

DC Admin

From:
Sent: 08 March 2026 21:03
To: DC Admin
Subject: Objection to Planning Application 2025/60/93572/E

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Objection to Planning Application 2025/60/93572/E

Application: 2025/60/93572/E

Site: Land off Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8PD

Proposal: Outline planning permission for up to 123 residential dwellings

Date: 8th March 2026

I write as a resident of HD8 8XW to formally object to the above planning application. My objection is based on the following grounds, each of which I respectfully submit constitutes a material reason for refusal.

1. Green Belt: Inappropriate Development and Failure to Demonstrate Very Special Circumstances

The application site is designated Green Belt under Policy LP6 of the Kirklees Local Plan (2019). Paragraph 153 of the National Planning Policy Framework (December 2024) ("NPPF") states that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 153 further requires that substantial weight be given to any harm to the Green Belt, including harm to its openness.

The applicant's Planning Statement acknowledges at paragraph 7.33 that "the residential element of the proposals would be considered as inappropriate development." The applicant then attempts to argue that the site qualifies as "grey belt" under the NPPF 2024 Glossary, thereby circumventing the very special circumstances test. This argument is fundamentally flawed for the reasons set out below.

2. The Grey Belt Claim is Not Established

The applicant claims the site qualifies as "grey belt" under the NPPF 2024 Glossary definition, which requires that land "does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143." This claim is contested on the following grounds.

The site is entirely agricultural land with no previously developed element. The NPPF Glossary defines grey belt as comprising "previously developed land and/or any other land that, in either case, does not strongly contribute" to Green Belt purposes. The site is described throughout the submitted documents as an arable cereal crop field of 5.54 hectares. It is not previously developed land. The applicant's reliance on the "any other land" limb of the definition must therefore be scrutinised with particular rigour.

The Green Belt Review (2017) score does not support a grey belt designation. Kirklees Council's own Green Belt Review (SD19, April 2017) assessed the site as edge reference UC3 and awarded it a Test 2 score of 2 out of 5, where a score of 1 denotes negligible harm and 5 denotes significant harm. The review concluded that the site has "potential for rounding off between Lane Head Farm and Barnsley Road" but identified that "a new boundary to the south east would need to be found to avoid impact on protected trees at Stephen Wood." A score of 2 indicates that the site does make a contribution to Green Belt purposes. The applicant selectively cites this score as evidence of limited contribution, but a score of 2 does not equate to "does not strongly contribute" — it simply means the contribution is moderate rather than high. The Planning Practice Guidance (February 2025) on Green Belt assessment makes clear that the grey belt test requires a positive finding of non-strong contribution, not merely a low score.

Purpose (c) — safeguarding the countryside from encroachment — is strongly engaged. The applicant's own Planning Statement at paragraph 7.26 acknowledges that "the site would have some contribution towards safeguarding the countryside from encroachment." The Kirklees Green Belt Review (UC3) records the site as "cultivated land" forming part of the open countryside to the south of Barnsley Road, with the southern boundary abutting Stephen Wood (a Plantation on an Ancient Woodland Site). The site is actively farmed — the Ecology Report (Brooks Ecological, May 2025) confirms it is a cereal crop field — and sheep are currently grazing on the land. The loss of this open agricultural land, which forms the immediate green setting adjacent to the ancient woodland, would represent a direct and irreversible encroachment into the countryside. Whilst purpose (c) is not one of the three purposes tested for grey belt, the applicant's own concession that the site makes a contribution to this purpose demonstrates that the land is performing meaningful Green Belt functions.

The grey belt designation also requires compliance with NPPF paragraph 155 conditions (a)–(d) cumulatively. Even if grey belt status were established, paragraph 155 requires that all four conditions be satisfied simultaneously. The applicant has not adequately demonstrated compliance with conditions (b) (demonstrable unmet need specifically for this location and type of development), (c) (sustainable location — see Ground 4 below), and (d) (Golden Rules — see Ground 3 below). Failure to satisfy any one of these conditions means the development cannot benefit from the "not inappropriate" status.

