SAVE MIRFIELD

Ms Katie Chew
Kirklees Council Planning and Development
P.O. Box 1720
Huddersfield HD1 9EL

February 12th, 2026

F.A.O. MS Katie Chew
Your Ref: Planning Application, Bellway Homes Ltd (Yorkshire Division), Land off Woodward Court, Mirfield, planning reference 2015/93355.

Dear Ms Chew,

Please find herewith the Save Mirfield response to the above planning application.
This document sets out our concerns and objections to the proposed Bellway development of 75 dwellings on Balderstone Hall fields. This represents an increase of 14 homes on the previous application, which was refused. This is the fifth application in relation to this site.

Save Mirfield is a long-established Unincorporated Community Group founded over 30 years ago and we have a mandate from our 964 members to oppose developments that threaten the safety of existing residents or that are not sustainable.

We respectively request that you place on record the number of signatures associated with this response. (964)

Please note that we are likely to be submitting further comments later.

As you may be aware, this site has been the subject of multiple planning applications over the last 43 years, all of which have been refused for planning reasons which are summarised as follows:

• In 1983 Bellway Homes applied to build 45 houses on the land behind Woodward Court, exiting into Wellhouse Lane via Woodward Court itself. It was refused primarily on highways safety grounds

• In 1999 there was an application to build 99 houses on Balderstone Hall Fields. It was refused but went to appeal and was dismissed by the inspector. The roads in the area were in the view of the objectors and the Inspector, incapable of absorbing the increased traffic that would be generated by the development in a manner that was unsafe for the school children and other road users including cyclists and horse riders.

• In 2014 another application, also on Balderstone Hall Fields was for 135 houses whose access would have also been via Woodward Court. Emergency vehicular and pedestrian access into Hepworth Lane was also recommended for refusal by the planning department on Highways and drainage grounds. The application was withdrawn I hour before the Planning Committee meeting.

• In 2017 Bellway applied to build 61 houses on the same site with access via Woodward Court. Although recommended for approval, it was refused by the Strategic Planning Committee.

The Principle of Consistency in Planning decision making (North Wiltshire District council v Secretary of State 1993) requires that previous decisions be given due weight.
It is important for confidence in planning decisions that the general public can see that there is consistency in the process especially when there has been no material change to the infrastructure in question. After 4 applications which have already shown that the Highways infrastructure over more than 40 years is unsuitable for additional traffic, it is clear to us that this continues to be an unsuitable site for access via Woodward Court. The late addition of a second exit onto Hepworth Lane increases the risks associated with the site.

Objection Summary (followed by more detailed commentary)

The key points of our objection to the application are as follows:

• The Local Plan (LP), adopted in 2019 has been reviewed and is likely to be inspected in 2026/2027 and submitted to the Secretary y of State in 2028. As before when Bellway tried a similar tactic, an application at this time undermines the LP process. In the 2019 Local Plan, which is only 7 years old, Balderstone Hall Fields (as it is known locally) were designated as Safeguarded land. The overall summary was **"This site is not deliverable or developable during the Local Plan period. There is reasonable prospect that the constraints on this site could be overcome to allow the delivery of new homes beyond the end of the Local Plan period" (our bold). The end of the period in question would be 2031.**

• The traffic and road safety impacts arising from the proposed development would have **an unacceptable impact on Highways safety** with an undesirable increase in pedestrian-vehicle conflict on the local highway network due to the narrow, constrained nature of Wellhouse Lane and Hepworth Lane."(Ref: the previous planning refusal) ***At this time there is no Safety Audit available.***

• The second exit into Hepworth Lane which, during the Local Plan (2019) allocations, was assessed as" unsuitable for intensification", would cause an increase in vehicle movements there and create another even more dangerous location.

• The proposed development would not therefore be consistent with the policy guidance provided by the NPPF and the Kirklees Local Plan. A specialist Highways Consultant's report from Andrew Kirby (Ref appendix 1) is attached.

• The planning application does not constitute sustainable development as defined in the National Planning Policy Framework (NPPF) document of 2024. Deficiencies go to the point that the area is indeed not sustainable for development; the consequence of this is dis-application of the presumption of sustainability.

• Mirfield's infrastructure, namely roads, schools, health services and public services, is under considerable strain with a new development having been recently completed in Granny Lane and a number in the pipeline including one very close to this site at Northorpe, which is only about 350 meters away.

