DC Admin

From:
Sent: 23 November 2026 10:59
To: Governance Planning
Cc: DC Admin
Subject: URGENT: Planning Application 2025/93355 – Supplementary Representation for Strategic Planning Committee, 26 November 2026
Attachments: URGENT REPRESENTATION TO STRATEGIC PLANNING COMMITTEE.pdf

Categories:

Dear Sir or Madam

Please find attached my supplementary representation concerning planning application 2025/93355, Bellway Homes Limited, Land off Woodward Court, Mirfield, which is scheduled for consideration by the Strategic Planning Committee on Thursday 26 November 2026.

The attached document responds specifically to the recently published Officer's Report recommending approval and raises substantive concerns regarding highway safety, the deliverability of proposed mitigation measures, the site's safeguarded land designation and the statutory obligations relating to the setting of Balderstone Hall.

Although the public consultation period has closed, this representation addresses matters arising from the officer's recommendation and is submitted before the committee has determined the application.

Given the limited time remaining before Thursday's meeting, I would be grateful if the attachment could be forwarded to the case officer, Katie Pickering, and circulated to all members of the Strategic Planning Committee for consideration before the meeting. I also request that it be included in any late-representations update presented to members.

Please would you acknowledge receipt of this email and confirm that the attached representation has been circulated to committee members ahead of Thursday's meeting.

Thank you for your assistance.

Kind regards

URGENT REPRESENTATION TO STRATEGIC PLANNING COMMITTEE

Planning Application 2025/93355: Bellway Homes Limited, Land off Woodward Court, Mirfield

Committee Meeting: Thursday 26 November 2026

Subject: Officer Recommendation for Approval, Outstanding Highway Safety Issues and the Legal Basis for Determination

Dear Head of Planning and Development and Members of the Strategic Planning Committee

I write further to my previous objections to the above application, having now examined the officer's report recommending approval.

I respectfully request that this representation be circulated to all members of the Strategic Planning Committee before Thursday's meeting and that the substantive issues raised be addressed in the officer's presentation or a written update.

The purpose of this representation is to identify matters which, notwithstanding the officer's recommendation, provide legitimate planning grounds upon which the committee could refuse permission or defer determination pending further evidence. It also identifies potential weaknesses in the decision-making process which warrant particular care before any resolution to approve.

1. The previous refusal and the development plan

The committee is reminded that planning application 2017/93935, involving 61 dwellings on substantially the same site, was refused on 29 October 2018.

The present proposal increases the number of dwellings to 75, representing approximately 23% more homes than the previously refused scheme.

The application site remains designated as safeguarded land under policy LP6 of the adopted Kirklees Local Plan. The officer's report expressly acknowledges that granting permission would constitute a departure from the development plan.

Although the council's present housing land supply position is a material consideration, it does not automatically extinguish the safeguarded land designation or remove the statutory requirement under section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine applications in accordance with the development plan unless material considerations indicate otherwise.

The previous reasons for refusal and the evidence underlying the safeguarded land designation remain relevant. The committee is entitled to consider whether the revised scheme genuinely overcomes those longstanding constraints and whether the identified housing benefits outweigh the resulting conflict with the development plan.

2. Highway safety and the uncertainty of essential mitigation

This is the principal issue requiring the committee's attention.

Paragraph 10.100 of the officer's report acknowledges that visibility looking south from the Woodward Court/Wellhouse Lane junction is restricted to 2.4 metres by 29.3 metres when measured to the nearside kerb.

The report relies upon alternative visibility measurements, lower recorded vehicle speeds, proposed traffic calming and parking restrictions to conclude that the junction can safely accommodate the additional development traffic.

Importantly, the report also acknowledges that the longer 43-metre visibility splay, measured towards the centre of the approaching traffic lane, does not adequately address vehicles overtaking parked cars. Proposed double yellow lines on Wellhouse Lane are therefore an integral part of the suggested solution. However, these restrictions require a separate Traffic Regulation Order process, including statutory consultation.

The highway informative accompanying the proposed conditions expressly states that the necessary procedures may take a minimum of 12 months and that their outcome cannot be guaranteed. This creates an important distinction between highway improvements which are technically proposed and improvements which can confidently be delivered.

