Planning Inspectorate

Appeal Decision

Inquiry held on 24 – 26 February 2026 and 3 – 4 March 2026

Site visit made on 4 March 2026

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2026

Appeal Ref: APP/Z4718/W/25/3375000
Land North East of Shepley Road, Stocksmoor, Huddersfield HD4 6XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Newett Homes against the decision of Kirklees Council.
- The application Ref is 2024/62/91242/E.
- The development proposed is Residential Development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for Residential Development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure at Land North East of Shepley Road, Stocksmoor, Huddersfield HD4 6XW in accordance with the terms of the application, Ref 2024/62/91242/E, subject to the conditions at Annexe 3.

Preliminary Matters

2. Prior to the Case Management Conference for the appeal, the appellant sought to vary the proposal that was subject to the appeal from a 50 dwelling scheme to a 49 dwelling scheme.

3. I sought the views of the parties on this matter and the Council confirmed that whilst there had been some discussions concerning a 49 unit scheme towards the end of the application process, the scheme that was refused planning permission was a 50 unit scheme, and the drawings listed on the decision notice show this.

4. No compelling reason for revising the scheme at appeal was provided by the appellant and such an approach would be contrary to Government guidance, which states that the appeal process should not be used to evolve a scheme[1]. Furthermore, I was concerned at the risk of confusion in the appeal process from the different drawings, and I was not satisfied such a change would pass the substantive or procedural tests from *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018).*

5. The appellant submitted new Highways-related information as part of their Proofs of Evidence, and the Council raised some initial concerns about the time available to assess this new evidence. However, the Council submitted a rebuttal Proof dated 4 February 2026, which amongst other things dealt with this matter. I am

[1] Para 16.1 Procedural Guide: Planning appeals – England 16 July 2026

satisfied that the appellant's new evidence did not prejudice the Council's position or the position of the Rule 6 Party, Stocksmoor Vision.

6. Stocksmoor Vision sought to present further evidence to the Inquiry shortly after it opened, concerning the content of the submitted Proofs and Rebuttal Proofs. This was late evidence and following a brief discussion I did not accept its submission on the grounds of procedural fairness. However, recognising that Stocksmoor Vision was not familiar with the Inquiry process, I advised them they could raise matters contained in this document as part of the discussions.

7. Stocksmoor Vision had also requested to show a short video concerning a combined sewer surcharging in Thunderbridge. This was shared with the Council and Appellant beforehand and was seen on Day 4 of the Inquiry.

8. The National Planning Policy Framework (the Framework) sets out current Government policy on planning, alongside Planning Practice Guidance (PPG). On 16 December 2025, the Government began a consultation on proposed changes to the Framework. Following this consultation, the Government published the revised version of the Framework on 17 August 2026; the Government also published the latest Housing Delivery Test (HDT) results on the same date.

9. I sought the views of the main parties on these matters and I have had regard to their responses in determining this appeal. There was a difference of opinion between the Council and the appellant / Stocksmoor Vision as to whether the appeal site was located within the settlement of Stocksmoor and so whether Framework Policy S4: Principle of development within settlements or Framework Policy S5: Principle of development outside settlements, would be engaged by the proposal.

10. The settlement boundary for Stocksmoor is not explicitly defined in the Kirklees Local Plan 2019 (KLP). The Council considers the Green Belt boundary in the KLP defines the settlement. The preparation of the KLP predates the current Framework and such a conclusion would not be consistent with it were the plan being prepared today, where safeguarded land, such as the appeal site, is expressly excluded from settlements[2].

11. However, Core Document 6.8 (CD 6.8), *Schedule of safeguarded land sites showing their constraints/assessment of future delivery*, which predates the adoption of the KLP, clearly identifies that the safeguarded land at the appeal site would be a 'Settlement Extension'. Consequently, I accept the Council's position that it now forms part of the settlement of Stocksmoor, following the adoption of the KLP, and for the purposes of determining this appeal. This approach is consistent with the definition of 'Settlement' in the Glossary at Annex B of the Framework.

Main Issues

12. The main issues are the effect of the proposal on:

- Nearby Ancient Woodland, and,
- Highway function and safety.

[2] Plan-making Framework Policy GB4: Defining Green Belt boundaries section 1. g)

Reasons

Ancient Woodland

13. Ancient Woodland is an area that has been wooded continuously since at least 1600 AD. It is considered to be an irreplaceable habitat which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed.[3]

14. The appeal site is greenfield land located at the eastern edge of the village of Stocksmoor and above and to the immediate west of Shepley Mill Wood[4], an area of Ancient Woodland. The woodland contains a mix of native tree species, predominantly Oak, Sycamore and Ash, but with other species also present. Lower Stone Wood, which forms part of Shepley Mill Wood, is also designated as a Local Wildlife Site and Wildlife Habitat Network in the KLP.

15. Stone Wood Dike runs through the woodland on a generally southwest to northeast axis, with the woodland sloping steeply downwards towards this stream from both sides. An unnamed watercourse flows into Stone Wood Dike from the appeal site.

16. The wood contains a number of recreational footpaths and the Huddersfield to Sheffield Railway line[5] passes through the wood, whilst also forming the northeastern boundary of the appeal site. To the south of the railway line, Shepley Road / Stone Wood Lane, a narrow country lane, also winds through the Ancient Woodland and connects Stocksmoor to the somewhat larger village of Shepley.

17. Around 600 metres to the northeast of the appeal site lies another Ancient Woodland, Hartley Bank Wood. Stone Wood Dike flows through Shepley Mill Wood towards Hartley Bank Wood, some 1.3 Kilometres downstream, where it eventually becomes Thunderbridge Dike, and flows past part of the southern and western edges of Hartley Bank Wood.

18. When I visited the area, I noted that Hartley Bank Wood is at a generally higher elevation than Thunderbridge Dike, and rises away from the watercourse, although some tree roots could be seen in the eastern bank of the stream.

19. The Framework directs that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists[6].

20. There was some discussion at the Inquiry as to what might constitute *deterioration* of Ancient Woodland. Stocksmoor Vision considered the ordinary meaning of the word was sufficient, such that any harm to an Ancient Woodland would be considered to cause *deterioration* to its condition. The appellant's view was more nuanced, that Ancient Woodland is affected by a range of different factors resulting in change, some of which may be positive and some of which may be negative. Harmful effects to a part of an Ancient Woodland, depending on what they are, may not lead to a *deterioration* in its overall condition.

[3] Glossary – Annex B of the Framework 2026
[4] Also known as Upper and Lower Stones Wood, a Local Wildlife Site (LWS)
[5] Also known as the Penistone Line
[6] Policy N6:Areas of particular importance for biodiversity and geodiversity, the Framework

21. It is common ground between the Council and the appellant that the proposal would not cause the deterioration of either of the two areas of Ancient Woodland mentioned above.

22. Stocksmoor Vision raised concerns that the proximity of Shepley Mill Wood to the appeal site, and the proposed built development, would lead to the deterioration of the Ancient Woodland both during construction and following completion. The Rule 6 Party identified noise, dust, vibration, pollution, including airborne and waterborne, artificial light and soil disturbance and compaction amongst the cumulative risks to the Ancient Woodland during the construction phase.

23. Stocksmoor Vision also raised concerns that construction materials or pollutants could be transported, via the unnamed watercourse and via Stone Wood Dike to Thunderbridge Dike, and from there to Hartley Bank Wood.

24. The Council and the appellant recognised there were significant risks to the condition of Shepley Mill Wood during the construction phase and so agreed a number of planning conditions to control activities at this time, were the appeal to be allowed. Such conditions, including ones requiring the approval by the Council of Construction Environmental Management Plans (CEMPs), are commonplace for developments of this scale across the country.

