

3 April 2025

Planning Services

Kirklees Council

PO Box ~~422013~~ 393

Huddersfield

HD1 ~~2JY~~ 2JY

Re: Objection to Planning Application 2024/62/92977/E – Proposed Residential Development on Land off Lane Head Road and Cross Lane, Shepley

Dear Sir/Madam,

I am writing as a resident of Highfield Court to register a formal and deeply held objection to planning application 2024/62/92977/E for the construction of four new dwellings on land off Lane Head Road, Shepley. This proposal represents an inappropriate, unjustified and environmentally harmful development which fails on numerous legal, procedural, and policy grounds. My objections, outlined below, are supported by national planning policy (NPPF), the Kirklees Local Plan, council guidance, and relevant precedent.

1. Inappropriate Development on Green Belt Land

The application site lies within designated Green Belt land. Under the National Planning Policy Framework (NPPF), paragraphs 153–154, the construction of new buildings in the Green Belt constitutes inappropriate development unless “very special circumstances” can be clearly demonstrated. The applicant has not presented any such justification.

Paragraph 154 confirms that very special circumstances do not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. No such outweighing benefits are presented here. The proposal does not meet any of the limited exceptions for appropriate Green Belt development outlined in NPPF paragraph 155, nor does it satisfy Kirklees Local Plan Policy LP59, which only permits redevelopment of brownfield land under restrictive conditions not met by this application.

The proposal also contradicts the strategic approach of Local Plan Policy LP3, which directs development toward urban areas and allocated housing sites. It breaches Policy LP1, as it fails to accord with the spatial strategy set out in the development plan. Crucially, there is no indication in the application that alternative, more appropriate brownfield or less ecologically sensitive Green Belt sites were considered before selecting this location. This failure to apply the sequential site selection principle further undermines the proposal.

Approving this scheme would not only be contrary to planning policy, but would also establish a harmful precedent for ad hoc, speculative development on protected land.

2. Environmental Harm and Breach of Biodiversity Policy

The proposed development site contains broadleaved woodland, mature trees, and a habitat supporting protected species including bats, tawny owls, bullfinches, and a range of invertebrates. NPPF paragraph 193(a) is clear: where significant harm to biodiversity cannot be avoided, mitigated, or compensated for, planning permission should be refused.

The applicant has submitted a Preliminary Ecological Appraisal (PEA). However, the document is wholly inadequate, as confirmed in the interim response from Kirklees Council's own Ecology Team (25 March 2025). Key failings include:

- Lack of proper assessment for priority habitats.
- Use of an incorrect biodiversity metric (Small Sites Metric) despite the site's complexity.
- Inadequate Habitat Condition Assessments and an absence of a Habitat Management Plan.
- Misrepresentation of habitat values (e.g. overstating new tree maturity to inflate net gain).
- Failure to offer appropriate compensation for loss of woodland or demonstrate measurable 10% Biodiversity Net Gain, as required by Schedule 7A of the Town and Country Planning Act 1990 (amended by the Environment Act 2021).

The Council's Ecology Team concluded that "there is no guarantee that a 10% biodiversity net gain will be achieved," making the proposal contrary to both national and local policy.

Moreover, the site includes mature trees currently subject to a provisional Tree Preservation Order (TPO). Despite this, the developer has submitted no Tree Survey, Arboricultural Impact Assessment, or Tree Protection Plan. This failure directly contravenes Kirklees Local Plan Policy LP33, the Council's Planning Validation Requirements, and British Standard 5837:2012. The omission of even basic tree protection documentation demonstrates a disregard for protected natural assets, and approving the application in this context would risk irreversible ecological damage.

As the house closest to the proposed site, we see frequent bat activity in the woodland and within our gardens. A still image from a video recorded on the evening of 2 April clearly documents bats flying at dusk in close proximity to the development boundary (see below). This provides further evidence of the presence of protected species, making the lack of a detailed species survey all the more problematic.

Continued overleaf



In summary, the proposal is both procedurally deficient and substantively non-compliant with NPPF paragraphs 180 and 193, as well as Local Plan Policies LP30 and LP33. It must be refused on these grounds.

3. Highway Safety and Unacceptable Traffic Impact

The proposed access opens directly onto Lane Head Road, close to the Cross Lane/Carr Lane/Lane Head Road junction—an acknowledged accident hotspot. Traffic volume and visibility constraints already endanger local users, including schoolchildren and pedestrians.

According to NPPF paragraph 116, development should be refused where it would cause an unacceptable impact on highway safety or severe cumulative impacts on the road network.

The applicant has failed to submit a Transport Statement or Traffic Impact Assessment, in breach of Local Plan Policy LP21 and the Kirklees Highways Design Guide SPD. With 120 HGVs per day approved for a nearby quarry, adding residential and service vehicle traffic here would only worsen an already hazardous situation.

The absence of any mitigation or highway design proposals makes refusal on safety grounds entirely justified.

4. Unsuitability of the Site: Quarry Topography, Drainage and Amenity Loss

The development site is a disused quarry with steep retaining walls and is subject to poor drainage and frequent surface water flooding. These physical constraints make it unsuitable for residential use.

No Flood Risk Assessment or Drainage Strategy has been submitted, breaching Policies LP27 (Flood Risk) and LP28 (Drainage). The proposal also fails to incorporate Sustainable Drainage Systems (SuDS), a requirement for greenfield development under local policy.

Additionally, the amenity for future occupants would be compromised by lack of sunlight and poor site drainage. These environmental constraints should disqualify the land from being deemed suitable for residential development.

5. Breach of Original Planning Agreement Limiting Development

When Highfield Court was first developed, a binding agreement was made that no more than 12 dwellings would be constructed on this site. That cap remains in place, and the 12 existing homes are fully occupied.

This application seeks to override that agreement, eroding public trust and breaching the original planning conditions upon which consent was granted.

6. Lack of Public Engagement and Transparency

There has been no public consultation or engagement with local residents by the developer. This falls short of national best practice in pre-application engagement.

Conclusion

This application is irredeemably flawed in multiple respects:

- It is inappropriate Green Belt development with no very special circumstances;
- It poses serious environmental and biodiversity harm, including risk to protected species and mature trees/woodland under provisional TPOs;
- It presents a highway safety risk and lacks any traffic assessment;
- It breaches original planning limits;
- It fails procedural standards by omitting legally required ecological, arboricultural, drainage, and access documentation;
- It lacks transparency, integrity, and public engagement.

It is in clear conflict with the NPPF and numerous Kirklees Local Plan policies, including LP1, LP3, LP11, LP21, LP27, LP28, LP30, LP33, and LP59.

For these reasons, I respectfully urge Kirklees Council to refuse planning application 2024/62/92977/E in full.

Yours faithfully,