• The Drainage Assessment by Eastwood does not fully address the risk of surface, or foul water flooding and drainage issues, which could be problematic for those residents in the Hepworth Lane area. (Ref: appendix 2)

• The Coal Authority has **objected** and noted that the planning application was accompanied by a Geoenvironmental Appraisal Report but said that their Planning and Development Team

does not consider this adequately addresses the impact of the coal mining legacy. They consider that the applicant needs to revise and resubmit their report to the LPA. (Ref: appendix 3)

- Loss of amenity. Balderstone Hall Fields, by custom and practice over very many years is a valued amenity. Open land can perform many functions such as for wildlife, recreation, and flood risk mitigation……" It is our opinion that insufficient attention has been paid to the effects it would have on the local community should they lose this open space. (Ref appendix 6)

- There is a group of Grade II Listed Buildings at Balderstone Hall which are important heritage assets for the local area. This is recognised by the Council's response to the LP Inspector which stated that "subsequent development could harm elements which contribute to their significance". (Ref: Appendix 5)

- The application does not consider the inevitable increase in air pollution that the development would generate because of increased traffic and the potential impact that will have on the health of the community. This will affect the small children, the elderly and other vulnerable people. (Ref: appendix 4)

- A large number of homes are for sale and rent in Mirfield, across all price ranges and a number soon to be under construction. The mean time to sale is quite long, which therefore indicates that demand is not high.

Further Commentary.

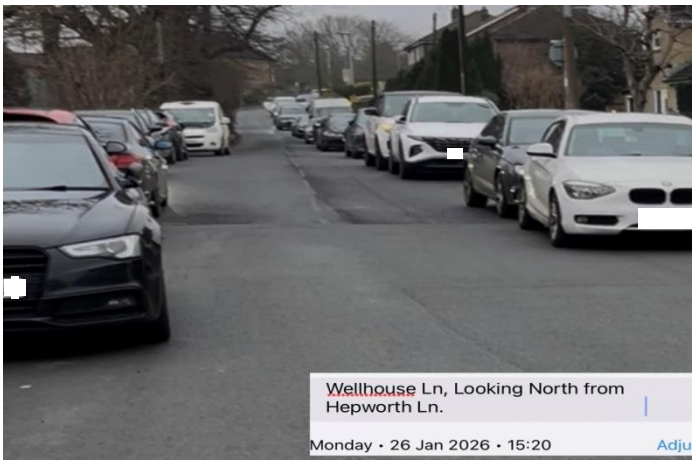
The proposed development would give rise to **an unacceptable impact on road safety** and an undesirable increase in pedestrian-vehicle conflict on the local highway network due to the narrow-constrained nature of both Wellhouse lane and Hepworth Lane.
The physical constraints of the local road network cannot be engineered away, which makes the development fundamentally unsustainable.

This is contrary to NPPF 2024 para 115,
"In assessing sites that maybe allocated for development in plans, or specific applications for development, ***it should be ensured (our bold)*** *that suitable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*

a) Safe and suitable access to the site can be achieved for all users;(our bold)
b) The design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code.
c) Any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highways safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. (Our bold)

We do not believe that the proposed planned mitigation measures will achieve these requirements.





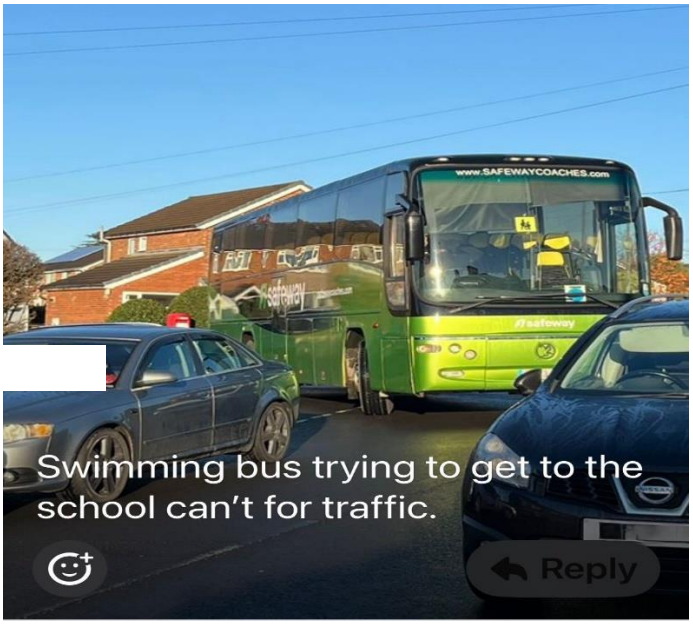
The Office of National Statistics (ONS) Figures say that there is an average of 1.17 cars per household in Yorkshire. This means that as a *minimum* there would be 88 extra cars from the development using the local network, which is a significant increase. We believe that the proposed mitigation measures on Wellhouse Lane only attempt to manage speed and cannot do anything about capacity and therefore congestion. They also fail to address the fundamental lack of safety around the school access point. The access onto the site is via Woodward Court, which is too close to an existing, chaotic bottle neck at the school entrance, makes it impossible to separate construction or commuter traffic from the vulnerable child - pedestrian movements during critical drop-off and pickup times.