25. The proximity of Shepley Mill Wood to the site, and the steeply sloping gradient of the terrain, would mean devising a satisfactory CEMP, including a CEMP with specific regard to Biodiversity, or a Pollution Prevention Plan (PPP), would be challenging. I also recognise the considered concerns of Stocksmoor Vision regarding the effectiveness of the proposed conditions. However, there is no substantive evidence before me that shows that such matters could not be controlled by conditions, that the conditions would not be effective, or that the temporary construction works would be likely to lead to the deterioration of the condition of Shepley Mill Wood.

26. In addition, any materials or pollutants transported to Thunderbridge Dike would be diluted and transient, and I do not consider they would result in the deterioration of Hartley Bank Wood.

27. I also note that failure to comply with planning conditions, including conditions concerning a CEMP or PPP, would leave the appellant open to Enforcement action by the Council, if it were to occur.

28. Stocksmoor Vision also argued there would be adverse effects on the two identified areas of Ancient Woodland once the proposed development was constructed and occupied. In terms of hydrology, there would be a change to the permeability of the appeal site, with surface water run-off draining to an attenuation tank before being released into the unnamed watercourse (at 6.2 litres per second (l/s), which is the greenfield run-off rate) and from there to Stone Wood Dike and Thunderbridge Dike.

29. I accept that even with the various filter mechanisms associated with the proposed surface water drainage, there are likely to be some contaminants in the water discharged from the attenuation tank into the unnamed watercourse and into Stone Wood Dike. However, these contaminants would be diluted as they entered Stone Wood Dike, and would be transient, carried through the Ancient Woodland as part of the flow of the Dike. No substantive evidence has been provided that

there is likely to be an accumulation of such contaminants, and that this would harm the Ancient Woodland.

30. Furthermore, much of the appeal site, such as gardens, grass verges and areas of open space, including the sloping buffer strip by the Ancient Woodland, would remain permeable to rainwater, as the current field is now. This would mean that whilst there would be some reduction in groundwater in the area, this is unlikely to be significant. Groundwater levels, including as identified through borehole tests conducted after a relatively wet winter, were low, which confirms the assessment in the Council's Strategic Flood Risk Assessment (SFRA).

31. Groundwater levels also change from time to time, reflecting weather patterns and seasons, and I further note that Shepley Mill Wood is not said to be woodland that is dependent on a wet environment. I do not consider the proposal would significantly affect the hydrology of the Ancient Woodland.

32. Stocksmoor Vision also raised concerns regarding the additional foul sewer load that would be added to the existing sewer infrastructure serving the area. As the short film of a combined sewer manhole surcharging near to Thunderbridge Dike and close to Hartley Bank Wood showed, the existing sewer capacity is insufficient at present during periods of prolonged or heavy rain. The surcharge from this manhole, and presumably from others nearby, does enter Thunderbridge Dike and would undoubtedly increase pollution levels there.

33. The proposed development would have separate foul and surface water drainage systems, and whilst the additional foul sewer load from the proposed development would reduce the capacity of the sewer infrastructure to some extent, Yorkshire Water, the company responsible for the sewer infrastructure did not object to the proposal, subject to a number of conditions.

34. The problem of surcharges from combined sewers is historic and is caused by excess surface water entering the sewer system. Whilst such surcharges are unpleasant and detrimental to the water environment, upon entering Thunderbridge Dike pollutants would be further diluted and carried downstream. I also note the sloping terrain of the area, with the parts of Hartley Bank Wood near to Thunderbridge Dike rising quite steeply away from the watercourse. As with the aforementioned contaminants from surface water, there is no substantive evidence that these surcharges would be likely to cause harm to Ancient Woodland, in this case Hartley Bank Wood.

35. Stocksmoor Vision makes reference to Framework Policy P3: Living conditions and pollution, sub-section 3. which states 'it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively'. Stocksmoor Vision considers the surcharges to be clear evidence that the regulatory regime is not operating effectively and references Yorkshire Water in this regard.

36. However, Yorkshire Water is not the regulatory authority for water pollution from its sewers. In any event, I have not found any additional levels of pollution from the combined sewer surcharges, as a result of the proposed development, would be harmful to an irreplaceable habitat and I do not consider the additionality would be significant.

37. Stocksmoor Vision has also raised concerns regarding the effects of the proposed development in terms of air pollution, including nitrogen and particulates from motor vehicles and from domestic heating; and, in terms of artificial light pollution spilling into the Ancient Woodland and disrupting nocturnal or light sensitive species. Stone Wood Lane and the railway line already pass through the woodland and so are already likely to have some effect in terms of pollution. No substantive evidence has been provided that the proposed development would significantly increase pollution levels or that these would cause the deterioration of the Ancient Woodland.

38. Increased recreational use of the Ancient Woodland is considered likely, including from dog walkers, and potentially leading to a degradation of the habitat, such as through the compaction of soils, disturbance to wildlife, and litter or animal waste deposits. Furthermore, Stocksmoor Vision also raised concerns regarding the predation of wildlife within the Ancient Woodland by domestic cats, with numbers extrapolated from the likely numbers of cats that would reside at the proposed development.

39. Whilst I recognise there will be inter-connections between the ecological features and processes within Ancient Woodland, including fauna and flora, it is the habitat that is expressly designated and so protected. Stocksmoor Vision have referenced national surveys of cat predation and have extrapolated figures from these surveys and applied them to the appeal site. Whilst any loss of birds, mammals, amphibians, reptiles and insects to domestic cats would be unfortunate, there is no compelling evidence the presence of cats would be likely to lead to the deterioration of Shepley Mill Wood.

40. Stocksmoor Vision has raised concerns that the proposal would result in cumulative effects on the Ancient Woodland, thereby intensifying any individual adverse effects. However, Ancient Woodland is a dynamic, living habitat, and as a result, parts of the Ancient Woodland will inevitably experience some changes, as part of the wider environment.

41. Notwithstanding the sincerely held views of Stocksmoor Vision, the evidence of the Appellant's professional arboriculturist and ecologist, as well as the views of the Council's Arboricultural Officer, shows the proposal would be acceptable with regard to Shepley Mill Wood, subject to suitably worded planning conditions.

42. The Woodland Trust objected to the proposal in its consultation response, and advocated for a buffer of some 30 metres to be provided next to the Ancient Woodland. The Woodland Trust also requested the buffer be planted, rather than to be just grassland. This would be in order to prevent harm from disturbance and pollution, as well as to provide a habitat transition zone between the Ancient Woodland and the grass slope, with the appeal development beyond.

43. Whilst the submitted landscape plan does not include planting, such as hedgerows, bushes or small trees, a condition requiring the approval of a landscaping scheme, which would include '…details of planting designed to discourage access into the areas of the site closest to the adjacent ancient woodland…' has been suggested by the Council and appellant. I consider this would be an appropriate condition, were the appeal to be allowed.

44. The Standing Advice of Natural England / the Forestry Commission states there should be a suitable buffer zone of at least 15 metres by Ancient Woodland.

Natural England did not object to the proposal, and there would be a buffer of 16.7m between the Ancient Woodland and the nearest built development, the attenuation tank outfall. There would be a buffer of 23.5 metres to the retaining wall towards the upper middle part of the sloping grassland, and 34.5 metres to the foul water pumping station at the northeast of the site; the nearest dwellings would be some 45 metres from the edge of the Ancient Woodland. I consider the buffers to the Ancient Woodland to be adequate in this case.

45. To the south of the appeal site there is another grass field which is bounded by Shepley Road, the grounds of a dwelling next to the appeal site and Shepley Mill Wood; access from the appeal site to this field is through a gap between the boundary of the dwelling and the Ancient Woodland, at the bottom of the slope. When I visited the site, I observed that this field contains a pedestrian stile over the low fence next to the Ancient Woodland, which provides access to it. Whilst outside the red-edged boundary of the appeal site, at the present time this stile is accessible from the site.

46. The proposal would include a boundary fence and planting to discourage recreational access to the woodland. However, unless access to this field were prevented as part of these measures, access to the Ancient Woodland would still be readily possible. Nevertheless, I note that a suggested condition would require the approval of all boundary treatments, which would include the boundary between the site and the adjacent field – not just the boundary to the Ancient Woodland - and so would allow for this matter to be addressed in due course.

