

PLANNING OBJECTION

Application Reference: **2026/90211**

Site: **West House, Oxford Road, Gomersal, Cleckheaton BD19 4AU**

Proposal: Residential development comprising 9 dwellings within the grounds of West House

Applicant: Empire Real Estate Development Ltd

Submitted to: **Kirklees Metropolitan Borough Council**

1. Introduction

This objection is submitted by a resident living on Latham Lane.

The objection is submitted anonymously. The planning issues raised are substantive, evidence-based and relate directly to the material planning considerations relevant to the determination of the application.

The proposal raises serious concerns in relation to:

- Harm to the setting of a Grade II listed building
- Loss of historic landscape and estate character
- Inadequate heritage assessment
- Removal of protected trees and habitat degradation
- Failure to achieve biodiversity net gain
- Poor architectural response to the host heritage asset
- Drainage and sewer capacity uncertainty
- Highway safety and access concerns
- Inadequate fire appliance access
- Archaeological risk
- Overdevelopment of the site

For the reasons set out below, the proposal conflicts with both national and local planning policy and should therefore be **refused**.

2. Statutory Duty to Protect the Setting of West House

West House is a **Grade II listed building (Historic England List Entry No. 1313298)**.

Under **Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990**, the Local Planning Authority must have:

“special regard to the desirability of preserving the building or its setting.”

This statutory duty is reinforced by **NPPF paragraphs 205-208**, which require great weight to be given to the conservation of heritage assets.

The proposed development site forms part of the **historic curtilage and setting of West House**. The land is not simply nearby open land but forms part of the historic curtilage landscape that contributes directly to the significance of the listed building.

The introduction of:

- nine large detached dwellings
- two new estate roads with two new access points and turning heads
- extensive hardstanding
- domestic boundary treatments
- lighting and suburban infrastructure

would fundamentally alter the historic landscape context of the listed building.

The applicant’s own heritage submission acknowledges that the development would:

- reduce the historic curtilage
- remove boundary walls
- alter openness
- cause harm to the significance of West House through changes to its setting.

This admission is important. The applicant accepts that **heritage harm will occur**.

Even where harm is classified as “*less than substantial*”, national policy requires that **great weight must still be given to conservation**.

The degree of landscape change proposed would materially erode the historic estate setting of the building.

This harm is therefore **significant and permanent**.

Case law has confirmed that the statutory duty under Section 66 requires decision-makers to give **considerable importance and weight** to the preservation of the setting of listed buildings when carrying out the planning balance (Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014]).

3. The Heritage Assessment is Fundamentally Inadequate

The heritage documentation submitted with the application contains a number of weaknesses which significantly reduce its evidential weight.

3.1 Inconsistencies in the Application Documents

The Built Heritage Statement refers to a proposal for **eight dwellings**, while the Design and Access Statement and planning case refer to **nine dwellings**.

This inconsistency raises questions regarding the accuracy and reliability of the supporting documentation.

3.2 Failure to Properly Assess the Historic Landscape

The submitted heritage assessment focuses primarily on the architectural value of the listed house but fails to properly analyse:

- the historic designed landscape
- the pleasure grounds associated with the house
- historic paths and woodland areas
- the spatial relationship between the house and surrounding land

Historical evidence demonstrates that the Knowles family invested significantly in the design and improvement of the pleasure grounds of West House, a Georgian Manor House.

The current undeveloped landscape between Oxford Road and Latham Lane forms part of this historic context.

The submitted heritage material fails to adequately address this.

3.3 Concerns Raised by Heritage Consultees

Historic Buildings & Places (formerly the Ancient Monuments Society) has already raised serious concerns regarding the application.

The consultee notes that:

- the scale of development has not been adequately justified
- the relationship between the proposed houses and the listed building has not been properly assessed
- the absence of sectional drawings prevents understanding of the spatial relationship between the development and the listed building
- the proposals appear oversized relative to the host dwelling.

These criticisms highlight the **incomplete nature of the heritage evidence** submitted with the application.