(NPPF 2024 para 117) States those applications for developments should:

create places that are safe, secure and attractive- which minimises the scope for conflict between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.



Woodward Court viewed from Wellhouse Lane



Jenny Lane and Wellhouse Lane Junction

The fact that the designers have now added a second exit, albeit without a Public Consultation is important. The eagerness with which they leapt on a few comments from residents who are unlikely to live in the Hepworth area, indicates, in our opinion, that the inadequacy of the Woodward Court access point has been recognised by them (as it was in the application in 2014 by the planning department). Our discussions with residents in the Hepworth Lane area showed us how strongly they feel about the exit proposal. The residents "lived experience" makes them acutely aware of the issues. Had the designers produced the final plan at the Public Consultation they would have had to write a different report. ***This secondary exit creates or worsens another dangerous point on the local highways network.*** As Bellway own the site up to the boundary with Hepworth Lane it was relatively simple for them to make the exit there. ***However, they failed to identify that Hepworth Lane at the previous LP hearings was evaluated and determined "unsuitable for intensification".***
Since nothing has changed in Hepworth Lane we believe this is true.

SL2163	Balderstone Hall Lane, Mirfield
Proposed Land Use	Safeguarded Land
Is the site Green/Brownfield?	Greenfield
Is the site in the Greenbelt?	Site in not in the Greenbelt
Settlement Position	Within Settlement
Gross area (Ha)	6.91
Net area (Ha)	6.91
Housing Capacity	241
Employment Floorspace	-

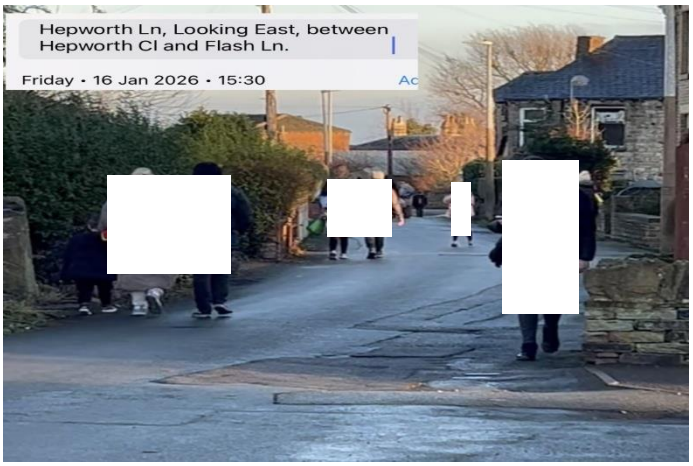
Technical Consultation summaries

Education		There is no immediate need for additional Primary or Secondary school places. There is however an increasing trend for Secondary school places.
Biodiversity		No objections raised
Historic Environment		There is a group of Grade II Listed Buildings at Balderstone Hall. The loss of this site and its subsequent development could harm elements which contribute to their significance .
Flood risk and Drainage		Main river flood zone 1; No objection. No objections raised to surface water flood risk or surface water drainage.
Highways/Transport		Third party land required to achieve visibility splays. Hepworth Lane is unsuitable for intensification.
Environmental Protection		No objections raised, Air Quality Impact Assessment, Low Emission Travel Plan and Phase 1 Contaminated Land Report required.
Other Constraints		Part or all of the site lies within a high risk coal referral area.
Open Space	N/A	N/A
Public Health		Levels of physical activity are lower than the Kirklees average.
Green Belt Edge	N/A	N/A
Green Belt Site	N/A	N/A
Exceptional Circumstances	-	N/A
Overall Conclusion	-	This site is not deliverable or developable during the Local Plan period. There is a reasonable prospect that the constraints on this site could be overcome to allow the delivery of new homes beyond the end of the Local Plan period.

Table 1.
The highways safety constraints on development of the site, referenced at the time as :SL2163 in the LP (2019), are confirmed in the Council's Sustainability Appraisal of the site, an extract of which may be seen in Table 1 above. The Council's appraisal includes a "red flag" against Highways /Transport denoting a "significant negative" effect on the Council's Sustainability Appraisal objectives. The appraisal also indicates that third party land is required to "achieve visibility splays" **and** that Hepworth Lane is "unsuitable for intensification".

Save Mirfield agree with this statement.

We also note that the visibility splay at Woodward Court shown in the application still does not provide an adequate sight line in spite of the speed mitigation measures proposed.