47. For these reasons, the proposed development would not adversely affect nearby Ancient Woodland. It would, therefore, accord with Policy LP 30 (biodiversity and geodiversity) of the KLP and with the Framework, in this regard.

Highway function and safety

48. Shepley Road becomes Stone Wood Lane as it passes through Shepley Mill Wood. This road links Stocksmoor with the larger village of Shepley, which has significantly more shops and services and is located around a kilometre away to the south east. The road is the most direct route between these settlements, although there are alternative routes for motorists that would take just a few minutes longer.

49. Between the settlements, the road is a narrow country lane, without footpaths and which is single track for much of its length, with informal and irregularly spaced passing places. For stretches of its length, there are very narrow verges, with retaining walls, trees and hedges positioned very close to the carriageway. The road is subject to national speed limits and carries traffic in both directions; there are no lampposts along much of its length and I note that it is said to not be gritted in winter.

50. The road also forms part of the Trans Pennine Trail (TPT) long distance recreational route between the North Sea and the Irish Sea, as well as National Cycle Network (NCN) Route 627, which runs between Kirkburton and Millhouse Green. The road is a shared surface route, typical of many country lanes in Kirklees and across the country.

51. From Stocksmoor, Shepley Road passes the appeal site before sloping downwards to a bridge over Stone Wood Dike within Shepley Mill Wood, where it turns roughly 90 degrees. It then slopes steeply upwards through the Ancient Woodland, before another roughly 90 degree turn at the top, just before it emerges from the wood.

Stone Wood Lane continues onwards through agricultural fields, bounded by hedgerows and occasional trees until it reaches Shepley.

52. Prior to the accompanied site visit on 4 March 2026, I visited Stone Wood Lane during the morning peak at the request of the Council. I positioned myself by the southeastern edge of Shepley Mill Wood, near to the 90 degree turn in the road at the top of the steep slope through the wood. I was present between 7.54am and 8.52am and was able to observe the vehicular and pedestrian traffic on Stone Wood Lane for this time.

53. I did not conduct a formal survey of numbers and types of vehicles travelling in each direction, although I note the evidence submitted to the Inquiry in this regard. However, I observed the road to be lightly trafficked in both directions, with considerable periods when no vehicles passed me, in either direction. I also observed that vehicle speeds seemed appropriate to the road conditions.

54. The vehicles travelling in both directions past me were mostly cars, many of which were large Sports Utility Vehicles, and several of which were pulling trailers. There were also a few vans, and a light supermarket delivery lorry. I did observe vehicle conflicts, including where drivers heading towards Stocksmoor were required to reverse up part of the steep slope through the woodland, and around the 90 degree turn, to allow Shepley-bound vehicles to pass. On several occasions this involved multiple vehicles travelling in both directions.

55. Whilst this is far from an ideal situation, the drivers all behaved in a generally considerate manner, and the conflicts were resolved safely within a minute or two. I did observe a slightly longer stand-off between oncoming vehicles over who should give way, but this too was safely resolved in a few minutes, despite the presence of several pedestrians nearby.

56. I did not observe any horse riders, although I do not dispute that Stone Wood Lane is used by horses. I did observe a cyclist, and a small number of pedestrians, walking and jogging past me along the road, whilst others crossed the road before the upper 90 degree turn, making use of informal footpaths through the woodland.

57. The narrow carriageway of Stone Wood Lane, its shared-surface function, the narrow verges and the limited intervisibility along parts of its length, including the blind bend at the top of the steep slope in the wood, means this is a somewhat challenging route for motorists, cyclists, pedestrians or horse riders. However, from my observations all road users were aware of the constraints affecting Stone Wood Lane, and adapted their behaviour accordingly.

58. Despite the physical constraints of the route, at the present time the Council considers that Shepley Road / Stone Wood Lane is safe and suitable for two-way traffic, including active travellers, and that the national speed limit for the road, which was reviewed some four years ago by the West Yorkshire Combined Authority, is appropriate.

59. These views are strongly supported by the absence of any recorded vehicular personal injury accidents along the route over the past 15 years, which is well beyond the time period for assessing such recorded accidents in Government guidance[7].

[7] Planning Practice Guidance (PPG) - Travel Plans, Transport Assessments and Statements Paragraph: 015 Reference ID: 42-015-20140306 Revision date: 06 03 2014

60. Several examples of non-injury accidents along the route were provided, including some late photographic evidence of a single vehicle incident provided by Stocksmoor Vision. However, I am not fully familiar with these incidents, and whilst I accept that not all minor scrapes will be recorded, from the evidence before me the number of non-injury accidents does not seem significant.

61. The appellant has used several different Highways and Transport consultancies to support their proposal. A Transport Assessment (TA) dated April 2024[8], produced by the consultancy AMA, was submitted with the application. However, following a review, the Council raised concerns with a number of aspects of the TA, including in terms of trip generation and distribution, particularly along Stone Wood Lane, and proposed mitigation works.

62. In response to these concerns, the appellant produced and submitted what is described as a Transport Assessment Addendum (TAA), dated 4 April 2025[9] and produced by a different firm, TPS Transport Consultants. Following a review of the TAA, the Council accepted the proposal 'may increase vehicle trips on Stone Wood Lane by approximately 19 two-way trips during peak hour periods', with 'the average weekday PM peak hour two-way flow increasing to 89 two-way vehicles'[10]. The Council considered this would be detrimental to the safe and efficient movement of traffic along Stone Wood Lane, including active travellers and refused the planning application.

63. At appeal, the appellant employed a further Highways and Transport consultancy, Optima, and it was this consultancy that appeared at the Inquiry to support the appellant's position.

64. Prior to and during the Inquiry, reciprocal concerns were raised by the Council's and the appellant's Highways witnesses regarding their respective evidence. As the Council noted at the Inquiry, PPG, amongst other things, states that transport evidence to support a development proposal should be '…brought forward through collaborative ongoing working between the local planning authority/transport authority… Engaging communities and local businesses…can be beneficial.'[11] However, this was not done in this case, and significant disagreements remained unresolved.

65. Numerous surveys on existing two-way vehicle trips on Shepley Road / Stone Wood Lane, which have been undertaken in recent years, are in the evidence. There are some variations between the different survey results and also variations between the daily peak hour two-way vehicle trips within the same survey, which is not unexpected.

66. However, there is broad similarity in the motor vehicle traffic flows used by the Council in refusing planning permission[12] and those used by the appellant in their Highways and Transport Proof of Evidence[13], which equate to an average of around 70 weekday, two-way, peak hour vehicle trips before the effects of the proposed development are considered. This is a reasonable baseline figure, and manifestly more appropriate than the maximum weekday peak hour two-way vehicle trip figure of 90.

[8] CD 1.23
[9] CD 1.33
[10] CD 4.16
[11] PPG - Travel Plans, Transport Assessments and Statements
Paragraph: 007 Reference ID: 42-007-20140306 Revision date: 06 03 2014
[12] CD 4.16
[13] Paragraph 3.2.11/3.2.12

67. Whilst there was broad agreement between the Council and the appellant regarding the numbers of trips the proposal would generate, disagreement regarding the distribution and effects of these trips remained. Both the Council's and the appellant's various consultants employed their professional judgements as to the generation and distribution of vehicular trips from the proposed development, as well as the likely effects of these.

68. The Council considers the road to be safe and suitable for two-way traffic at present. The road would continue to be lightly trafficked in terms of motor vehicles, even if I were to accept the Council's approach that the proposal would result in an additional 16 two-way vehicle trips during both the AM and PM peak hour periods following completion[14].

69. This would mean around 86 two-way vehicle trips during the AM and PM peak hour periods, rather than around 70 such trips at present. I do not think this increase would result in '…a severe adverse impact on the transport network…or an unacceptable impact on highway safety; taking into account any mitigation measures proposed…'[15].