Proposed condition 19 requires the off-site highway works to be operational before occupation. That is an important safeguard, but it does not itself demonstrate that every essential measure will secure the necessary statutory approval.

The committee should therefore establish whether the highway authority's conclusion of acceptability depends upon the full package of restrictions and traffic calming being implemented as currently proposed.

In particular, members should be advised what would happen if one or more Traffic Regulation Orders were refused, amended or delayed following consultation.

If the development cannot safely operate without those measures, the committee must be satisfied that there is a realistic and legally effective means of delivering them.

The fundamental question is whether the applicant has demonstrated that the longstanding highway safety constraints have been overcome, rather than merely identified a package of possible future improvements.

3. Hepworth Lane and the secondary exit

The proposed secondary vehicular exit onto Hepworth Lane represents a significant alteration from the previously refused scheme.

The committee should consider the implications of introducing additional traffic onto a road network whose limitations have been repeatedly identified through earlier planning applications and the Local Plan process.

Particular attention should be given to the enforceability and operation of the exit-only arrangement, the effects on pedestrian safety and the interaction with existing traffic movements at Hepworth Lane and Hepworth Close.

The fact that the highway authority now supports the proposal is plainly relevant, but it does not prevent the committee from examining the assumptions underlying that advice or reaching a different planning judgment where supported by evidence.

4. The historic environment and Balderstone Hall

The officer's report acknowledges that the development would harm the heritage significance of the Grade II listed Balderstone Hall and associated listed structures through the erosion of their agricultural setting. Paragraph 10.42 expressly recognises the importance of the surrounding open land to the historic farmstead.

Although officers conclude that the harm would not be substantial, that classification does not remove the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings and their settings.

The committee must give the identified harm the required statutory weight before balancing it against the public benefits of the development.

Members are entitled to conclude that the permanent urbanisation of the historic agricultural setting deserves greater weight than that assigned in the officer's recommendation.

5. The committee's ability to reach a different decision

The recommendation to approve is professional advice, not a binding determination. The Strategic Planning Committee retains responsibility for reaching its own planning judgment, applying the development plan and relevant national policies to the evidence before it.

Where councillors identify substantive and evidenced planning harm, they are entitled to refuse permission notwithstanding an officer recommendation for approval.

Any such refusal should identify the specific harm, the relevant development plan policies and the reasons why the proposed mitigation or other material considerations do not outweigh that harm.

Alternatively, if members consider that the deliverability of essential highway mitigation has not been adequately demonstrated, deferral would permit the outstanding matters to be clarified before a final decision is made.

6. The legal robustness of any decision to approve

Given the site's planning history, the acknowledged conflict with the development plan, the identified heritage harm and the reliance upon highway measures requiring separate statutory procedures, particular care is necessary to ensure that any decision to approve is legally robust.

A grant of permission could potentially be susceptible to judicial review if the decision-making process involved a material error of law, failed to address a legally relevant consideration or relied upon an irrational conclusion concerning essential mitigation.

This is not to suggest that approval would automatically be unlawful. Rather, the committee should ensure that the matters identified above have been properly considered and that its conclusions are supported by adequate reasons and evidence.

In particular, the committee should receive clear advice on whether the proposed highway conditions and associated legal arrangements satisfactorily address the possibility that essential traffic regulation measures cannot be delivered.

7. Conclusion and request

I respectfully invite the committee to give serious consideration to refusing planning permission on properly evidenced highway safety and development plan grounds, notwithstanding the officer's recommendation.

At the very least, if the committee is not satisfied that the essential highway mitigation can be delivered, it should consider deferring determination until the outstanding uncertainty has been satisfactorily addressed.

Before any resolution to approve, I specifically request that officers address the following question:

Can the highway authority confirm that all measures essential to its conclusion of highway safety are realistically deliverable and that the proposed conditions and legal arrangements adequately prevent occupation if those measures cannot be implemented following the necessary statutory consultation procedures?

This is a material question which goes to the heart of whether the development is acceptable in planning terms.