Home deliveries

One thing that has changed even since 2017 is the increase in home deliveries. Just three years ago in 2023, the average UK household was found to have 181 deliveries a year. This rise in household deliveries for parcels as well as food and takeaway deliveries will involve more than 13,000 vehicle movements per year for the 75 houses proposed. Of course, the increase is also to be found from existing residents in the area. After a considerable amount of research, we have found that home deliveries *may* reduce the number of private car trips taken by households but that it transfers demand to commercial vehicles creating a mixed effect on total traffic congestion and emissions.

Local Plan. Timelines and Status

The Kirklees Local Plan (LP-2019) is now in the process of being updated. The projected timeline is as follows: Draft plan Consultation December 2026-January 2027, draft publication October-November 2027 and submission to Secretary of State in January 2028.This information was taken from the Planning Portal.

At the last LP hearing it was made clear that "Safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. Policy LP6 confirms this statement:

Neither of these policy statements can be taken to mean that such land is simply a reserve list for development.

PB Planning on behalf of Bellway Homes, are assuming that because the land was designated as Safeguarded Land in the LP and therefore since a 5-year land supply cannot be demonstrated, this *automatically* means that the land should be released for building. However, as previously stated, in the not-too-distant past, there have been two planning decision refusals of development, primarily on Highways Safety grounds and one earlier, dismissed on appeal. The safety issues have not been overcome, so we feel that it is highly pertinent that the planning department continue to view this site as it stands currently. We believe that it continues to be unsuitable for development at the present time. Indeed, in LP 2019, the council, and the Inspector said that it is undevelopable **"for the duration of the plan period**" (our bold) We agree with this statement and think that this application, coming as it did during the new LP process and during the Christmas period, is, at best, opportunistic, similar to the last application, which also came during the LP process. Of course PB Planning know that this may be their last opportunity for several years and will have different priorities to local residents.

The Local Plan (2019) remains the adopted policy position and is not totally invalid or redundant and is the primary consideration for determining planning applications until the new plan is formally adopted. We understand that this current plan holds legal weight until it is replaced but will be used alongside updated evidence and national guidance.

In section11. of the National Planning Policy Framework (NPPF2024) it states that, at its heart is a presumption in favour of development. However, the NPPF also states (Section 11, d ii) that for decision-taking "where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date , granting permission unless: - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (our bold),** when assessed the policies in the Framework taken as a whole, having particular regard to sustainable locations, making effective use of land , securing well designed places and providing affordable homes , individually or in combination."

In section 51 of The NPPF it addresses the issue of prematurity and states "Refusal **of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination ;or - in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft local plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan – making process".**

The shortfall in housing land supply is being addressed in the Local Plan review; presumably the objective is to bring forward the most appropriate package of sites to meet that shortfall including Safeguarded land. The Council will want to consider the area as a whole and allocate a mix of sites, in terms of location, size and sector of the market (cost and affordability). At this point in the Local Plan review process, to bring forward an inappropriate site for development prevents the Council from managing the phased delivery of housing land throughout the area. We recognise that a developer is likely to seek planning permission on a site that they own where they can sell high value family homes.

It is our contention that permission should not be granted since the impact of doing so would not only undermine the LP process but also exacerbate the highway safety issues which are both well- known and understood by existing residents in Wellhouse Lane and Hepworth Lane, Crossley Fields Infants and Junior School and previously by the council when the Technical Consultation Summaries were made at the allocation of the site as Safeguarded land. (Ref: table 1) **There will be an unacceptable impact on road safety throughout the local area and this would significantly and demonstrably outweigh the benefits.**

Now that it is apparent that the mining legacy of the site may impact drainage and potentially increase land instability and flood risk to the Hepworth Lane area, this should be another consideration as to the suitability of the site for this development.

Need

There are a few sites in Mirfield allocated for housing in the LP, as well as a number already in the pipeline at the present time. According to "Right Move", even at one of the quietest times in the year, on January 14 th, 2026, there were 129 homes for sale in Mirfield, with 107 ranging from £45,000 to £500,000. There were also 33 homes to rent, several of which had been available for more than 2 months.

Conclusion:

We have focused on Wellhouse Lane and the start and finish of the school day for obvious reasons but in school holidays and at weekends there are a lot of other activities. There is a Cricket club located at the Flash Lane end of Wellhouse Lane, which is well supported even outside of the cricket season and the club house is also used for other events. The Gilder field is the local football venue and on those days there is a considerable amount of traffic too. There are two churches on the lane, which are also busy. There are two riding stables nearby so groups of horse riders are seen all round this area.