70. I also note that a figure of 86 two-way, peak hour, vehicle trips would be less than the existing maximum weekday peak hour two-way vehicle trip figure of 90 considered by the Council in parts of its evidence.

71. The Council raised concerns regarding what it considered to be inadequacies in the appellant's approach to transport matters, including the focus on motor vehicle trips. The initial absence of active travel trip generation / distribution figures from the proposed development was not helpful. Nevertheless, the appellant has now undertaken surveys which show a low number of existing active travellers using Shepley Road / Stone Wood Lane. Together with the scale of the proposed development, I do not consider it likely there would be a substantial increase in numbers of active travellers as a result of the proposal, or that this would result in severe adverse impacts or effects.

72. In terms of highways mitigation measures, I have considered the latest proposals produced by Optima for the appeal, rather than those produced by TPS for the application.

73. In addition to the passing places and various associated works shown on the Optima drawings, it is proposed that signs at either end of the Shepley Road / Stone Wood Lane corridor are displayed *to advise drivers that there is no footway along the route and to anticipate the presence of pedestrians in the carriageway*[16]. This is a matter that could be satisfactorily addressed by a planning condition were the appeal to be allowed.

74. Whilst there would be an expected increase in vehicles and active travellers as a result of the appeal proposal, I consider these measures would satisfactorily mitigate this increase.

75. Stocksmoor Vision raised further concerns about the effects of construction traffic on the local road network. However, Stocksmoor is identified for housing growth in the current KLP and no compelling evidence has been provided to show the local

[14] This includes a small reduction from 19 trips in recognition of the implementation of a Travel Plan for the development
[15] Framework Policy TR6: Assessing transport impacts section 4.
[16] Paragraph 7.4.3 of Appellant's Highway Proof of Evidence

road network would be unable to safely accommodate construction traffic. Furthermore, a condition requiring the approval of a CEMP could be attached to any grant of planning permission were the appeal to be allowed, to ensure construction traffic was appropriately managed.

76. Stocksmoor Vision's evidence includes statistical modelling to derive the likely number of vehicle conflicts as well as concerns as to the effects of these conflicts, based upon the appellant's approach to trip distribution. Even if I were to accept the results of this modelling applied to an additional 16 two-way, peak hour vehicle trips, it would not change my position regarding the likely impacts on the transport network and on highway safety. Vehicle conflicts arise at present and whilst there is likely to be an increase in such conflicts, linked to the increasing number of vehicle and active travel trips, this would not cause unacceptable harm.

77. Shepley Road / Stone Wood Lane would remain lightly trafficked and, with appropriate mitigation measures, would continue to be a safe and suitable route for motorists and active travellers, including future residents of the proposed development.

78. For these reasons, the proposed development would not cause unacceptable harm to highway function and safety. It would, therefore, accord with Policy LP21 – Highways and access, parts a, b, and e; LP23 – core walking and cycling network; and LP24 – Design, part d. ii of the KLP, and with the Framework in this regard.

Other Matters

79. Section 4.5 and Table 5-2 of the appellant's Flood Risk Assessment identified that the appeal site was at medium risk of groundwater flooding. However, after I raised this, the appellant provided detailed borehole information from the appeal site[17], which was shared with the Lead Local Flood Authority (LLFA). I am satisfied from the borehole information and the comments of the LLFA[18] that the appeal site is actually at a low risk of groundwater flooding.

80. Stocksmoor Vision commented on what it considers to be social, economic and environmental deficiencies in terms of the sustainability of the proposal. However, the proposal would, amongst other things, provide a policy compliant level of affordable housing together with much needed market housing; construction and related jobs would be created/safeguarded by the proposal and I do not consider the local environment would be harmed.

81. Stocksmoor Vision also raised concerns that the settlement of Stocksmoor is unsuitable for development of this scale, given its rural location and limited amenities and public transport connections. However, Stocksmoor is identified for housing growth in the current KLP, which may support the provision of further amenities in future, and for a rural settlement, it is well served by public transport and active travel routes.

82. The appeal site itself is a relatively short walking distance from a railway station, which provides regular, frequent connections to Huddersfield and Sheffield, as well as the many intervening stations, including Shepley. Nevertheless, I note that Stocksmoor is not a 'well-connected station' as defined in the Glossary at Annex B of the Framework.

[17] Inquiry Document 6 (ID 6)
[18] ID 9

83. The appeal site was identified as Safeguarded Land for housing in the KLP and I note that there was considered capacity for 87 dwellings on the site at this time[19]. Whilst I accept that the plan preparation process is different to the process for assessing a planning application / appeal, nevertheless, I would expect issues that would potentially constrain future development to be identified as part of the safeguarding process. In this case, the issue of highway safety on the surrounding roads was not identified by the Council as a technical constraint to the future development of the safeguarded land.

84. However, as I have found the proposal would be acceptable in terms of the effects on highway function and safety, there is no need for me to consider this tension in the Council's position further.

Presumption in favour of sustainable development

85. The Council accepts it cannot demonstrate a deliverable five year housing land supply. Furthermore the 2025 HDT results, published in August 2026, show a significant under-delivery of new homes against the numbers required, albeit at a slightly better rate than was shown in the 2023 HDT results, which were extant at the time of the Inquiry.

86. The under-supply of housing nationally continues to be a priority of the Government, as evidenced in the latest version of the Framework and in PPG, amongst other things. The Government's stated ambition is to deliver 1.5 million new homes over the course of the current Parliament to begin to address past under-delivery.

87. The delivery of 50 new dwellings, in a suitable mix of sizes, including affordable housing, in a sustainable location, and in a local authority which cannot currently demonstrate a deliverable five year housing land supply, and which has significantly underdelivered against HDT targets, is a benefit of the proposal that carries substantial weight.

88. An executed s106 planning agreement dated 20 March 2026 has been submitted and which contains a number of obligations on the developer, including with regard to affordable housing; biodiversity net gain (BNG); education; public open space and landscaping; sustainable travel; and on-site drainage. The Council is also subject to obligations linked to some of these.

89. With reference to the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and the Council's CIL Compliance Statement, I am satisfied that the obligations contained within the executed s106 planning agreement dated 20 March 2026 would be necessary to make the development acceptable in planning terms; would be directly related to the development; and, would be fairly and reasonably related in scale and kind to the development. Furthermore, in light of the information provided at the Inquiry, including at ID 18, I am satisfied the executed s106 planning agreement is validly made and I take it into account in my decision.

90. The proposal would create / support jobs during the construction phase and the new residents would support local businesses, providing economic and social benefits. I have also found that the proposal would also have an acceptable effect

[19] CD 6.8

on nearby Ancient Woodland and on Highway function and safety, and so it would accord with relevant policies of the KLP.

91. As set out above, I consider the appeal site to be located within the settlement of Stocksmoor and so Policy S4 of the Framework is engaged. In these circumstances, and including with reference to the Council's Interim Housing Position Statement[20], there would not be a substantial adverse impact in terms of the status of the appeal site as safeguarded land for housing (Framework Policy S4 – 2 a) i)). Given my findings in relation to the nearby Ancient Woodland, there would not be a substantial adverse impact in terms of Framework Policy S4 – 2 a) ii)[21]. Furthermore, Framework Policy S4 – 2 b) is not engaged in this case, and my findings on Ancient Woodland and Highway function and safety above mean that there would not be conflict with Framework Policy S4 – 2 c)[22].

92. In applying Framework Policy S4 – 1, I consider the benefits of the proposal would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework, in particular those concerning climate change, including sustainable drainage; housing delivery, including appropriate densities and well-designed places in sustainable locations; transport impacts; community facilities; living conditions and pollution; public safety and security; and, the natural environment. Consequently, the proposal would be sustainable development with reference to Framework Policy S3: Presumption in favour of sustainable development.

93. Even if I were to accept the position of Stocksmoor Vision and the appellant that the appeal site is located outside the settlement of Stocksmoor, and so Framework Policy S5 would be engaged instead of Framework Policy S4, my overall conclusion would be the same.

