Formal Objection – Plot 1 West Elevation Intensification and Procedural Breach

To: Planning Enforcement / Development Management
Kirklees Council
Date: 30 August 2025
Subject: Objection to Planning Application 2025/91887 – Plot 1, Lingards Fold, Slaithwaite

Dear Planning Officer,

I am writing to formally object to planning application **2025/91887**, concerning **Plot 1 at Lingards Fold, Slaithwaite**. This objection focuses on the **west elevation**, which directly faces both the **Green Belt** and **public right of way COL/133/10**, and has undergone substantial intensification compared to the approved design under **2020/93954**.

1. Quantified Escalation in Visible Massing

Scaled analysis confirms a significant increase in visible built form on the west elevation:

Element	2020/93954 Area	2025/91887 Area	Absolute Increase	% Increase
Stonework	10.63 m²	16.80 m²	+6.17 m²	↑+58.0%
Roofing	7.30 m²	12.18 m²	+4.88 m²	↑+66.8%
Glazing	6.66 m²	13.80 m²	+7.14 m²	↑+107.0%

These increases materially affect the building's visual bulk, skyline impact, and reflectivity—particularly when viewed from the Green Belt and PROW corridor.

2. Policy Breaches and Planning Harm

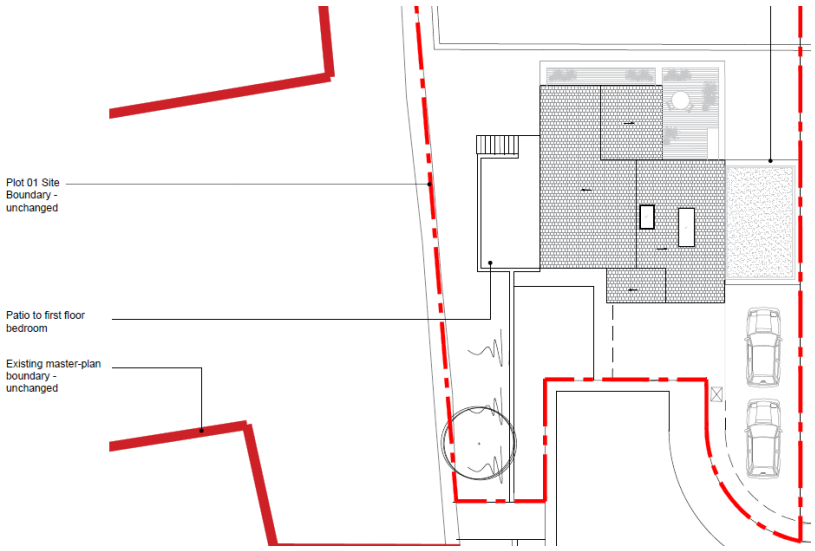
The revised west elevation conflicts with multiple planning policies:

- **Kirklees Local Plan Policy LP24 (Design):**
  Requires development to respect scale, massing, and character. The expanded stonework and roof mass exaggerate vertical and lateral bulk, resulting in a visually overbearing presence.
- **Kirklees Local Plan Policy LP32 (Landscape):**
  Protects landscape character and visual amenity. The intensified glazing introduces elevated reflectivity, light spill, and loss of visual containment—compromising the openness of the Green Belt.
- **NPPF Paragraphs 135–137:**
  Emphasise well-designed places that integrate with their surroundings. The stepped massing and expanded fenestration fail to integrate, asserting dominance over the landscape and public realm.
- **Manual for Streets (DfT/CLG):**
  Recommends buildings adjacent to public routes avoid overlooking and visual intrusion. The proximity of the expanded elevation to the PROW—just **2.141 m** from the patio and **6.48 m** from the balcony—violates this principle.

3. Balcony and Patio Proximity – Amenity and Landscape Impact

The **north-facing balcony** on Plot 1 is a full projecting structure—not a Juliet—and is **clearly visible from the adjacent Green Belt**. Its west-facing aspect sits just **6.48 m** from the PROW, while the **first-floor patio** is only **2.141 m** away.

These elevated features introduce direct overlooking, visual intrusion, and amenity loss for PROW users. Their proximity increases perceived massing and disrupts landscape continuity. Under Kirklees Policies **LP24** and **LP32**, this proximity is unacceptable and risks precedent-setting encroachment.



4. Continued Breach – Retaining Wall Nearing Completion

The retaining wall extending from Far Lower Wood Farm to Plot 1 is now estimated to be approximately 122 m in length and 3 m in height. This structure forms the northern boundary of the site and directly faces the rear elevations of several dwellings along Manchester Road.

On **16 May 2025**, I was informed by a council officer that senior planners and a flood management officer had conducted a site visit and agreed that the retaining wall adjacent to the PROW:

- Required retrospective permission
- Must be **reduced in height**
- **Moved back toward the plots** allowing for a ~2m wide footpath
- And **softened with landscaping**

At that time, the wall had not yet reached the PROW. Since then, it has been extended toward public land, with no visible amendments and no retrospective application published. It is now nearing completion **to the north of Plot 1**, contradicting the council's stated proviso.