3. Failure to Comply with the NPPF "Golden Rules" (Paragraph 156–157)

For development on grey belt or Green Belt land to be "not inappropriate" under paragraph 155(d), it must comply with the Golden Rules set out in paragraphs 156–157 of the NPPF. These require:

(a) Affordable housing at 15 percentage points above the highest existing policy requirement. Kirklees Local Plan Policy LP11 requires 20% affordable housing on major residential sites. The Golden Rules therefore require a minimum of 35% affordable housing on this development. The applicant's Planning Statement (paragraph 7.87 and 1530) states only that the development will deliver "a policy compliant scheme of 20% affordable housing." This falls 15 percentage points short of the Golden Rules requirement. The applicant has not committed to 35% affordable housing, nor has any viability assessment been submitted to justify a lower provision. This is a clear and material failure to comply with the Golden Rules.

(b) Necessary improvements to local or national infrastructure. The Planning Statement at paragraph 7.101 (line 541–543) states only that "any required contributions toward local health and education provision will be determined through this process and secured via a Section 106 agreement." No specific infrastructure commitments have been made or quantified at this outline stage. The absence of any committed infrastructure package means the Golden Rules requirement under paragraph 156(b) has not been demonstrated.

(c) Provision of new or improved green spaces accessible to the public. No specific public green space provision has been committed to or quantified in the submitted documents. The indicative layout references open space, but no formal commitment or specification has been provided.

The failure to commit to 35% affordable housing alone is sufficient to disqualify the development from the "not inappropriate" status under paragraph 155, and constitutes a strong reason for refusal.

4. The Site is Not a Sustainable Location (NPPF Paragraph 110 and 115)

Paragraph 155(c) of the NPPF requires that development on grey belt land be "in a sustainable location, with particular reference to paragraphs 110 and 115." The applicant's sustainability case is overstated and misleading in the following respects.

The local primary school has closed. The Planning Statement at paragraph 7.76 and line 352 identifies a primary school at 290 metres from the site as a key sustainability credential. However, Cumberworth Church of England Voluntary Aided First School (Cumberworth Lane, HD8 8NU) closed on 30 June 2025 and converted to academy status. The new Cumberworth CE First School (Learning Accord Multi Academy Trust) operates from the same premises but with a published capacity of 124 places and current roll of approximately 113 pupils — already at 91% capacity. Kirklees Council's own School Place Planning data for Planning Area 23 (Skelmanthorpe and Denby Dale) confirms there is currently a substantial number of surplus places across the wider area, but the local school serving Upper Cumberworth is already near capacity. An additional 123 dwellings — likely to generate in the region of 30–40 primary-age children — would place significant pressure on the sole local school, which has no confirmed capacity to absorb this growth. The applicant has not addressed this issue.

GP and healthcare capacity is not evidenced. The Planning Statement makes no specific assessment of GP surgery capacity in the Upper Cumberworth area. The nearest GP practices are Skelmanthorpe Health Centre and Denby Dale Surgery (Skelmanthorpe Family Doctors practice). No evidence has been submitted that either practice has the capacity to absorb the patient demand generated by up to 123 new dwellings. The applicant's statement that contributions "will be determined through this process" is insufficient at outline stage to demonstrate that the location is sustainable in healthcare terms.

Bus service frequency is limited. The Planning Statement claims the site is "directly served by bus stops on Barnsley Road." However, the A635 bus services serving Upper Cumberworth operate at limited frequency, particularly outside peak hours and on Sundays. The settlement is not served by any rail station directly — the nearest stations at Shepley and Denby Dale are approximately 1.5 km away, requiring travel along roads with limited or no footway provision. The applicant's assertion that the site is "in an extremely sustainable location" is not supported by objective evidence of service frequency, journey times, or walking route safety.

The Kirklees Settlement Appraisal (2017) allocated zero dwellings to Upper Cumberworth. The Planning Statement acknowledges at paragraph 7.74 that "the current Local Plan allocated no dwellings to Upper Cumberworth. There are no historic Development Plan allocations in Upper Cumberworth." This reflects a deliberate planning judgement by Kirklees Council that Upper Cumberworth, despite its accessibility score, was not a suitable location for allocated residential growth. The applicant cannot now use the Council's

failure to demonstrate a five-year housing land supply as a mechanism to override this fundamental settlement strategy decision.

5. Loss of Green Belt Adjacent to Ancient Woodland: Harm to Stephen Wood (PAWS)

The southern boundary of the application site directly abuts Stephen Wood, which is designated as a Plantation on an Ancient Woodland Site (PAWS) and is subject to a Tree Preservation Order (Ref DD2/51/w37). The site also borders the Kirklees Wildlife Habitat Network to the south, which connects via Park Dike to the River Dearne.

