

## About the application

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| Application number: 2025/92776   |  |
| What is the application for?:    | Outline application, with all matters reserved, for residential development with |
| Address of the site or building: | land at, Eastfield, Shepley, Huddersfield, HD8 8HB                               |
| Postcode:                        | DH7 8XL  |

## User comments

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| Type of comment: An objection  |     |
| Do you wish your comments to be published on the website anonymously?  | Yes |
| Planning Representation:<br><br>Disputed Access Track – Application 2025/60/92776/E<br><br>21/10/2025<br>To: Planning Development Management<br>Local Planning Authority: Kirklees Council<br><br>Re: Planning Application 2025/60/92776/E<br><br>Applicant: Banks Group Ltd<br><br>Site: Land at Eastfield, Shepley, Huddersfield, HD8 8HB<br><br>Subject: Disputed Status of Access Track – Request for LPA Investigation<br><br>1. Introduction<br>I submit this representation to formally notify Kirklees Council that the legal status of the access track adjoining Eastfield, Shepley (HD8 8HB) is unclear and disputed. It is essential that the Local Planning Authority (LPA) fully investigates this issue before any planning decision is made regarding Application 2025/60/92776/E, which relies on this track as part of its proposed access strategy.<br><br>2. Basis of the Dispute<br>Local evidence indicates that:<br><br>• The track has historically served private farm access only and is not used by the public. |     |

- The landowner has maintained and resurfaced the track over many years with gravel and later tarmac.
- A historical instance of surplus council tarmac being provided does not amount to dedication or adoption of the track.
- The track does not appear on the Definitive Map as any form of public right of way.
- The track does not appear on the List of Streets Maintainable at Public Expense and therefore is not an adopted highway.
- No evidence has been presented that the track carries any lawful public vehicular right.

Accordingly, the status of the route is legally uncertain and must be clarified before it can be relied upon for development access.

### 3. Implications for Planning Application 2025/60/92776/E

Planning permission does not create or confer access rights. Where a development depends on a third party access track, the applicant must demonstrate:

- Legal rights of access
- Clarity on ownership
- Confirmation of highway adoption or dedication (if claimed)

The following concerns arise from the submitted material:

- No evidence has been provided that the applicant has legal vehicular rights over the track.
- If the track is private, as evidence strongly suggests the proposed access may be unenforceable.
- If the applicant is asserting that the track is a public road, this requires formal evidence from the Highways Authority.
- The LPA must ensure that proposed access is lawful, safe, and deliverable before granting permission.

Granting permission dependent on uncertain access risks issuing a permission that cannot be implemented.

### 4. Request for LPA Investigation

I respectfully request that the Council:

1. Investigate the legal status of the track through:

- The Highways Register / List of Streets

- The Definitive Map and Statement
- Relevant Section 38 or Section 278 agreements
- Land Registry titling and any known easements

2. Require the applicant (Banks Group Ltd) to provide:

- Clear documentary evidence of lawful rights of access
- Confirmation of track ownership
- Evidence supporting any claim that the track is a public or adopted route

3. Treat the application as incomplete until the matter is clarified.

5. Conclusion

Given the absence of any public highway or public right of way designation, combined with long-term historical use as a private farm access track, the status of the route is materially in dispute. The Local Planning Authority must verify the track's legal standing before reaching any decision on Application 2025/60/92776/E.

I therefore request that no planning approval be granted until the legal status of the track has been formally established.