30th January 2026

Dear M Hirst,

Castle Hill: Planning Application No 2024/93494 comments following Kirklees Notification letter dated 24th December 2025 – OBJECTION.

Additional information provided at this late stage reinforces previous convictions that:

- **development proposals – regardless of use – would fundamentally harm the setting of Victoria Tower by virtue of their size, location, overall design; and by urbanization of the immediate site which sits at the heart of this nationally important, rare and environmentally sensitive ancient monument. If approved they will set a dangerous precedent**

- **the overall submission lacks clarity, consistency and integrity and prevents reasonable consideration of all harms affecting the setting; in particular there are virtually no details of the enclosure to the large service yard on which the building depends, or of any structures within it also requiring planning consent**

- **if approved, construction would cause additional unquantified harm to the middle ward by disrupting the NW embankment; further disturbance to archaeology might be caused by the required attenuation tank (unidentified on drawings) in addition to the passing places**

- **proposals pay scant regard to the site as a whole - its actual heritage values (not simulated ones) their management and care; its contribution to the openness of the greenbelt; the need for restoration and protection of the landscape having regard to its status as a Local Nature Reserve and Local Wildlife Site; and its high worth to local communities not least in connecting its ethnically diverse population**

Detailed comments on the additional information are set out below. They are meant to be supplementary to previous comments made under this application 2024/93494 (an application which extends application number 2018/93591 and has since expired). These earlier comments are lodged on the website as ref 077033 dated 16/02/2025 (entered 20/02/2025) and ref 1099122 dated 30/07/2025 (entered 05/08/2025). They still stand.

Since August 2025 two documents from internal consultees have been identified- KC Highways Development Management and KC Conservation and Design, with further submissions in 'Supporting Information' of which the GG119 Safety Assessment (highways) and the Financial Assessment of the Business Plan are new. The original ecological and biodiversity reports have been re-presented under a recent date though they have not been updated to acknowledge the serious fire incident last July resulting in loss of habitat, nor the White Rose initiative; and the walkover in December 2025 was outside the optimum period for survey. Please draw attention to any other new information or revised documents/drawings.

KC Highways update and independent Safety Audit

The Stage I safety audit is limited to the proposed "passing places scheme". It is not a comprehensive assessment of site safety. Although it mentions inclement weather there is no mention of mitigation for ice and snow or night-time conditions (24hr operation). The BOAT is the only ramped access to the site and there are no measures to safeguard pedestrians (+buggies)/mobility scooters/cyclists/horses. A management plan is required for cutting back vegetation - vegetation ravaged by the fire leaving an eroded landscape in need of regeneration within the designated Local Nature Reserve and Wildlife Site. Construction work for passing places would be carried out by third parties and responsibility for oversight is unclear. The safety audit should cover all aspects of design as the development would introduce new risks such as emergency egress in case of fire and conflicts between delivery vehicles, cars and pedestrians where the PROW cuts across the car park entrance in front of the gated service yard.

Car parking numbers would be reduced by half, even though trips would increase, and Kirklees's Highway report (7/11/1025) acknowledges that overspill parking would be required on the informal lay-by off 'Hillside/Lumb Lane'. It foresees problems at peak times as it recommends on site management of the scheme. The report expects the car park to be 'signed and lined'; and a previous drawing (removed from the planning website) showed notice boards and a high number of lights and CCTV cameras being required. The overall appearance of the area will be urban, municipal and alien to the character of the greenbelt.

There is an estimate of only 15% linked trips. Whether this means only 15% of people visiting the site would use the facility or 85% of customers visit only to use the restaurant/bar/guest accommodation is unclear to me (after 5pm the establishment operates only as a restaurant/bar/hotel ie 0% for VC). Highways also confirm that the building is designed for 100 covers, though it recommends a restriction to 70. The numbers represent a two-threefold increase over and above the now demolished Castle Hill Hotel – a mid C19th building built prior to introduction of heritage protections when horse and cart or 'Shank's pony' formed the main means of transport. Whichever way the figures are interpreted imbalances of use and size undermine the case for such a large and busy intervention on a highly designated site in the greenbelt. The site is close to a variety of other venues offering food, drinks and WCs.

The updated Highway Statements repeat the wrong description of the proposed basement. They state that it would be small and used only for storage; whereas it would accommodation high impact service functions such as the kitchen, cold stores, linen area, staff lockers and an office. It is the former C19th hotel which had a small keep cellar for storage. A similar mistake (cover-up some might say?) appears in the Visioning Document which wrongly attributes the more recently (2004/5) excavated basement to the former C19th hotel (see drawing on p46 BVMD). These errors are important to note as the excavation (gross illegal behaviour) represents criminal damage which current proposals seek to take advantage of.