The extra traffic from the proposed development will have an unacceptable impact on road safety virtually at all times. In our opinion, houses built at this site will not compensate for increasing the risks in an already risky environment.
Based on the details of our objection as provided in this document, along with other representations from our professional consultant, we request that you recommend **refusal** of the application.

If we must go to the Strategic Planning Committee please let them know that if they vote to refuse the application, we will stand behind them with our team at an appeal, should it be raised.

Further information in relation to this application is contained in the appendices which follow.

Yours sincerely,

Chairman Save Mirfield.



Wellhouse Lane south of Woodward Court

APPENDIX:

1. Highway report “Objections to proposed residential development by Bellway Homes-land off Woodward Court, Mirfield…….by Andy Kirby (document separately bound)
2. Drainage and Flood Risk
3. Drainage and Coal Mining
4. Air Pollution
5. Heritage
6. Loss of Amenity
7. Save Mirfield Members

Appendix 2

Drainage and Flood Risk

The Drainage Assessment report by Eastwood Consulting deals with foul and surface water drainage provision.
Surface water disposal will be via gravity to an infiltration basin in the southern portion of the site, subject to approval from the Lead Local Flood Authority. The Lithos Geoenvironmental Appraisal states that the development should ensure that no dwelling is built within 10 m of the basin crest due to potential ground stability issues because of focussed sustained water flows in shallow mine workings. The Kirklees Council Lead Local Flood Authority pre application advice also notes a hydro-geological study is required to confirm the suitability of an infiltration basin. The Coal Authority have raised concerns and have suggested that further information is required.
The report states that foul drainage will be taken to the 225mm diameter pipe within Hepworth Lane. It acknowledges that this would be subject to formal approval by Yorkshire Water. The correspondence with Yorkshire Water states that this sewer does not have sufficient capacity for the additional flows created by the site. Whilst there is no doubt an engineering solution to this is possible, it potentially involves significant upgrade work, which would considerably inconvenience residents.
The Flood Risk report by Eastwood Consulting states that the site lies within Flood Zone 1, with a small area at low risk of surface water ponding. Surface water disposal will be via gravity to an infiltration basin in the southern portion of the site, subject to approval from the Lead Local Flood Authority as described above.
It is intended that foul effluent should discharge via gravity to the 225 mm public combined sewer south of the site in Hepworth Lane, subject to further approval as stated above.

Appendix 3

Drainage and Coal Mining

A summary of subsurface conditions relevant to groundwater and coal mining activities and their potential impact on ground stability is given as follows:
A north to south cross section in the hydrogeological report shows the Falhouse Sandstone (brown) overlying mudstone strata and coal.
At the present time, rainwater is dispersed over the full area of the site. Water is absorbed by plants, topsoil and subsoil all of which overlie the bedrock strata. An equilibrium condition will exist where slow infiltration takes place with water eventually entering the lower strata
With a new development, water from roads and other hardstanding will enter the drainage system. A large drainage pond will be constructed which collects surface water from the new drains.
It may be intended that the pond will be unlined and will become a large point of discharge. The Falhouse sandstone is highly permeable strata.
A former mine shaft was shown to be located to the south of Hepworth Lane as shown on the coal mining directory. It is not shown in the Coal Mining report.
Shallow coal workings may have been identified on site at shallow depth in a trial trench, as part of archaeological investigation. A mining features report by Lithos indicates probable mine entries close or on the position of the proposed drainage pond.
The soakaway tests demonstrate the high permeability of the sub soils and the Falhouse sandstone strata.
A plastic liner as part of the construction of an attenuation basin would require consideration of the safety issues. A concrete tank may offer a water storage option.
The Coal Authority have raised concerns and have suggested that further information is required.

Appendix 4.
Air Quality and Pollution

NPPF (December 2024) paragraph 187(e) states that the planning system should contribute to and enhance the natural and local environment by:

- Preventing both new and existing development from contributing to or being put at unacceptable risk from; or
- being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Studies conducted in the United States focused on potential mortality impacts due to airborne particulate matter. It was found that airborne particulate matter small enough to penetrate into the human respiratory tract, referred to as PM10 (particulate matter less than 10 microns in aerodynamic diameter) and more recently PM2.5 (even smaller size particles) which can penetrate deep into the lung (*Pollution Impacts on Infants and Children*, UCLA Institute of the Environment and Sustainability, 2014).

The Kirklees Council Air Quality Annual Status Report (ASR) 2025 states that the air quality issues within Kirklees primarily involve emissions from the road network and traffic.

Nestled between three major roadways; the M62, A62 and the A644, Huddersfield Road, Mirfield is located in a concentrated area for the culmination of pollutants leading to poor air quality. It can therefore be concluded that Mirfield is at risk from air pollution due to any increase in traffic eventuating from new residential properties as new residents (together with their guests and deliveries) travel to and from their home.