94. Framework Policy S5 – j) ii) is not engaged in this case, and my findings on highway function and safety above mean that there would not be conflict with Policy S5 – 1 j) i). Furthermore, with reference to Framework Policies S5 – 1, S5 – 2 and S5 – 4, I consider the benefits of the proposal would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework, as set out above.

95. The proposal would accord with the development plan and with the national decision making policies in the Framework. There are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan.

Conditions and Conclusion

96. I have considered the suggested conditions agreed between the Council and the appellant against Government guidance on the use of planning conditions, including as set out in PPG and relevant legislation.

97. In addition to the standard commencement condition, a condition specifying the approved drawings and documents would be necessary for reasons of certainty. Pre-commencement conditions concerning drainage, including surface water attenuation, and flood risk, and site investigations and consequent remediation

[20] CD 6.3
[21] Linked to Framework Policy N6: Areas of particular importance for biodiversity and geodiversity
[22] Including with reference to Framework Policy TR6: Assessing transport impacts

strategy, would be manifestly necessary to protect the environment and the living conditions of future occupiers.

98. Pre-commencement conditions requiring the approval of a CEMP and a PPP would be manifestly necessary to protect the living conditions of neighbouring residents and the environment. Pre-commencement conditions concerning the nearby existing highways, future highway retaining walls and modifications, site access, layout and associated details would be manifestly necessary in terms of public safety. A pre-commencement condition concerning an Arboricultural Method Statement would be manifestly necessary to protect the character and appearance of the area and the environment.

99. A condition concerning off-site works to Stone Wood Lane would be necessary for reasons of highway safety. Pre-commencement conditions concerning a CEMP: Biodiversity, and updated ecological surveys and associated works would be manifestly necessary to protect the natural environment. Pre-commencement conditions concerning a construction methodology for works near to, and boundary treatments next to, the railway line would be manifestly necessary for reasons of safety.

100. Pre-commencement conditions regarding site levels and finished floor levels, and a Written Scheme of Archaeological Investigation would be manifestly necessary to protect the living conditions of future occupiers and to protect the historic environment.

101. Conditions requiring details of the proposed fenestration and other external materials, of the hard and soft landscaping (including timing and replacements), and of the Local Area of Play would be necessary to protect the character and appearance of the area and the living conditions of future occupiers.

102. Conditions requiring the approval of an Ecological Design Strategy, a Habitat Management and Monitoring Plan, a Sustainability and Energy Statement, details of security and crime prevention measures, and a Travel Plan, would be necessary to promote biodiversity, address climate change, protect the living conditions of future occupiers and promote sustainable travel, respectively.

103. Conditions requiring the approval of the surface finishes of vehicular areas, bicycle parking details, waste storage and collection details, electric vehicle charging points, and a lighting strategy, would be necessary to protect the living conditions of future occupiers and the natural environment.

104. For the reasons given above, and having regard to all matters raised, I conclude the appeal is allowed.

Andrew Parkin

INSPECTOR

ANNEXE 1 - APPEARANCES

FOR THE APPELLANT:

- Richard Sagar LLB (Hons), **Advocate**
  Walker Morris LLP
- Ellis Cleland MA Law
  Walker Morris LLP
- Philip Owen BEng (Hons), CEng, MICE, MIHT **Highways Witness**
  Optima Highways and Transportation Consultancy Ltd
- Mark Johnson MRICS RTPI **Planning Witness**
  Johnson Mowatt Planning Ltd
- Robert Edmonds BSc (Hons) MCCIEEM CEnv **Ecology Witness**
  SLR Consulting Ltd
- Helen Kirk MCIFor, MArborA **Arboriculture Witness**
  FPCR Environment & Design
- Gavin Shepherd BSc (Hons) **Flood Risk & Drainage Witness**
  Andrew Moseley Associates

FOR THE LOCAL PLANNING AUTHORITY:

- Martin Carter **Advocate**
  (Instructed by Mike Kelly, Kirklees Council Legal Services)
- Adam Darwin FIHE **Highways Witness**
- Jillian Rann BA (Hons) MSc MRTPI **Planning Witness**

FOR THE RULE 6 PARTY (STOCKSMOOR VISION)

- David Rees
- Katy Ecctric
- Tony McLoughlin
- Stephen O'Brien
- David Knight
- Robert Gaunt

ANNEXE 2 – DOCUMENTS SUBMITTED AT THE INQUIRY

ID 1 Appellant appearances

ID 2 Council appearances

ID 3 Appellant Opening

ID 4 Council Opening

ID 5 Stocksmoor Vision Opening

ID 6 Borehole survey results

ID 7 Updated Core Document List 25022026

ID 8 Photographs and emails of non-injury accident

ID 9 LLFA comments on borehole survey results

ID 10 Appellant suggested itinerary documents

ID 11 Council suggested itinerary documents

ID 12 Inspector response email 02032026

ID 13 Stocksmoor Vision suggested itinerary documents

ID 14 Inspector 2nd response email 02032026

ID 15 Updated Core Documents List 02032026

ID 16 Appellant s106 document bundle 03032026

ID 17 Council Housing Land Supply clarification

ID 18 Appellant document bundle concerning one of the Owners of the appeal site in the draft s106 planning agreement, and consequent revisions to the draft agreement 04032026

ID 19 Stocksmoor Vision Closing Statement

ID 20 Council Closing Statement

ID 21 Appellant Closing Statement

ID 22 Final Suggested Conditions 130326 / Appellant comments 160326

ID 23 Executed S106 Agreement 200326

ID 24 Council responses to publication of National Planning Policy Framework and HDT results on 17 August 2026

ID 25 Stocksmoor Vision responses to publication of National Planning Policy Framework and HDT results on 17 August 2026

ID 26 Appellant responses to publication of National Planning Policy Framework and HDT results on 17 August 2026

ID 27 Comments by the Council on the comments submitted as ID25 and ID26

ID 28 Comments by Stocksmoor Vision on the comments submitted as ID24 and ID26

ID 29 Comments by the appellant on the comments submitted as ID24, and ID25

ANNEXE 3 - CONDITIONS

1) The development hereby permitted shall be begun within three years of the date of this permission.

2) The development hereby permitted shall be carried out in complete accordance with the following documents, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence:
   - Site Location Plan – Drawing number: Z159.001
   - Planning Layout – Drawing number: Z159.100 Rev G
   - Landscape Masterplan – Drawing number: H24-0004_001 Rev A
   - House Type Pack – Reference: Z159.007 April 2024
   - Boundary Treatments – Drawing number: Z159.004
   - Materials Plan - Drawing number: Z159.004
   - Secure by Design Layout – Z159.008
   - Feasibility Layout – Sheet 1 – Drawing number: 24071-LE-00-ZZ-DR-D-0001 Rev P4
   - Proposed Contour plan – Drawing number: 24071-LE-00-ZZ-DR-D-0004 Rev P4
   - Proposed Centre Line Long Sections – Drawing number: 24071-LE-00-ZZ-DR-D-0005 Rev P3
   - Vehicle Tracking – Drawing number: 24071-LE-00-ZZ-DR-D-0006 Rev P3
   - Stone Wood Lane Existing Road Dimensions Sheet 1 – Drawing number: 24071-LE00-ZZ-DR-D-0100 Rev P2
   - Stone Wood Lane Existing Road Dimensions Sheet 2 – Drawing number: 24071-LE-00-ZZ-DR-D-0101 Rev P2
   - Optima Stone Wood Lane Proposed Highway Improvements –
     - 25072/GA/01 Rev A
     - 25072/GA/02 Rev A
     - 25072/GA/03 Rev A
     - 25072/GA/04 Rev A
   - POS Overlay Plan – Drawing number: P25-2788_DE_01_C_002
   - ZS Surveys Topographical Surveys
     - Sheet 1 of 4 – Drawing number: 2161 Page 1
     - Sheet 2 of 4 – Drawing number: 2161 Page 2
     - Sheet 3 of 4 – Drawing number: 2161 Page 3
     - Sheet 4 of 4 – Drawing number: 2161 Page 4
   - Indicative Cross Section – Drawing number: Z159.009
   - Indicative Streetscenes – Drawing number: Z159.007 Rev A
   - Proposed Indicative Engineering Levels – Drawing number: Z159
   - Arboricultural Assessment – Rev A, dated 23.04.24
   - Ecological Impact Assessment and Biodiversity Net Gain Assessment – Reference: 424.065101.00001, Rev 2 dated 24 April 2024
   - Flood Risk Assessment and Drainage Strategy – Reference: 20547-FRADS-001
   - Landscape and Visual Appraisal – Rev B, dated 24 April 2024
   - Noise Impact Assessment – Reference: NIA-10692-23-10857-v2 Shepley Road
   - Preliminary Geoenvironmental Investigation – Reference: 4594/1A.