The 15-metre buffer zone is inadequate and unenforceable at outline stage. The Ecology Report (Brooks Ecological, ER-8370-01, May 2025) recommends "a minimum buffer with no development of 15m" along the southern boundary to protect the PAWS. However, this is an outline application with all matters reserved except access. No reserved matters layout has been submitted, and there is no mechanism at this stage to guarantee that the 15-metre buffer will be maintained in any subsequent reserved matters application. The granting of outline permission would establish the principle of development on the site without any binding commitment to the buffer zone.

The development would directly harm the setting of the ancient woodland. NPPF paragraph 193 states that development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, should be refused unless there are wholly exceptional reasons. Whilst the applicant asserts there will be no direct intrusion into the woodland, the introduction of 123 dwellings immediately adjacent to the PAWS boundary will inevitably result in increased human activity, domestic lighting, noise, garden waste, and invasive species pressure on the woodland edge. These indirect impacts on the ancient woodland setting are not adequately assessed in the submitted Ecology Report, which was conducted in March 2025 (outside the main growing season) and acknowledges this limitation.

The site forms the immediate green buffer between the settlement and the woodland. The current use of the land as grazed agricultural land (including sheep grazing) provides an open, low-intensity transition between the built settlement edge and the ancient woodland. The loss of this buffer to residential development would permanently sever the visual and ecological connection between the settlement and the woodland, contrary to the aims of the Kirklees Wildlife Habitat Network and the objectives of NPPF paragraph 185 (protecting and enhancing biodiversity).

6. Cumulative Traffic Impact: The Transport Assessment is Materially Deficient

The Transport Assessment (Via Solutions, March 2025) concludes that the development will have a "negligible" traffic impact. This conclusion is flawed for the following reasons.

The traffic survey was conducted on a single day in term time. The traffic surveys were undertaken on Tuesday 18 March 2025 only. A single-day survey is insufficient to establish a reliable baseline, particularly on a rural A-road that is subject to seasonal variation and school-term traffic patterns. No surveys were conducted during school holidays, on Fridays, or at weekends.

The Transport Assessment does not account for the cumulative impact of the approved Bromley Farm Quarry. Kirklees Strategic Planning Committee approved planning application 2023/91280 (Bromley Farm Quarry, Barnsley Road, Upper Cumberworth, HD8 8PD) on 6 March 2025, permitting quarrying operations for the extraction of clay, shale and incidental coal with up to 120 HGV movements per day (60 in, 60 out) via an access directly onto the A635 Barnsley Road. This quarry is located on Barnsley Road in the immediate vicinity of the application site. The Transport Assessment for the housing development makes no reference to this approved quarry and does not model the cumulative impact of both developments operating

simultaneously on the A635. This is a fundamental omission. NPPF paragraph 116 requires that "the residual cumulative impacts on the road network" must not be severe. The failure to assess cumulative impacts with the quarry means the Transport Assessment cannot be relied upon.

The A635 Barnsley Road has a documented history of road safety concerns. A Kirklees Cabinet report (5 March 2008) recorded that along the A635 corridor, the 85th percentile speed of vehicles was 43.4 mph against a 40 mph posted limit, with a history of serious accidents associated with junctions and bends along the route. The addition of a new residential access junction onto this road, combined with 120 daily quarry HGV movements, creates a material road safety risk that has not been adequately assessed.

The trip distribution assumption of 50/50 east-west split is not evidenced. The Transport Assessment assumes that development traffic will split equally east and west at the site access junction. No origin-destination survey or evidence is provided to support this assumption. Given that the majority of employment, retail, and services are located to the west (Denby Dale, Shepley, Huddersfield), a higher westbound proportion is likely, which would increase pressure on the Barnsley Road/Cumberworth Lane/Carr Hill Road junction beyond the modelled levels.

7. Inadequate Assessment of Infrastructure Capacity

The Planning Statement acknowledges at paragraph 7.101 (lines 541–543) that contributions toward health and education will be "determined through this process and secured via a Section 106 agreement." This is insufficient. For a development of 123 dwellings on Green Belt land, the applicant should have submitted evidence that:

- The local school (Cumberworth CE First School) has sufficient capacity or that a funded expansion is committed;
- The local GP practice(s) have confirmed capacity or that a contribution to healthcare infrastructure has been agreed with the Integrated Care Board;
- Yorkshire Water has confirmed that the existing combined sewer on Barnsley Road (noted in the Flood Risk Assessment as a 225mm combined sewer) has sufficient capacity to accept the proposed pumped foul water connection without causing surcharging or flooding downstream.

