FORMAL OBJECTION

Planning Application 2026/62/90211/E

Location: West House, Oxford Road, Gomersal, Cleckheaton, BD19 4AU

Proposal: Erection of 9 dwellings within the curtilage of a Listed Building

I write to formally object to the above application on the grounds of statutory heritage harm, unacceptable highway safety impact, conflict with adopted planning policy, inconsistency with previous decisions on Latham Lane, and failure to demonstrate sufficient public benefit to outweigh the identified harm.

Statutory Harm to the Listed Building and Its Setting

West House is a designated heritage asset. The application site forms part of its historic curtilage and contributes directly to its setting and significance. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must give special regard to the desirability of preserving the Listed Building and its setting. This duty must be given considerable importance and weight in the planning balance. The courts have confirmed this in Barnwell Manor Wind Energy Ltd v East Northamptonshire DC (2014), where it was established that decision-makers must give "considerable importance and weight" to preserving heritage assets. Forge Field Society v Sevenoaks DC (2014) confirmed that harm must be given elevated weight in the planning balance, and Jones v Mordue (2015) reinforced that the Section 66 duty applies even where harm is categorised as less than substantial under the NPPF. The erection of nine dwellings within the curtilage would suburbanise historically associated land, fragment the relationship between West House and its grounds, and permanently alter the character of land that contributes to its significance. This is not minor or incidental development; it is a substantial intensification within protected curtilage land. Under Chapter 16 of the National Planning Policy Framework (NPPF), great weight must be given to conservation. No clear and convincing justification has been provided to outweigh this harm.

Historic Context – Application 2013/93358

In 2013, under application 2013/93358 at Latham Lane, which backs directly onto the West House site (approximately 50–100 feet from the proposed development), the Council's Group Leader (Heritage), Nigel Hunston, stated: "My main initial concern over this application was the way the side of the extension appears in elevation… However,… there is no impact upon the conservation area so I am minded not to object to the proposal." That proposal concerned a modest one-bedroom extension constructed in Yorkshire stone using traditional building methods. Even for that limited and sympathetic development, heritage and visual concerns were carefully assessed. Matters such as visual impact and light intrusion were considerations in protecting the conservation area. The present proposal is fundamentally different in scale and impact. It introduces nine new dwellings, internal access road, hardstanding, parking areas, domestic gardens, external lighting, security lighting and vehicle headlight glare. The cumulative impact of nine separate households would result in significant and permanent increases in artificial lighting, domestic light spill and vehicle illumination. Artificial lighting can erode the rural and historic character of a setting, diminish night-time appreciation of the Listed Building and urbanise historically darker curtilage land. If light pollution and design were

matters of scrutiny for a modest stone extension, the impact of nine new dwellings would be materially greater and more harmful to the heritage setting.

Unacceptable Highway Safety Impact – Latham Lane

The proposed access is located approximately 25 feet (7–8 metres) from a tight blind bend on Latham Lane. This bend severely restricts forward visibility and creates a hazardous situation for vehicles emerging from the development, vehicles turning right into the site and vehicles approaching the bend. The limited stacking distance creates a foreseeable risk of rear-end collisions and unsafe manoeuvres. Drivers exiting the development would likely need to edge forward into the carriageway to gain adequate visibility. This is inherently unsafe. Policy LP21 of the Kirklees Local Plan requires development to provide safe and suitable access and avoid unacceptable highway safety impacts. Latham Lane is narrow, constrained, partially single-track and limited in passing opportunities due to curvature. Nine dwellings would materially intensify vehicle movements, including deliveries, refuse collection and emergency vehicles. The proposal fails to demonstrate compliance with Policy LP21. Paragraph 115 of the NPPF states that development should be refused where there would be an unacceptable impact on highway safety. The combination of access adjacent to a blind bend, restricted sightlines and increased traffic constitutes an unacceptable and foreseeable safety risk.

