DC Admin

Sent: 27 April 2026 15:06

Subject: OBJECTION – Planning Application 2025/93355/E - Land off Woodward Court / Hepworth Lane, Mirfield – 75 Dwellings

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir / Madam

I write to object to this application in the strongest terms.

This is not a case of local opposition to development in principle. The objection is grounded in a fundamental issue:

> **The application fails to demonstrate that the site can be safely or lawfully developed at the scale proposed.**

The deficiencies are not peripheral. They go directly to **site suitability, safety, and the legality of any decision to grant permission.**

1. Coal Mining Risk – Unresolved and Misrepresented

The Coal Authority has issued a **formal objection** to the application. That alone places the Local Planning Authority on clear notice that:

- The site lies within a **Development High Risk Area**
- There is confirmed evidence of **shallow, unrecorded mine workings**
- **12 previously unrecorded mine entries** have already been encountered
- The submitted Geoenvironmental Appraisal is **not fit for purpose for the current scheme**

Crucially, the Coal Authority makes clear that the submitted report relates to a **different scheme (61 dwellings)** and **does not adequately address the 75-dwelling proposal now under consideration**

This creates a fundamental evidential failure:

- The **extent and location of mine entries across the full site is unknown**
- The **true scale of exclusion zones ("no-build zones") is unknown**
- The **interaction between layout, drainage, and ground stability is unresolved**

Yet despite this, the applicant has submitted a **fixed layout for 75 dwellings**, giving the impression that constraints are understood and accommodated.

They are not.

2. Predetermination of Layout Without Evidence

The sequence here is deeply problematic:

1. A layout for **75 dwellings is fixed**
2. The technical evidence relates to a **smaller, earlier scheme**
3. Significant areas of the site appear **not fully investigated**
4. The Coal Authority explicitly requires **further intrusive work before determination**

This is backwards.

> **Constraints should inform the layout. Here, the layout has been imposed in advance of properly understanding the constraints.**

That is not a minor flaw. It renders the application:

- **Speculative in terms of safety**
- **Unreliable in terms of deliverability**
- **Contrary to basic principles of plan-led decision making**

3. Risk to Public Safety and Future Liability

The Coal Authority's position is explicit: development over or near mine entries presents:

- **Surface instability risk**
- **Direct public safety implications**
- **Potential long-term liability**

The Authority also notes that:

> Development should **avoid building within the influencing distance of mine entries wherever possible**

At present, there is no evidence before the LPA demonstrating that:

- This has been achieved
- It can be achieved
- Or that the proposed density allows it to be achieved

To grant permission in these circumstances would be to do so **in the absence of critical safety evidence**

4. Inability to Condition Away the Defect

It may be suggested that further investigation can be secured by condition.

That approach would be **legally and procedurally flawed**.

This is because:

- The issue goes to **whether development is acceptable at all**, not how it is implemented
- The outcome of further investigation could materially alter:
    - **Site capacity**

- **Layout**
- **Viability of the scheme itself**

In other words:

> This is not a detail. It is a **determinative issue**.

Granting permission now would risk approving a scheme that:

- Cannot be delivered as approved
- Would require **material redesign post-consent**
- Has not been properly assessed in environmental or planning terms

5. Internal Inconsistency Within the Application

The applicant's own documentation acknowledges:

- Mine entry constraints
- Public Rights of Way on multiple boundaries
- Drainage and attenuation restrictions
- Landscape buffers and edge conditions

Yet the submitted scheme:

- Maintains a **relatively high density (75 units)**
- Does not clearly demonstrate how all constraints are accommodated simultaneously
- Relies on **assumptions not supported by current evidence**

This creates a clear and obvious tension:

> Either the constraints are fully accounted for — in which case the layout should look materially different — or they are not.

6. Public Rights of Way – Material Harm Understated

The site is bounded by multiple Public Rights of Way which currently provide:

- Open, semi-rural recreational routes
- Visual and physical connection to the wider countryside

The proposal would introduce:

- Built form along multiple boundaries
- Potential enclosure and urbanisation of these routes
- Loss of their current character and amenity value

The application materially understates this impact and fails to properly demonstrate compliance with:

- **NPPF para 135(c)** – requirement to respect local character
- **Local Plan LP32 (Landscape) and LP24 (Design)**

7. Highways – Existing Constraints Ignored

The surrounding road network is:

- Narrow, lane-based, and in places effectively single-track
- Lacking continuous footways
- Already subject to congestion and conflict

The site has previously been subject to refusal on highways grounds, and there is no compelling evidence that the situation has improved.

While highways matters are technical, the LPA cannot ignore:

> The clear disconnect between the scale of development proposed and the character and capacity of the surrounding network.

8. Legal and Policy Position

Taken together, the proposal conflicts with:

- **NPPF** – requirement to ensure development is safe, suitable, and based on adequate evidence
- **LP24 (Design)** – failure to respond to site constraints
- **LP27 / LP30** – inadequate assessment of ground conditions and environmental risk
- **LP21 (Highways)** – unresolved concerns regarding safe access

More fundamentally:

> The LPA is being asked to determine an application where **key evidence is missing, out of date, or demonstrably inadequate**.

That places the authority at risk of making a decision that is:

- **Unsound**
- **Unsafe**
- **Potentially vulnerable to legal challenge**

9. Decision-Making Risk

The Local Planning Authority is respectfully reminded that it must determine this application on the basis of adequate, up-to-date and site-specific evidence.

In this case:

- The application is accompanied by technical material that is expressly identified as inadequate by a statutory consultee
- The submitted assessment does not relate to the scheme currently under consideration (75 dwellings)
- Key matters relating to ground stability, site capacity and layout feasibility remain unresolved

In those circumstances, any decision to grant permission would need to demonstrate clear and reasoned justification as to how:

- The absence of complete and reliable evidence has been addressed
- The identified risks to safety and deliverability have been properly assessed
- The proposal can be considered compliant with relevant development plan policies and national guidance

Without such justification, there is a real risk that a decision could be found to be:

- Based on inadequate or flawed evidential foundations
- Irrational in planning terms, given the weight of unresolved objections
- Procedurally unsound, particularly in light of the Coal Authority's position

This is not a point of rhetoric. It reflects the well-established requirement that planning decisions must be robust, evidence-led, and legally defensible.

Conclusion

This application is not ready for determination.

It is:

- Based on **outdated and incomplete technical evidence**
- **Contradicted by a statutory consultee objection**
- Supported by a layout that is **not credibly informed by site constraints**

The correct course of action is clear:

> **Refuse the application**, or require full re-submission following comprehensive site investigation and a layout that genuinely responds to the findings.

Anything less would represent a failure to properly discharge the Local Planning Authority's responsibilities in respect of **public safety, sound planning judgment, and lawful decision-making**.

Please confirm safe receipt and that this representation will be uploaded to the public planning register.

Yours faithfully