3) Development shall not commence until a detailed design scheme for foul water, surface water and land drainage has been submitted to and approved in writing by the local planning authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The submitted scheme shall include:
    - An agreed discharge rate of 6.2 l/s indirectly or directly to watercourse;
    - Attenuation for the critical 1 in 100 + climate change rainfall event;
    - Attenuation construction details and design;
    - Plans and longitudinal sections;
    - Hydraulic calculations;
    - Details of the points of discharge for foul and surface water;
    - Phasing of drainage provision;
    - A risk assessment and method statement, in accordance with the CDM Regulations 2015, for access to and into the attenuation structure;
    - A maintenance and management plan for surface water infrastructure; and
    - Evidence that the submitted drainage scheme has been discussed with, and agreed by, Network Rail.

    No piped discharge of surface water from the development shall take place until works to provide a satisfactory outfall for surface water, other than the existing local public sewerage, have been completed in accordance with the details thereby approved.
    In all other regards, no part of the development shall be first occupied or brought into use until the drainage scheme has been provided on the site in accordance with the details thereby approved. The drainage scheme shall be retained, managed and maintained in accordance with the approved details thereafter.

4) Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre-and post-development between the development and the surrounding area (both upstream and downstream of the development), and details of any necessary mitigation measures to satisfactorily deal with such events, have been submitted to and approved in writing by the local planning authority.
    No part of the development shall be first occupied or brought into use until any necessary mitigation measures to satisfactorily deal with such events have been completed in accordance with the details thereby approved, and those measures shall be retained as such thereafter.

5) Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
    - Details of the phasing of the development and the phasing of temporary drainage provision;
    - Details of methods of preventing silt, debris and contaminants entering existing drainage systems and watercourse and how the flooding of adjacent land is to be prevented;

- A plan showing the location of temporary attenuation storage during construction, and supporting calculations, which shall be based on the critical 1 in 2 year storm. It should be assumed that once the site has been stripped, the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per hectare.

The temporary surface water drainage works shall be implemented in accordance with the details and phasing thereby approved. No phase of the development shall commence until the temporary surface water drainage works for that phase have been completed in accordance with the details thereby approved. The temporary surface water drainage scheme shall be retained in accordance with the details thereby approved until the permanent surface water drainage scheme for the development is in place and functioning and until written notification of this has been submitted to and approved in writing by the local planning authority.

6) No groundworks (other than those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the local planning authority.

7) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 6) of this permission, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

8) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 7) of this permission. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

9) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

10) Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of:
    - Any phasing of development and a timetable of all works;
    - Hours of construction works and hours of deliveries;
    - Access to the site for construction vehicles;
    - Construction vehicle sizes and routes;
    - Numbers and times of construction vehicle movements;
    - Locations of HGV waiting areas and details of their management;
    - Parking for construction workers;
    - Storage, loading and unloading of plant and materials;
    - Signage;
    - Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site in association with the construction process, including the provision of adequate wheel washing facilities within the site;
    - Street sweeping;
    - Actions to be taken to minimise adverse impacts by effectively controlling noise and vibration arising from all construction-related activities. This should include suitable restrictions on the hours of working on the site, including times of deliveries;
    - Actions to be taken to effectively control dust arising from all construction-related activities, including measures to monitor and record the emissions of dust during construction;
    - Actions to be taken to minimise adverse impacts arising from artificial lighting used in connection with all construction-related activities and with the security of the construction site, including any potential adverse impacts on the nearby ancient woodland;
    - A communications plan including details of a resident liaison officer, their contact details, and how this will be communicated to nearby residents and the local authority; and,
    - Engagement with the developers of any nearby sites to agree any additional measures that may be required in relation to cumulative impacts (in the event that construction is also to be carried out at any nearby sites during the same period).

    All construction works shall be carried out in complete accordance with the CEMP thereby approved, which shall be implemented throughout the full duration of construction works on site.

11) Development shall not commence, including ground works, until a survey of the existing condition of the highways in the vicinity of the site has been submitted to and approved in writing by the local planning authority. The extent of highway to be surveyed shall be agreed with the local planning authority in advance. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of the development hereby permitted, a post-construction survey of the previously agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to the local planning authority for its approval in writing. Once approved by the local planning authority, the remedial works thereby approved shall be carried out

following the completion of all construction works, and shall be completed prior to the occupation of the 45th dwelling hereby permitted.
Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby permitted be identified during the construction period, remediation of those highways defects shall also be implemented in accordance with details, and a timetable, to be submitted to and approved in writing by the local planning authority.

12) Development shall not commence until a scheme detailing the design of proposed retaining walls adjacent to the existing highway and/or the proposed adoptable highway, together with any proposed modifications to existing highway retaining walls, has been submitted to and approved in writing by the local planning authority. The scheme thereby approved shall be fully implemented prior to the commencement of the development, and shall thereafter be retained and maintained as such for the life of the development.

13) Development shall not commence until a scheme detailing the location and cross-sectional information, together with the proposed design and construction details, for all new surface water attenuation tanks/pipes/manholes within the proposed highway footprint or influence zone of highway loading has been submitted to and approved in writing by the local planning authority. The scheme thereby approved shall be implemented prior to the commencement of the development, and shall thereafter be retained and maintained as such for the lifetime of the development.

14) Development shall not commence until preliminary design details associated with the proposed site access and associated works, as shown on drawing 24071-LE-00-ZZ-DR-D-0001-P4, have been submitted to and approved in writing by the local planning authority. The details shall include:
    - Geometric design of the works, including widths, radii, and horizontal & vertical alignment;
    - Surface treatments;
    - Junction visibility and forward visibility splays, and their treatment;
    - Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
    - Road markings and signage;
    - The extent of the proposed highways boundary;
    - 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 site access and associated works shall be implemented in accordance with the details thereby approved, and shall be made fully operational prior to first occupation of the development and shall thereafter be retained and maintained as such for the lifetime of the development.

15) 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:

- Geometric design of the street layout, including widths, radii and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- Street tree locations and species to be planted;
- Road markings;
- 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; and,
- 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.

16) Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance, until an Arboricultural Method Statement, in accordance with British Standard BS5837: 2012, including a Tree Protection Plan, has been submitted to and approved in writing by the local planning authority.
The method statement shall include details of protection measures for existing trees and hedgerows within the site, and any trees outside but close to the boundaries of the site, including within the adjacent ancient woodland, and details of how construction works will be undertaken to prevent damage to those trees and their roots.
The development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan thereby approved. No part of the development shall commence, including site preparation or clearance, until all tree protection measures have been installed in complete accordance with the details thereby approved, and those measures shall be retained and maintained throughout the full duration of construction works on the site.