Material Planning History – Refusal at 107 Latham Lane (03 March 2025)

On 03 March 2025, Kirklees Council refused planning permission at 107 Latham Lane on the grounds that the proposal would fail to provide adequate visibility splays for access onto an adopted highway, contrary to Policy LP21. This confirms that Latham Lane has recognised visibility constraints and that substandard access arrangements warrant refusal. There is no evidence that highway conditions have materially changed since that decision. North Wiltshire DC v Secretary of State (1993) confirms that consistency in planning decisions is an important principle unless material differences justify departure. Approving this proposal would represent inconsistent application of Policy LP21.

Comparative Planning Context – 77 Latham Lane (Application 2023/62/90506/E)

The approved development at 77 Latham Lane (Application 2023/62/90506/E) related to the construction of a detached dwelling with integral garage and associated landscaping. The application made clear that there would be no net increase in the number of dwellings previously situated on the site and no increase in building volume from proposals agreed through previous planning approval. This is significant because the approval was explicitly based on there being no increase in dwelling numbers and no increase in overall building volume. That decision demonstrates the Council's recognition of the semi-rural character of Latham Lane and the importance of avoiding intensification. By maintaining existing dwelling numbers and volume, that proposal preserved the character of the area and avoided adding materially to traffic generation on a constrained highway. In contrast, the current proposal would introduce nine entirely new dwellings, significantly increase built form and materially intensify traffic movements. Unlike 77 Latham Lane, it does not preserve established scale or

density. It represents substantial intensification and departure from the careful approach previously applied to development along Latham Lane.

Failure to Demonstrate Public Benefit

It is understood that the proposed dwellings are intended for family members rather than contributing meaningfully to general housing supply. Under the NPPF, heritage harm must be weighed against public benefits. Private benefit to a limited number of individuals does not outweigh the statutory Section 66 duty, identified heritage harm or demonstrable highway safety concerns. Under the Barnwell Manor principle, considerable weight must be given to preservation and that weight cannot be displaced by limited private gain.

Overall Planning Balance

Conclusion – Visual Fragmentation and Impact on the Listed Building

In addition to the policy and safety concerns outlined above, the proposal would fundamentally alter how the site is perceived and experienced. The curtilage of West House is currently understood and appreciated as a unified historic setting associated with the principal Listed Building. The erection of nine new dwellings, together with an internal access road and domestic infrastructure, would visually divide the site into two distinct parts. The land would no longer be viewed as a cohesive historic whole but instead as a separate modern housing development adjoining a Listed Building.

This visual fragmentation is a material planning harm. The setting of a Listed Building is not limited to its immediate physical structure but includes the land that contributes to its character, context and historic relationship. By introducing a distinct new-build enclave within the curtilage, the development would:

- Break the visual continuity between West House and its associated land
- Create a perception of subdivision and encroachment
- Diminish the ability to appreciate the Listed Building within its historic spatial context
- Change the setting of the site from historic curtilage to modern residential estate

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving the Listed Building and its setting. Preservation in this context means doing no harm. The courts in Barnwell Manor (2014) and Forge Field (2014) confirmed that considerable importance and weight must be given to this statutory objective and that harm cannot be treated as a mere balancing exercise.

The introduction of a visually separate housing cluster within the curtilage would erode the integrity of the Listed Building's setting. The site would no longer read as a historic property within its associated grounds, but instead as a Listed Building adjacent to a new housing development. That shift in perception represents harm to the setting and significance of the heritage asset.

When this visual fragmentation is considered alongside the intensification of built form, increased lighting, additional traffic movements, and previously identified highway safety concerns, the cumulative impact is substantial.

Overall Planning Balance

The proposal:

- Causes harm to the setting and curtilage of a Listed Building
- Engages and conflicts with the statutory duty under Section 66(1) of the 1990 Act
- Conflicts with the Barnwell Manor, Forge Field and Jones v Mordue case law principles
- Fragments and visually divides a historic site into a separate modern housing enclave
- Introduces harmful suburbanisation and increased light pollution
- Fails to provide safe and suitable access under Policy LP21
- Creates unacceptable highway safety risks under NPPF Paragraph 115
- Is inconsistent with the 2025 refusal at 107 Latham Lane
- Departs from the careful, non-intensifying approach applied at 77 Latham Lane
- Provides insufficient public benefit to outweigh these harms

For all the above reasons, I respectfully request that Kirklees Council refuse planning permission for application 2026/62/90211/E.