KC Conservation and Design

The consultation report is a fair but limited (explained later) assessment of harms to the setting of Victoria Tower, a setting defined by the scheduled monument and the wider landscape in which it sits. It points out that the justification is not clear and convincing (a requirement of NPPF policy para 212). The report draws attention to a lack of evidence supporting claims that the facilities are required or demanded by visitors to the site. It is worth noting here that the 'fly-through' gives a misleading impression of the size and scale of the three interpretation spaces. Each of the two larger

spaces is no bigger than guest bedroom 1 or 6, and the smaller space is similar to the accessible WC. Policies also state that "great weight" must be given to the conservation of designated heritage assets, and the more important the asset the greater the weight should be. KC's conservation and design report concludes that the very limited public benefits do not out-weigh identified heritage harms to the designated assets and their settings.

The report quotes from the 2016 Atkins "Castle Hill Setting Study" which was sponsored by Kirklees LA, West Yorkshire Archaeology Advisory Service (WYAAS) and by Historic England (HE). The study is an approved supporting document to the Local Plan. It stresses the importance of the undeveloped summit and surrounding open landscape which preserve the historic integrity of the site and "*allow appreciation of its archaeological features and earthworks that span multiple periods of occupation*". It goes on to say "*the openness of the hilltop, combined with its isolation within the landscape, creates an experience that is both historically resonant and valued for recreation today*". The proposed building would sit within the central ward close to the tower. The middle floor would emerge from the ground and its blank walls would be hidden by new bunding. The proposed reformed landscape will merge with the historic embankments in this location and remove the openness which allows for clarity of understanding in the wider historic site.

Looking at proposed site section drawings it is clear that the building cannot be built without dismantling part of the north-western embankment. Such a move would contravene criteria set out in the 'Working Scheme of Investigation' provided by WYAAS. Carbon dating samples were taken from the embankments and they must be protected.

The report refers to the 2018 site investigation of the proposed construction area by WYAAS). It notes that findings confirm there would be no adverse effect on the site's archaeology. The results should have been qualified by explaining that much of the trenching was dug through recent back-fill. The building cannot be built without disturbing part of the NW embankment. Also proposals require interventions which may disturb archaeology outside the immediate construction site eg attenuation tank, soak-away, passing places.

KC's assessment focuses only on the building (as does HE's) as a physical presence within the curtilage of Victoria Tower. The building is dependent on its adjacent attached service yard to operate. The high security gates (required by the police) and, most probably, a similar security fence surrounding the area should also be subject to planning consent as they are within the curtilage of a listed building (the gorse hedging proposed is unlikely to provide the necessary security and screening). Similarly any large sheds require consent. They are not classed as permitted development. Details of layout, height, material and character should be provided.

The service area would take over one of the two existing areas of parking. Its footprint is as big as the building itself. This large area is required to enclose staff parking, cycles, waste bins, storage for the external tables and chairs (unless they are fixed down outside) and possibly storage to hold deliveries. Also a considerable amount of plant will be required to serve the basement areas and kitchens eg forced air intake and extract; cooling for cold stores; filters, traps and exhausts for waste and kitchen fumes; pumps for drainage; plant for heating, cooling and ventilation to create comfort conditions in other areas; and baffles will be needed to suppress noise. There is no plant room or free space within the building to hide these service functions. It is understandable why this highly visible large and unsightly service yard has not been illustrated. It is hard to imagine that planning approval would be granted if sited on a street frontage in the town centre, let alone here in full view in the round on the most sensitive site in the district. The service yard must be shown in sufficient detail and in context in relevant drawings and visualizations.

KC's report also fails to mention other environmental impacts which would adversely affect the character of the setting. Examples are outlined in HE's guidance document "The Setting of Heritage Assets" Good Practice Advice in Planning 3. They include factors such as noise, movement, night lighting, floodlighting, pollution, issues affecting public access and use and urbanization. If implemented, the development would completely change the near natural environment in which the assets are currently experienced, and it would result in loss of characteristics intrinsic to the many designations of the site

Review of Financial Business Plan

The review has been carried out by independent accountants at the request of Historic England to gain certainty that the promised 'public benefits' (VC info, WC's, refreshments) can be achieved. The Business Plan submitted has been improved through dialogue with the development team and others involved in the report (letter dated 15th November 2025) but risks remain. It is recommended that there are periodic updates on sources of funding, and refreshed forecasts later this year to reflect any changes to the business plan and the impact of external changes.

Irrespective of the review outcome there is jeopardy in an undertaking a project of this nature. At present leisure and hospitality venues are under huge financial pressure and many have failed in recent times. Should this project be approved and then fail under construction, or indeed afterwards in operation, the building would be difficult to remove or reuse due to its embedded design; and a great deal of damage would have been done to the site.

Commentators have already pointed to simpler ways of enhancing visitor provision using contemporary technologies to aid interpretation in an interactive way; and there are any number of examples of small scale temporary refreshment facilities being licensed to operate near important sites. Kirklees Council Museums and Galleries outlined a similar preferred 'light-touch' approach in their earlier consultation comments. A building of this damaging size and complexity is not required on site.

Statute and Policy Considerations

At section 66(i) of the Planning (Listed Building and Conservation Areas Act) 1990 it states "in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting".

Section 38(6) of the Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material conditions indicate otherwise.