Proximate to the proposed development, Sunnybank Road suffers from traffic congestion during the early morning and late afternoon periods. Queues leading back from the junction with the A62 are regularly present from the A62 Fountain traffic lights to the junction with Old Bank Road which is a distance of 0.7 miles. This is only 0.3 miles away from the proposed development, and is also the logical highway for new residents to take if travelling northbound towards Cleckheaton, Brighouse and Bradford, westbound towards Manchester or eastbound towards Leeds.

Based on the existing number of slow moving and stationary traffic, it can be concluded that new residential properties at the proposed development would contribute to air quality problems on Sunnybank Road.

Air pollution with respect to children

The proposed development is immediately adjacent to both Wellhouse Pre-School, for children aged 2 – 4 years, and Crossley Fields Infant and Junior School, for children aged 4 – 11 years.

Air pollution significantly impairs infant and child health by damaging developing organs and increasing risks of respiratory diseases. Infants and children are particularly vulnerable because their organs are still developing, they have underdeveloped immune systems, and they have higher breathing rates relative to their body weight (*Clear the air for children: The impact of air pollution on children*, UNICEF, October 2016).

The proximity of the proposed development to two early years education settings is particularly concerning with respect to both: (i) emissions from the heavy machinery which will necessarily be required to prepare and build the site; and, (ii) emissions from on-going vehicular traffic once the proposed development is complete and new residents are in occupation.

Based on testimonies from local residents, air quality is already of concern at Crossley Fields Infant and Junior School. Many parents travel to and from school to drop off and collect their children by car. It is a highly congested area with narrow lanes and routine on-street parking, and so it is common for parents to arrive from around 2pm, some 60+ minutes prior to the end of the school day, to ensure they have a parking space to collect their children. During the winter months in particular, many of those cars remain idle with their engines running so that they can operate the heating in their car whilst they wait. The proposed development will add to the problems by increasing vehicle movements in the area.

Significantly, one of UNICEF's recommendations within its report was to move pollution sources away from schools and playgrounds. Against this backdrop, and that of the known impact air quality has on children, the introduction of further emissions via the proposed development at the proposed site – neighbouring both a pre-school and an infant and junior school - is extremely concerning.

Air Quality Management Areas (AQMAs)

NPPF paragraph 198 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs).

An Air Quality Management Area (AQMA), declared by the Council in 2009, continues in the Scout Hill area of the A644 Huddersfield Road to the west of Dewsbury, due to exceedance of the daily average AQO for small particulates (PM10). It was declared on 2nd March 2009 and contains 46 dwellings between Ravenswharfe Road and the Shepherds Boy public house, a distance of 0.65km. Queuing traffic is predominately westbound from Dewsbury to Mirfield and mainly late afternoon onwards. Stationary traffic is frequently observed from Ravenswharfe Road to the Shepherds Boy (0.65km) and sometimes as far back as Webster Hill in Dewsbury (1.3km).It can be concluded that air pollution is caused by the volume and low speed of the traffic on the A644.

This location continues to be monitored by the Council, with respect to both particulate matter and NO2, to determine longer term trends.

The Council carries out monitoring works for a limited number of sites throughout Kirklees. Based on observed traffic flows, it can be concluded that there will be many more sites which could suffer pollution problems and additional monitoring should be carried out.

Traffic trends

During the COVID-19 pandemic, traffic levels temporarily reduced due to widespread working-from-home arrangements. While some hybrid working has persisted in the

immediate aftermath of the pandemic, data now shows a shift back toward increased office attendance.

For example, an Indeed UK labour market analysis (2025) showed that 85% of job adverts require at least two days per week in the office, up significantly from 2022 levels of 65%. Commercial property data from Remit Consulting's ReTurn report (2025) indicates UK office occupancy has reached its highest levels since lockdown, which causes increased daily commuting, including by car.

This evidence demonstrates that any easing of traffic observed in recent years is temporary and already reversing. It can therefore be concluded that traffic, and consequently air quality, levels can reasonably be expected to continue rising towards pre-pandemic levels.

It can also be observed that traffic associated with new housing today extends far beyond resident vehicles. It includes delivery drivers, such as Amazon, Evri and Royal Mail, supermarket deliveries, such as Asda, Sainsbury's and Ocado, and many miscellaneous visitors, including friends, family, dog walkers, tradespeople, carers and service vehicles. Whilst individuals are ordered "back to the office", the convenience of home deliveries and visits is not erased and is likely to persist. Such additional traffic caused by new housing serves only to compound the air quality issues at the proposed development.