17) No part of the development hereby permitted shall be first occupied or brought into use until a scheme of passing places within the adopted highway, and any associated works, along Stone Wood Lane has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall be based on, but not necessarily limited to, the proposals on drawings Optima Stone Wood Lane Proposed Highway Improvements 25072/GA/01 Rev A; 25072/GA/02 Rev A; 25072/GA/03 Rev A; 25072/GA/04 Rev A, and shall include:
    - Geometric design of the works, including widths, radii, and horizontal & vertical alignment;
    - Swept path analysis for all proposed passing places;
    - A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement in accordance with British Standard BS5837: 2012, including a Tree Protection Plan, covering all proposed passing places and associated works, which shall include:
        - Details of any trees and/or hedgerows proposed to be removed, and how those removals would be carried out;

    - Details of any works proposed to existing trees and/or hedgerows which are to be retained; and
    - Protection measures for existing nearby trees and/or hedgerows which are to be retained, and details of how construction works will be undertaken to prevent damage to those retained trees and/or hedgerows and their roots;
  - Surface treatments and construction details, including drainage arrangements;
  - Landscaping works and vegetation clearance;
  - Road markings and signage;
  - 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.

  No works shall commence on the scheme of passing places and associated works until all tree protection measures have been installed in complete accordance with the details thereby approved, and those measures shall be retained and maintained throughout the full duration of construction works on the passing place improvements and associated works. Any works to trees shall only be carried out in accordance with the details thereby approved.
  No part of the development hereby approved shall be first occupied or brought into use until the scheme of passing places and associated works has been fully implemented and completed in accordance with the details thereby approved and has been made fully operational.

18) Development shall not commence until a Pollution Prevention Plan, detailing measures to be implemented and actions to be taken to prevent pollution to the stream in the eastern corner of the site, and to the nearby ancient woodland, during the construction of the development, has been submitted to and approved in writing by the local planning authority.
  The development shall be carried out in complete accordance with the Pollution Prevention Plan thereby approved, for the full duration of the construction of the development. The development shall not commence until any mitigation measures identified in the Pollution Prevention Plan have been installed or implemented in accordance with the details thereby approved, and such measures shall be retained as such for the duration of the construction of the development.

19) No works or development shall commence, including groundworks and vegetation clearance, until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include:
  - A risk assessment of potentially damaging construction activities, which refers to the most up-to-date, site-specific survey information as required in accordance with Condition 20 of this permission;
  - Identification of "biodiversity protection zones", where appropriate;
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
  - The location and timing of sensitive works to avoid harm to biodiversity features;

- The times during construction when a suitably qualified ecologist needs to be present on site to oversee works;
- Responsible persons and their contact details;
- The role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
- The use of protective fences, exclusion barriers and warning signs, where appropriate.

The development shall be carried out in complete accordance with the CEMP: Biodiversity thereby approved, for the full duration of the construction of the development.

The development shall not commence until any mitigation measures identified in the CEMP: Biodiversity have been installed or implemented in accordance with the details thereby approved, and such measures shall be retained as such for the duration of the construction of the development.

20) Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance, until an updated ecological site walkover survey has been completed, and until the following details have been submitted to and approved in writing by the local planning authority:

- A copy of the updated site walkover survey, including any recommendations arising as a result of that survey;
- Up-to-date surveys for reptiles, amphibians and badgers, and for any other relevant species identified as requiring further survey work as a result of the updated site walkover survey; and
- Details of any necessary mitigation measures to protect those species as part of the development, including a Precautionary Working Method Statement(s) for each of those species, detailing all precautionary working methods in respect of the relevant species;
- A timetable for the implementation of any necessary mitigation measures.

The development shall thereafter be carried out in accordance with the details thereby approved.

Any necessary mitigation measures shall be implemented in accordance with the details and timetable thereby approved, and no part of the development shall be first occupied or brought into use until a report prepared by a suitably qualified ecologist demonstrating the implementation of the mitigation measures in accordance with the approved details has been submitted to and approved in writing by the local planning authority.

21) Notwithstanding the submitted details, no development or works shall commence, including site preparation or clearance until a Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians has been submitted to and approved in writing by the local planning authority. The PWMS shall include, but not necessarily be limited to:

- Toolbox talks provided by a suitably qualified ecologist;
- Attendance of an Ecological Clerk of Works as required; and
- Careful hand search around potential reptiles and amphibians features.

In the event of any reptile(s) and/or amphibian(s) being encountered, all work shall cease until Natural England (for those species of reptiles and amphibians which would require a licence from Natural England) and the Ecological Clerk of Work have been contacted for advice on the best way to proceed lawfully. All

contractors working on site should be made aware of the advice received, and provided with the contact details of the Ecological Clerk of Works.

22) Development shall not commence until an invasive non-native species survey has been carried out and an invasive non-native species protocol (to include the results of that survey) has been submitted to and approved in writing by the local planning authority. The protocol shall detail the measures for the identification, containment, control and appropriate removal of any invasive non-native species on the site. The development shall thereafter be carried out in accordance with the details thereby approved.

23) Development shall not commence until a site-specific construction methodology, addressing relevant matters and requirements with reference to works in proximity to the adjacent railway, has been submitted to and approved in writing by the local planning authority, in consultation with the railway undertaker. The construction methodology shall include, but not necessarily be limited to:

- Details of measures to address the matters and requirements in the 'Network Rail Standard Informatives', document, received as an attachment to the email comments from Network Rail, received by email 22nd January 2025;
- Full details of all excavations and/or earthworks which are to be carried out near to the railway undertaker's boundary fence;
- Details of any lighting to be installed in connection with all construction-related activities and with the security of the construction site, including measures to eliminate the potential for train drivers to be dazzled by such lighting, and measures to eliminate the potential for confusion with signalling arrangements on the railway.

The submitted construction methodology shall demonstrate consultation with the Asset Protection Team at Network Rail.
The development shall thereafter only be carried out in complete accordance with the construction methodology details thereby approved.

24) Development shall not commence until details of proposed boundary treatments between the site and the adjacent railway line have been submitted to and approved in writing by the local planning authority. The submitted proposals shall include:

- A trespass-proof fence, no less than 1.8m high, adjacent to Network Rail's boundary, including plans and elevations, and details of its materials and colour; and
- An Armco or similar barrier, to be located in positions where vehicles may be in a position to drive into, or roll onto, the railway or damage the lineside fencing, including plans and elevations, and details of its materials and colour;
- A timetable for the installation of the proposed boundary treatments, relative to the commencement and/or carrying out of works on site.

The boundary treatments shall be installed in accordance with the details and timetable thereby approved, and shall thereafter be retained in accordance with the details thereby approved.

25) Notwithstanding the submitted details, development shall not commence until full details of proposed site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. The submitted details shall include a topographic survey showing existing site levels, for reference. The development shall be carried out, and thereafter retained, in accordance with the details thereby approved.

26) Development shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the local planning authority. The WSI shall include:
- A statement of significance and research objectives;
- The programme and methodology of site investigation and recording and the nomination of a competent person or organisation to undertake the works;
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

The development shall be carried out in complete accordance with the WSI thereby approved. The development shall not be occupied until the results of the scheme of archaeological investigation have been published, disseminated and/or deposited in accordance with the programme thereby approved.

27) Notwithstanding the submitted details, no works above ground level shall commence on any of the dwellings hereby permitted until details of the proposed fenestration of all dwellings have been submitted to and approved in writing by the local planning authority. The submitted details shall ensure that the approach to the design and detailing of fenestration is consistent between the affordable housing house types and the market housing house types, and shall also include:
- The provision of a course (or courses) of brickwork or stonework between the tops of all first floor windows and the gutter line above those windows, on all house types;
- The provision of two first floor windows to the bedrooms in the rear elevations of the Wetherby, Ripponden and Osgodby house types, instead of the single first floor rear window for each of these house types which is indicated on the submitted details;
- The provision of larger front windows to the Osgodby house type than those which are shown on the submitted details;
- The provision of heads and sills to all windows (including rear and side windows).

The development shall be carried out in accordance with the details thereby approved, and shall thereafter be retained as such.

28) Notwithstanding the submitted details, no works shall commence above ground level on the construction of any of the dwellings hereby permitted until details and samples of all external materials for the proposed dwellings, including all external walling and roofing materials, have been submitted to and approved in writing by the local planning authority.
Samples of the proposed materials shall be made available on site for the inspection of the local planning authority, which shall be notified in writing of their availability for viewing on site.