Proposals form no part of Kirklees's strategic goals. Kirklees's recent Heritage Strategy has not been referenced. Proposals also lie outside the aims of the "Huddersfield Blueprint" initiative where one of the objectives is to provide a renewed art gallery and town centre museum. Archaeological finds and vulnerable illustrative material need to be curated by specialists and kept in secure locations. Some artefacts may also need special environmental conditions for their preservation (eg medieval bucket from well). Whether the museum remains at Tolson or not, the two sites (Castle Hill and Museum) would be better served by developing their symbiotic relationship to avoid harming the actual heritage assets and their settings.

The development fails to comply with policies adopted in the Local Plan which state that "proposals that detrimentally impact on the setting of Castle Hill will not be permitted".

Development proposals also fail to take account of advice in approved supporting document "Castle Hill Setting Study" Atkins 2016. At 4.22 the importance of the existing site topography is emphasized as it helps in understanding the site: - *"On the hilltop itself the open ground of the baileys, without interruption from buildings or infrastructure, enables the appreciation of the earthworks spanning the periods of occupation of the site. That the hilltop itself can be appreciated as a single entity within a view across from one end of the hilltop to the other, with visible archaeological and historical evidence of its use over time, also contributes to its significance".* At 6.11 risk factors are set out: - *"Slopes and summit of castle Hill: The profile of the upper slopes of Castle Hill and its rural and essentially undeveloped character are key characteristics of the site and contribute to its setting and significance. These aspects would be adversely affected by small scale development and it is unlikely that such development could be accommodated on the hill itself".*

Proposals do not comply with any of the exceptions tests set out in NPPF policies designed to protect the Green Belt. As a designated Ancient Monument with a prominent and dramatic site of high landscape value, it cannot be reclassified as Grey Belt. In addition the Golden Rules relating to housing provision do not apply. Proposals constitute inappropriate development in the Green Belt.

Historic England's letters continually stress the importance of meeting a high policy threshold with respect to the NPPF. They state "the status of the site, its significance and sensitivities, require the application to meet a high policy threshold; and that any harm needs to be justified and balanced against public benefit in accordance with paras 212 (justification), 213 (great weight) and 215 (public benefit) of the NPPF". HE's letter of 7th March 2025 recommended that the LPA refuse the application on heritage grounds. It is therefore surprising and most disappointing that their letter of 8th August 2025 no longer objected to the application on heritage grounds. Important qualifications set out in HE's earlier letters have not been addressed – "precise level of impact of the proposal on significance of the site", "supporting documentation is partial and offers conflicting aims and objectives", "Development and management options do not align with the proposal put forward in the Vision document" – and the audited Financial Business Plan, which still contains risks, had not been submitted. Unusually in their last letter, the high tests for decision making required by HE do not appear to have been applied.

Conclusion

In over 40 years of working in architecture and conservation I have never seen such a poor level of application for a site with the high status of Castle Hill. The application package lacks oversight and co-ordination; and it misses out information critical to decision making; and the initial impact tests and assessments usually required (EIA, HIA, Fire & Highway Safety) are either missing, incomplete or substandard.

The lengthy and baffling planning procedure allowing the 2018 application to be continued - under a new number with intermittent additions and notifications - also appears to have masked the high level of objections to the proposals. When the nature of the 2018 objections is scrutinized against subsequent new information, most of the objectors would sustain their objection. Objectors include the Victorian Society, the Council for British Archaeology, WYAAS, Huddersfield Civic Society, Castle Hill Civic Associates, KC Museums and Galleries and approx. 400 objection comments from the general public.

Professor Melanie Giles FBA (University of Manchester) – a foremost authority on iron age hillforts - argues that Castle Hill is a national monument of 'high significance' not just due to its rare urban-edge setting but also due to the central role this site plays in the interpretation of northern hillforts.

In the context of a national survey of English hillforts she advises that the proposed type and scale of development in the heart of the hillfort in this type of setting is unprecedented in modern times (York Archaeology "Heritage Impact Assessment" 2023). As a consequence, she warns that approval would set a dangerous precedent for analogous sites of cultural heritage significance nationwide.

Applications for a larger new development resulting in greater intensity of use started in 2004. Until the 2018 application, several planning applications were either refused or withdrawn. I contend the majority of the reasons given for refusal still apply:- inappropriate development in the greenbelt; adverse effect on setting of Jubilee Tower; harm to setting of the SAM within an area of high landscape value; insufficient parking for the scale of development adding to highway safety problems; intensification of an access with sub-standard geometry and visibility at the junction with Castle Hill Side, steep gradients, restricted visibility.

The visitor centre elements of the proposals have been teased out of the applicant in a long and drawn out process, apparently in an effort to help them secure the larger commercial development. Negotiators seem to have turned the protective purposes of the legislation on its head!

Historic England have a difficult role in both protecting heritage and in promoting it. Usually they get the balance right. In this case I disagree.

In view of the important considerations set out above, please recommend REFUSAL of this planning application.