

APPEAL BY NEWETT HOMES IN RESPECT OF LAND NORTH EAST OF SHEPLEY
ROAD, STOCKSMOOR, HUDDERSFIELD, HD4 6XW

OPENING STATEMENT OF THE LOCAL PLANNING AUTHORITY

1. Whilst the Rule 6 party raises a number of issues, for the local planning authority's part this is a one issue case. The second reason for refusal would be overcome by the execution of a suitable planning obligation.
2. The Council's sole concern about the appeal scheme relates to highways matters. The Appellant has, through no fewer than three consultants, produced a mass of detail which cannot mask the obvious point that to allow development of the appeal site in the way proposed would cause materially more traffic to use the obviously substandard part of Shepley Road and Stone Wood Lane east of the proposed site access¹. Such a situation would unacceptably increase risks to highway safety and would exacerbate the inconvenience to which active travellers are already subject. A detailed site visit will show just how unsuitable Stone Wood Lane is for the traffic it carries now, let alone with the addition of more vehicular and pedestrian/cycle usage.
3. Stone Wood Lane is seriously substandard, with lengths that are narrow, preventing vehicles from passing each other, and there are stretches with restricted forward visibility. This means that vehicles travelling in opposite directions often meet each other in places

¹ For brevity, reference will be made to "Stone Wood Lane", even though part of it is Shepley Road.

where passing is awkward or one vehicle has to reverse to allow the other to progress. The situation is particularly bad at the stretch where, coming from Shepley towards Stocksmoor, the road heads down a fairly steep gradient, around a left hand bend where vehicles have no ability to see each other, requiring drivers to trust to luck as they head on their way in either direction.

4. Pedestrians, cyclists and equestrians are inconvenienced by this passing traffic. Often, people will have to step onto the unkempt, narrow and uneven verges. There are places where a pedestrian has to shelter in the verge at a place where he or she might feel somewhat hemmed in by boundary walls.
5. It is true that there have been no personal injury accidents along the relevant stretch of Stone Wood Lane during the past 15 years. But that is not evidence that allows one to conclude that the Lane is safe.
6. The appeal site is allocated as safeguarded land, but that allocation does not remove the need to consider the specific effects of a development proposal and its accompanying mitigation. The Appellant does not point to any evidence to show that the Local Plan preparation process ever turned its mind to the detail of the impacts of development upon Stone Wood Lane or its suitability for the type and amount of traffic proposed.
7. There is now an immaterial difference of 2 trips between the principal parties' assessment of the traffic generation of the appeal scheme (30 or 32 two way trips in each peak hour). There is a more substantial difference of opinion about the distribution of those trips so far as the use of Stone Wood Lane is concerned. Mr Darwin uses a 50:50 split out of the site

entrance, leading to 16 additional two way trips along Stone Wood Lane during each of the two daily peak hours. Mr Darwin's judgement is consistent with the approach taken by the Appellant's second highway consultant.

8. The Appellant's position has shifted throughout the application and appeal process during the currency of each of the three consultants that have been engaged. The Appellant's latest position is that around 7 two-way trips connected to the appeal scheme would use Stone Wood Lane during the peak hours. The Council considers that too low and not based on a robust assessment, for reasons to be explored, but even the Appellant's figures for the use of Stone Wood Lane are of concern to Mr Darwin.
9. When the application was made, no mitigation measures were proposed along Stone Wood Lane. Later, TPS (the Appellant's second highways consultant) advocated a scheme of mitigation works. These comprised relatively minor improvements to existing informal passing places. Now Mr Owen has proposed a new set of works – removing some of the TPS proposals, adding new ones and amending the rest (often without explaining the changes). Mr Owen's passing place 4 is actually the subject of a further revision in his rebuttal proof – the third iteration of works for that passing place alone.
10. The end point is that the Appellant's proposals are unsuitable. The passing places suffer from combined problems as regards their width, their length, their usability and their deliverability. They are inadequate. They do nothing for the particularly problematic stretch down into the valley from the Shepley side. With the works in place, there would still be unacceptable risks to safety and unacceptable inconvenience to those active travellers who are not put off from using Stone Wood Lane altogether.

11. The inconsistent approach of the Appellant to the mitigation works and the quality of the outcome of that process is a clear indication that the highway is simply not of sufficient width and does not have geometric characteristics to allow for an appropriate solution. Put simply, there is simply not the highway width to make a meaningful improvement. The proposed works are the best of a bad job and not good enough.
12. Planning permission should be refused if the highway situation would be unsafe or if active travel would be unsafe or unpleasant. That is the case even with the Council's lack of forward housing land supply and its housing delivery test performance.
13. On the other hand, the Council accepts that its case stands or falls on the highways issues. If that highway case is not accepted, then the Council accepts that planning permission should be granted. The fact that the site is safeguarded land should not stand in the way of permission given the land supply and HDT positions. The scheme would have benefits that would outweigh the harm (if the Council's highways case is *not* accepted) and so the application of the tilted balance in paragraph 11(d)(ii) of the NPPF would clearly not justify the appeal being dismissed.
14. But that is not the Council's case. The impacts of the appeal scheme upon users of Stone Wood Lane would be unacceptable in safety and amenity terms. For that reason, the Council will be asking for the appeal to be dismissed.

MARTIN CARTER
Counsel for the Local Planning Authority
24th February 2026

Kings Chambers
Manchester – Leeds - Birmingham