The development shall then only be constructed using the materials thereby approved, and shall be retained as such thereafter.

29) Notwithstanding the submitted details, no works above ground level shall commence on the construction of any of the dwellings hereby permitted until a scheme of hard and soft landscaping works for the development, including the areas of public open space (amenity greenspace and natural & semi-natural greenspace) proposed on the site, has been submitted to and approved in writing by the local planning authority. The submitted landscaping scheme shall include:
    - Details of surfacing materials to hard-surfaced areas;
    - Details of the design, height and facing materials to all retaining walls;
    - Details of all boundary treatments, including the provision of a solid boundary treatment, with no gates or other means of access, along the boundary between the site and the adjacent ancient woodland to the south east;
    - Details of all planting and soft landscaping within the site, including planting plans, details of species and planting schedules, and including details of planting designed to discourage access into the areas of the site closest to the adjacent ancient woodland;
    - Evidence that the submitted landscaping scheme has been discussed with, and agreed by, Network Rail insofar as it relates to new landscaping and planting within the vicinity of the boundary between the site and the adjacent railway.

    The development shall be carried out in complete accordance with the details thereby approved. All hard landscaping works shall be completed in accordance with the details thereby approved prior to the first occupation of the development (with any hard landscaping within individual dwelling plots to be completed prior to the first occupation of the dwelling to which that hard landscaping relates). All soft landscaping works shall be completed in accordance with the details thereby approved by no later than the end of the first planting season following the substantial completion of the development.

30) If, within a period of 5 years from the completion of the soft landscaping scheme pursuant to Condition 29 of this permission, any tree, shrub or hedge planted should die, become damaged or diseased, or be removed, it shall be replaced in the next planting season with another of similar size and species, in a similar location.

31) No works above ground level shall commence on any of the dwellings hereby permitted until details of the Local Area of Play (LAP) to be provided on site, as shown indicatively on plan ref: Z159.100 Rev G, have been submitted to and approved in writing by the local planning authority. The details shall include the type of play equipment to be installed within the LAP. The approved scheme shall be fully implemented in accordance with the details thereby approved.

32) No works above ground level shall commence on the development until an Ecological Design Strategy, setting out measures for the ecological enhancement of the site as part of the development, has been submitted to and approved in writing by the local planning authority. The Ecological Design Strategy shall be based on the measures in Section 4.9 of the submitted

Ecological Impact Assessment and Biodiversity Net Gain Assessment (Reference: 424.065101.00001, Rev 2) prepared by SLR and dated 24 April 2024 and shall include, but not necessarily be limited to, the following details:

- Nature conservation objectives for the proposed works;
- Detailed design(s) and /or working methods to achieve the stated objectives;
- Plans showing the area(s) and details of the proposed works;
- A timetable for the implementation of the proposed works, relative to the carrying out of the development;
- Details of initial aftercare and long-term maintenance;
- Details for the monitoring of the work and identification and implementation of any remedial measures;

The Ecological Design Strategy shall be implemented in accordance with the details and timetable thereby approved, and managed and maintained in accordance with the approved details thereafter.

33) No works above ground level shall commence on any of the dwellings hereby permitted until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority. The HMMP shall be prepared in accordance with the Biodiversity Gain Plan (BGP) for the development, once the BGP has been approved, and shall include:

- A non-technical summary;
- Details of the roles and responsibilities of the people and/or organisation(s) delivering the HMMP;
- The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved BGP;
- The management measures to maintain habitat in accordance with the approved BGP for a period of at least 30 years from the completion of the development;
- The monitoring methodology and frequency in respect of the created or enhanced habitat.

Within 15 working days of the HMMP being implemented, written notice shall be provided to the local planning authority that the HMMP has been implemented.
Within 15 working days of the habitat and enhancement works set out in the HMMP having been completed, written confirmation of the completion of those works shall be provided to the local planning authority.
The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the HMMP thereby approved.
Monitoring reports shall be submitted to the local planning authority in accordance with the methodology and frequency specified in the approved HMMP.

34) Notwithstanding the details submitted, no works above ground level shall commence on the development hereby permitted until a Sustainability and Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of how sustainable construction measures and measures to reduce energy use will be incorporated as part of the proposed dwellings.
The development shall be carried out in accordance with the details thereby approved. No individual dwelling shall be first occupied until all sustainable

construction measures and measures to reduce energy use proposed as part of that dwelling have been installed in accordance with the details thereby approved, and those measures shall be retained as such thereafter.

35) Notwithstanding the details submitted, no works above ground level shall commence on the dwellings hereby permitted until details of security and crime prevention measures to be installed and incorporated as part of the dwellings and the development have been submitted to and approved in writing by the local planning authority.
The development shall be carried out in complete accordance with the details thereby approved. No individual dwelling shall be first occupied until the security and crime prevention measures for that dwelling have been fully installed in accordance with the details thereby approved, and they shall be retained as such thereafter.

36) Notwithstanding the details submitted, the development hereby permitted shall not be first occupied or brought into use until a Full Travel Plan for the development has been submitted to and approved in writing by the local planning authority. The Full Travel Plan shall include, but not necessarily be limited to:
- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of a Travel Plan Co-ordinator, including roles, responsibilities and annual monitoring;
- The provision of travel information;
- Implementation and review timescale; and
- Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Full Travel Plan thereby approved shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

37) No dwelling shall be occupied until all areas and associated features to be used by vehicles and pedestrians to access that dwelling (including streets, footpaths, cycle tracks, loading, servicing and parking areas), and all such areas and features within the plot for that dwelling, have been laid out, surfaced and drained such that loose materials and surface water do not discharge or transfer onto the adjacent highway. All such areas shall thereafter be retained and maintained as such for the lifetime of the development.

38) None of the dwellings hereby permitted shall be first occupied until details of the provision of secure cycle parking for each dwelling have been submitted to and approved in writing by the local planning authority.
No individual dwelling shall be occupied until the secure cycle parking for that dwelling has been provided in accordance with the details thereby approved, and it shall be retained as such thereafter.

39) No part of the development shall be first occupied or brought into use until details of the proposed arrangements for the storage and collection of waste from the development have been submitted to and approved in writing by the

local planning authority. The submitted information shall include details of any temporary arrangements for the collection of waste from the development if properties are to be occupied before the whole site is complete, including measures to allow waste to be stored/presented at an accessible location adjacent to the nearest adopted highway.
The arrangements for the storage and collection of waste, including any temporary arrangements during construction, shall be provided before the dwellings to which they relate are first occupied and, upon completion of the development, the permanent arrangements for the storage and collection of waste shall be retained as such thereafter.

40) No individual dwelling shall be first occupied until an electric vehicle charging point for that dwelling has been installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority, and has been made operational. An electric vehicle charging point shall thereafter be retained for the dwelling in accordance with the details thereby approved.

41) No part of the development shall be first occupied or brought into use until full details of the lighting scheme for the development (upon its completion and occupation) has been submitted to and approved in writing by the local planning authority. The lighting scheme shall include:
    - A sensitive lighting strategy, incorporating appropriate measures to demonstrate and ensure that the proposed lighting would not impact upon ecological networks or sensitive features, including protected species and the nearby ancient woodland;
    - Details of measures to eliminate the potential for train drivers to be dazzled by such lighting, and measures to eliminate the potential for confusion with signalling arrangements on the railway.

    The development shall thereafter be carried out in complete accordance with the lighting scheme thereby approved. No external lighting shall be installed on the site other than in accordance with the details thereby approved.

42) All clearance and removal of vegetation from the site shall be undertaken outside of the bird breeding season, March to August inclusive. If any vegetation clearance or removal is to be carried out within the bird breeding season period, all potential bird nesting opportunities shall be checked by a suitably qualified ecologist within the 24 hour period immediately prior to the works taking place. If any active nests are present, work which may cause the destruction of nests or disturbance to the resident birds shall cease until the young have fledged.