The absence of any such evidence means the application fails to demonstrate that the development can be supported by adequate infrastructure, contrary to NPPF paragraph 20(b) and Kirklees Local Plan Policy LP4 (Providing Infrastructure).

8. Mineral Safeguarding: Proximity to Safeguarded Mineral Reserve

The Kirklees Green Belt Review (SD19, 2017) assessment for site UC3 records a "safeguarded mineral reserve (Bromley Farm quarry)" as an environmental constraint in the vicinity of the site. The Kirklees Local Plan designates Mineral Safeguarding Areas (MSAs) to protect viable mineral resources from sterilisation by non-mineral development. The Planning Statement does not address whether any part of the application site falls within or adjacent to the Bromley Farm Quarry MSA, nor has a Mineral Resource Assessment been submitted. This omission should be addressed before any permission is granted, in accordance with Kirklees Local Plan Policy LP53/LP54 (Minerals Safeguarding).

9. High-Pressure Gas Pipeline: Inadequate Assessment

The Kirklees Green Belt Review (UC3) records a "high pressure gas pipeline east of Greenwood Farm" as an environmental constraint. The Planning Statement at paragraph 7.71 acknowledges this pipeline and states that "the proposed indicative layout has demonstrated that these constraints can be easily mitigated in the

proposed layout by integrating the appropriate stand-offs." However, as this is an outline application with all matters reserved, no binding layout has been submitted. No consultation response from Cadent Gas (the pipeline operator) has been referenced in the submitted documents. The Health and Safety Executive's Land Use Planning methodology requires that development within the consultation zones of high-pressure gas pipelines be assessed against risk criteria. This assessment has not been provided.

10. Impact on the Character and Setting of Upper Cumberworth Conservation Area

Upper Cumberworth is a designated Conservation Area. The site is located immediately to the south of Barnsley Road, which forms the southern edge of the settlement. The development of 123 dwellings on this open agricultural land would fundamentally alter the character of the southern approach to the village, which is currently defined by open Green Belt land, grazing animals, and the wooded backdrop of Stephen Wood. The Heritage Assessment's conclusion that harm to the Conservation Area will be "negligible" is disputed. The loss of the open agricultural foreground to the south of the village, when viewed from the Barnsley Road/Cumberworth Lane/Carr Hill Road junction (which the Heritage Assessment itself identifies as the key viewpoint), would cause harm to the setting and character of the Conservation Area, contrary to NPPF paragraph 207 and Kirklees Local Plan Policy LP35 (Historic Environment).

Summary

For the reasons set out above, I respectfully request that planning application 2025/60/93572/E should be refused on the following grounds:

Grounds	Policy Basis
Inappropriate development in the Green Belt; grey belt status not established	NPPF paragraphs 143, 153, 155; Kirklees LP Policy LP6
Failure to comply with Golden Rules (20% affordable housing offered, not 35% required)	NPPF paragraphs 155(d), 156, 157
Not a sustainable location: school near capacity, GP capacity unassessed, limited public transport	NPPF paragraphs 110, 115, 155(c)
Harm to setting of ancient woodland (Stephen Wood PAWS); inadequate buffer at outline stage	NPPF paragraph 193; Kirklees LP Policy LP30
Transport Assessment materially deficient: no cumulative assessment with Bromley Farm Quarry (120 HGVs/day)	NPPF paragraph 116; Kirklees LP Policy LP21
Infrastructure capacity not evidenced (school, GP, sewerage)	NPPF paragraph 20(b); Kirklees LP Policy LP4
Mineral safeguarding not addressed	Kirklees LP Policies LP53/LP54
High-pressure gas pipeline: no HSE consultation or risk assessment	HSE Land Use Planning methodology
Harm to setting of Upper Cumberworth Conservation Area	NPPF paragraph 207; Kirklees LP Policy LP35

I request that Kirklees Council refuse this application and that I be notified of any decision or further consultation.

Please ensure my name and address are kept confidential and my comments are published anonymously.