Cumulative impacts on air quality from individual sites

NPPF paragraph 198 further states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the cumulative impacts on air quality from individual sites in local areas.

Mirfield is surrounded by upcoming development sites, including:

- 45 – 48 new dwellings on land to the east of Northorpe Lane, Mirfield; and,
- Dewsbury Riverside, which is projected to deliver up to 4,000 new homes.

The Northorpe Lane site is 0.2 miles from the proposed development. The Dewsbury Riverside site is 1.6 miles from the proposed development. These approved developments will bring additional vehicles and traffic to the area. Such additional traffic can reasonably be concluded to have a cumulative impact on air quality in the area, including the proposed development site, particularly if combined with yet further residential development at Woodward Court.

Applicant's evidence with respect to air quality and pollution

It is noted that the Applicant does not refer to air quality within the Transport Statement.
The council are proposing to reduce monitoring of air quality at some sites due to recent improvements. However, large scale development of this nature cannot continue without some negative effect and impact on the community.
Any observed air quality improvements since 2020 may be linked to short-medium term impacts from the Covid pandemic and so long-term assessment of the impact of the site on air quality is imperative, taking into account emerging data on work and lifestyles.

Updated February 2026

Appendix 5.
Heritage.

Application Ref: 2025/62/93355//E (Kirklees Council)
Proposal: Erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure.
Site: Land off Woodward Court, Mirfield.

The following statement has been prepared on behalf of Save Mirfield and provides an appraisal of the Heritage Statement (November 2017) by BWB in support of the above planning application; and offers an assessment of the impact of proposed development on the setting of grade II listed Balderstone Hall & Barns.

It should be noted that the Heritage Statement is now over 8 years old and has been filed in support of the above planning application despite referencing Application 2017/62/93935/E, which was previously declined.



The above photograph shows the Balderstone Hall Estate setting on a Summer's evening, viewed from the proposed building site.



The above photograph shows the Balderstone Hall Estate setting on Winter's afternoon, viewed from the proposed building site.



The above photograph shows the Balderstone Hall Estate setting as viewed from Balderstone Hall Lane.

Heritage Impact Assessment

In considering whether to grant planning permission/or permission in principle for development which affects a listed building or its setting, local planning authorities have a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 of the *Planning(Listed Buildings and Conservation Areas) Act 1990.*

Paragraph 207 of the *National Planning Policy Framework* (herein after referred to as *NPPF*) states that:

> 207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

In support of their application for the erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure, the applicant has provided the Heritage Assessment (November 2017) report prepared by BWB. While this report should be regarded as fulfilling the requirement of *NPPF* paragraph 207, and correctly cites the relevant legislation and policy in respect of applications affecting the historic environment, Save Mirfield do not concur with the conclusions reached in respect of the impact of the proposed development on the setting of the grade II listed Balderstone Hall, barns and other curtilage structures.

While the historical research relating to the site and surrounding area detailed in the Heritage Statement provides a useful context, the actual analysis of the setting of Balderstone Hall and barns is rather limited. Additionally, while we agree with the observations that the some of the more recent development has encroached on the setting of the designated assets through the "partial urbanisation, loss of agricultural context and diminution of historic openness" (para. 7.3 & 7.4), this is not an argument and justification for allowing further loss of the remaining open agricultural setting which is considered important to the special architectural and historic interest of the designated assets. In fact, the assessment of the past erosion of the setting, put forward by the applicant's heritage advisor, actually supports an argument which is to the contrary to that which they are seeking to make; and highlights the need for the retention of that open agricultural setting in order to sustain and help conserve the special architectural and historic interest of the listed buildings.

The Heritage Statement discusses (para. 7.5 & 7.6) the mitigation measures of the proposed design and specifically cites the inclusion of open landscaping and public open space; that the effect on the listed assets is considered to be limited; and that the resultant level of harm is judged to be less than substantial. The mitigations measures referred to may indeed provide "a level of separation to the designated assets" from the development but the impact of the proposed development, by virtue of the loss of open, undeveloped/agricultural land, and the

introduction of dense, permanent physical features/development, (irrespective of design) will still erode the setting and result in harm.

Furthermore, the matter of setting of designated heritage assets should not be defined by, or limited solely to, matters of views and physical boundaries/demarcation. Setting differs from site to site and invariably encompasses a range of qualities and experiences. The intention to provide "a level of separation to the designated assets" indicates a failure to recognise the meaning and importance of setting in relation to heritage assets.

Paragraph 212 and 213 of the *NPPF* state that:

> 212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
>
> 213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
>
> a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
>
> b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional[75].

