainage system (until formally adopted).
- 6.44 It is agreed that there would be no significant impact on the nearest noise sensitive receptors, subject to a condition requiring a Construction Environmental Management Plan.
- 6.45 There would be no unacceptable impact on air quality, subject to conditions requiring electric vehicle charging points and a Construction Environmental Management Plan, to include measures to manage dust during construction.
- 6.46 It is agreed that the appeal proposals would have no adverse impact on any designated heritage asset or non-designated heritage asset.
- 6.47 Suitable conditions can be agreed to ensure no significant risks arise from contaminated land.

Planning Obligation/ Drafts Heads of Terms

- 6.48 The following Draft Heads of Terms can be agreed and will be provided in a full Section 106 legal agreement to be agreed between the parties.
- 6.49 Delivery of 20% Affordable Housing equating to 10 no. units on site, with the tenure split and mix to accord with the Affordable Housing and Housing Mix SPD.
- 6.50 Delivery of onsite Public Open Space (POS) as proposed, including Inspection Fee (£918.76) towards the cost of the Council inspecting the on-site open space.
- 6.51 Financial contribution of £58,839.14 towards other forms of off-site POS.
- 6.52 A financial contribution of £59,573 towards education provision.

- 6.53 A financial contribution to a Travel Plan monitoring fee of £10,000 (£2,000 per annum for five years) is agreed.
- 6.54 A Sustainable Transport Fund contribution of £41,618.50 will be provided, to cover the provision of MCards for future residents or other appropriate sustainable transport measures for the development.
- 6.55 Secure the ongoing maintenance and management of drainage infrastructure (prior to adoption by a statutory undertaker), Public Open Space (including inspection fee), any Ecological Net Gain features for a period of 30 years and any other on site amenity area outside of dwelling curtilage.

Conditions

- 6.56 A draft list of conditions is to be agreed between the parties in advance of the Public Inquiry and will be submitted under separate cover.

7. Matters of Dispute

- 7.1 It is agreed that the matters of dispute are those set out in the Reasons for Refusal and will be a matter for evidence at the Public Inquiry.
- 7.2 It is agreed that Reason for Refusal 2 could be addressed through an agreed Section 106 Legal Agreement to cover the relevant planning obligations, which is a matter of discussion between the Council and the Appellant.
- 7.3 It is agreed that the Highways disputes between the parties relating to Reason for Refusal 1 can be narrowed down to:
- The number of development trips generated by the proposal;
 - The distribution of development trips in the local highway network;
 - Base traffic/speed data and how this is used in the assessment;
 - The existing conditions on Stone Wood Lane, and the section of Shepley Road between the site access and Stone Wood Lane, with reference to highway safety and operation;
 - Sufficiency of off-site highway improvements on Stone Wood Lane; and,
 - Level of impact on highway safety, and on the amenity of active travel users, arising as a result of the development proposals including mitigation measures.

Appendix A – Adopted Highway Plans

Signatures

On behalf of the Appellant

Becky Richmond, Johnson Mowat Planning Dated 04.02.2026

On behalf of the Council

Jillian Rann, Kirklees Council Dated 04.02.2026