The wall runs along the boundary of **eight plots**, seven of which have already commenced construction. This means the wall is now structurally integrated into the site layout, with foundations, drainage, and ground levels calibrated to its current position. Relocation is no longer practically achievable without major demolition and disruption.

Planning compliance must be assessed on what is built—not what is promised. If the wall cannot be moved back, any retrospective application would effectively leave the retaining wall in practical effect already established. Enforcement action is now the only mechanism available to uphold policy and protect the public right of way.

	
Captured 9th August	Captured 30th August

The green-circled reference point identifies the same location in both photographs. It is evident that, in the intervening period, the retaining wall has been extended westward beyond its previously documented extent. This progression confirms continued development of the structure, despite the absence of published amendments or retrospective approval.

5. Governance Risk – Management Company and Shareholder Exposure

The Management Company's Articles of Association assign collective responsibility for all retaining walls on site. Unless resolved in advance, incoming homeowners may find themselves inheriting liability for a structure that remains unauthorised.

While the council may not be legally obliged to require disclosure during share transfer, it does have a duty to act transparently and to safeguard residents from assuming unresolved risk. Accordingly, the status of the retaining wall should be clearly disclosed prior to any transfer of governance responsibility.

6. Pattern of Procedural Drift – Reduced Transparency and Public Impact

It is also relevant to note that construction was initiated on both the retaining wall and Plot 23 without public awareness that previously published plans had been discarded. This has resulted in reduced transparency for residents. The outcome has been a combination of ill will, confusion, and unwelcome construction—particularly where built form now encroaches upon sensitive boundaries. These events reflect a broader pattern of procedural drift, whereby the process has permitted a sequence of changes that amount to drift away from the approved scheme.

The two photographs below show Plot 23, pre-permission.





7. Two years to achieve a "balanced mix of dwellings"

The delegated report for application 2020/93954 confirms that it took two years of negotiation to achieve a balanced mix of dwellings across the Lingards Fold site. That balance was not incidental—it was the product of sustained scrutiny, design revision, and committee oversight.

In my view, the changes proposed under 2025/91887 risk unsettling that balance. The escalation in massing, roof complexity, and fenestration—particularly on the west elevation—introduces visual dominance and design drift that undermines the negotiated equilibrium.

Approving this application would not simply permit a revised dwelling; it would reopen a settled design framework and invite precedent-setting intensification across the estate.

8. The erosion of trust

Recent site activity—including construction of Plot 23 and the northern retaining wall—demonstrates a pattern in which development has proceeded in ways that differ materially from the plans submitted and made publicly accessible. In both cases, works were initiated prior to formal approval, and the built outcomes diverged from the expectations set by published planning documents.

The retaining wall, now estimated to be approximately 122 m in length and 3 m in height, represents a significant deviation from the boundary treatment previously permitted. In its current form, it has never been made available for public consultation or comment. This absence of transparency is material, particularly given the wall's proximity to public land and its visual impact on Manchester Road dwellings.

These events raise a reasonable and pressing concern: how can the public, consultees, or the planning authority be confident that the plans submitted under 2025/91887 are the ones that will be adhered to on-site? How can we be assured that construction will not begin prematurely, before permission is granted?



Proposed West Elevation
Scale 1:100

Neighbours have already expressed to me that public trust in both the developer and the planning process has eroded. There is little remaining confidence that published plans reflect what will be built, or that planning controls will be upheld. This loss of faith is not abstract—it stems from lived experience, including premature construction, deviations from approved designs, and the absence of meaningful public engagement.

Compounding these concerns is the lack of visible enforcement action in response to unauthorised works already carried out on site. Despite clear deviations from approved plans, there has been no formal intervention to halt or rectify these breaches. This absence of enforcement not only undermines the credibility of the planning system, but also reinforces the perception among residents that planning controls are optional rather than binding.

If this pattern continues, it risks undermining not only procedural integrity, but also the enforceability of future conditions and the credibility of the planning system itself.

Requested Actions

I respectfully request that Kirklees Council:

1. **Refuse application 2025/91887** on grounds of massing escalation, policy breach, and landscape impact
2. Require a **revised west elevation** that restores massing balance, reduces glazing, and mitigates reflectivity
3. Conduct a **site-wide design audit** to assess cumulative impact on the Green Belt and PROW corridor
4. Initiate **enforcement proceedings** regarding the unauthorised retaining wall and its proximity to public land
5. Ensure **disclosure of the wall's status** to all incoming homeowners prior to any Management Company share transfer
6. Reassess the **balcony and patio proximity** to the PROW and Green Belt, and require removal, screening, or redesign to preserve amenity and openness

This objection is submitted in the interest of procedural integrity, community wellbeing, and the protection of residents from avoidable legal and financial exposure.