And

Paragraph 214 of the *NPPF* states that:

> 214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
>
> a) the nature of the heritage asset prevents all reasonable uses of the site; and
>
> b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
>
> c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
>
> d) the harm or loss is outweighed by the benefit of bringing the site back into use.

It is considered that the extant setting of Balderstone Hall and barns includes the development site and that the qualities of that site and the surrounding area (of undeveloped, open, rural character), and the Hall's historical and physical (past and present) relationship to the surrounding fields, are important to the special architectural and historic interest of the listed buildings. The past reduction of the open agricultural setting and encroachment of modern development on it are accepted (and are acknowledged in the Heritage Statement) as having had a negative impact on the setting of the listed buildings. However, further loss of

the setting only serves to further erode the building's context and special architectural and historic interest.

The supporting Heritage Statement (para 8.2) rightly recognises that the proposed development will result in harm to the setting of the designated assets but concludes that it will result in "less than substantial harm" and that "this is balanced by the partial loss of the original landscape through modern development. Similarly design proposals will alleviate the level of harm". We do not agree with the aforementioned view that the harm is balanced by the provision of modern development or that the design proposals will lessen the level of harm. Furthermore, we argue that the proposed development has the potential to result in substantial harm to the setting of the designated assets.

Notwithstanding this difference of opinion in respect of the level of harm, the cause of harm to, and further loss of setting - still requires clear and convincing justification and a demonstration of substantial public benefit**s** that would outweigh that harm and loss *regardless* of whether that harm/loss is deemed to be substantial or less than substantial.

While it may be argued that the provision of new housing will result in a substantial public benefit, it is equally justifiable to argue that the further erosion of the setting of designated heritage assets would be to the detriment/& opposite of public benefit. Furthermore, in terms of public benefit, and particularly where the likely impact will result in harm/loss to a designated heritage asset(s) (including its setting), it is necessary to demonstrate that those benefits cannot be achieved with no or less harm through other options (different location, scheme etc). Indeed, local planning authorities are directed (paragraph 208 of the *NPPF*) to avoid or minimise conflict between the conservation of heritage asset(s) and any aspect of the proposals that may affect them (incl. proposals affecting setting).

Paragraph 208 of the *NPPF* states that:

> 208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In summary, Save Mirfield strongly contest that the case for development within the setting of the designated heritage assets has been made in line with relevant legislation and national policy. We believe that the assessment of the setting of the designated assets is limited; that the importance of the extant setting to the building's special architectural and historic interest has been undervalued; and that the likely impact of the development on the setting has been underestimated. We also advise that the current application lacks the necessary clear and convincing justification for the harm/loss that would be caused by the proposed development; and that it has not been demonstrated that the development would result in substantial public benefit**s** that would outweigh the harm/loss. Consequently, we believe that your authority should refuse the application on the grounds that it is contrary to Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, and paragraphs 212, 213 & 214 of the *NPPF* – in respect of the impact on the setting of the designated heritage assets.

Appendix 6
Loss of Balderstone Field Amenity

Open space is precious across Mirfield. These spaces essentially provide the green lungs for the community.
Obesity amongst school children has shown a dramatic increase and consequently more open spaces should be provided not fewer.

Access to open spaces for informal play has to now be a planning priority. To see young children with nowhere else to play but on the road in their street is undesirable. As does the reality today of too many youngsters hanging around street corners and shopping precincts.
The Fields in Trust (formerly The National Playing Field Association NPFA) has updated the historic '6-acre standard' for the provision of sport and recreational areas. The guidance framework is called Guidance for outdoor sport and play and they still advocate for a total of 5.35 hectares per 1000 people for combined outdoor sport and informal play.

We understand that there is a considerable shortfall in Mirfield and many areas are now only available for recognised organisations to use and informal use is not permitted.

Balderstone Hall fields, through custom and practice for many years, have been used as a recreational space and its loss would be a serious blow to the community surrounding it. The land is located on the edge a residential area and provides access to a rural setting for the local community. The area is currently used as grazing for horses and footpaths around the fields are used by ramblers and dog walkers. It also provides the habitat for nesting birds, bats, field mice and squirrels. The site is regularly visited by a pair of Tawny Owls. The western margins of the site are used as a feeding ground by pipistrelle bats in the warmer months.
Although the land does not provide a wide range of fauna or flora, the fields are highly valued by the local community for informal recreation.

The applicant wishes to build on this area but says that it will leave some spaces free for play by both residents and neighbours. If the residents are paying for the upkeep of these areas it can cause conflict between those paying for maintenance and other who do not. Some cases of this have been seen around the country causing unpleasant disputes. It would be a pity to lose it.



Appendix 7
Save Mirfield Members
Under separate cover