4. Loss of One of the Last Historic Landscapes in Gomersal

The application site represents one of the few remaining undeveloped landscapes between:

- Oxford Road
- Latham Lane

Much of the surrounding area has already been developed for housing.

The grounds of West House therefore retain a rare surviving open landscape which has strong intrinsic landscape and heritage value, that continues to define the character of this part of Gomersal.

The proposed development would introduce a suburban residential estate into this landscape.

The estate road layout clearly demonstrates the transformation of the site into a typical modern housing enclave.

Such development would permanently erode the historic character of the area.

5. Poor Architectural Response to the Listed Building

The proposed houses are large executive-style dwellings characterised by:

- strong gabled roof forms
- large glazed facades
- modern cladding materials
- wide footprints and large massing

This architectural approach bears little relationship to the proportions and architectural language of the polite, Regency Georgian manor house at West House.

Rather than appearing subordinate to the historic building, the proposed houses would compete visually with it. As well as this they do not contribute to the narrative of the heritage asset.

Several proposed houses have footprints approaching that of the original house itself.

This is wholly inappropriate within the curtilage of a listed building.

Good design within the setting of a heritage asset requires development to appear subordinate to and respectful of the historic building. In this case the proposed dwellings are comparable in footprint and massing to the listed house itself, fundamentally undermining the hierarchy between the heritage asset and the surrounding development.

6. Documented Tree Removal, Habitat Degradation and Incremental Erosion of the Historic Estate Landscape

There are serious concerns regarding the progressive removal of mature trees across the grounds of West House during the current ownership period since approximately 2021.

Residents living adjacent to the site have repeatedly raised concerns with Kirklees Council about the removal of trees in the north-eastern and south-western parts of the land - areas that now align with the proposed development parcels, including the new access road and several of the housing plots. Correspondence between residents and the Council's Arboricultural Officers shows that concerns around tree removal and compliance with Tree Preservation Order requirements have been raised multiple times over several years.

For example, in January 2025 residents contacted the Council to report that several mature trees had been removed over a weekend within areas identified as W2 and G7 within the TPO mapping. The correspondence noted that the trees were mature specimens contributing to the historic landscape setting of West House and that removal operations involved excavation of stumps and disturbance of surrounding ground using heavy machinery, with potential damage to adjacent protected trees and root systems.

Residents also raised concerns that the works were undertaken by ground-works contractors rather than qualified arboricultural specialists and that the method of removal could have caused further harm to retained trees through root damage.

Earlier correspondence dating from December 2022 also records residents requesting confirmation that replacement planting required under earlier tree works permissions had been carried out. The Council acknowledged at that time that landowners had been written to regarding the requirement for replanting and that compliance would be monitored.

More recent correspondence from April 2025 from the Council's Arboricultural Officer acknowledges that replacement planting at West House had still not been carried out and indicates that the Council would need to liaise with enforcement officers regarding this matter.

Taken together, this correspondence establishes a clear pattern of:

- concerns being raised regarding tree removal across the site
- requests for enforcement action or monitoring
- outstanding requirements for replacement planting.

This evidence is highly relevant to the consideration of the present planning application because it raises legitimate concerns regarding whether the arboricultural baseline presented within the submitted reports accurately reflects the historic condition of the site.

The application relies heavily on the submitted Arboricultural Impact Assessment which concludes that the removal of trees associated with the development parcels would have only limited impact on the local treescape and that the trees proposed for removal are of relatively low value.

However, if the site has already experienced significant tree loss during the current ownership period, the present arboricultural survey may not represent the historic arboricultural character of the site or the cumulative loss of mature vegetation which has already occurred.

National planning policy and the biodiversity net gain framework recognise that environmental baselines must not be artificially manipulated through the clearance of trees or habitats prior to the submission of development proposals.

The application's ecological documents note that biodiversity baselines may need to reflect the site's condition as of 30 January 2020 (Environmental Act Schedule 14) to prevent assessments being skewed by any prior habitat degradation. Local residents indicate that significant vegetation clearance may have taken place since that date. Given this, the Local Planning Authority should be cautious in relying on current baseline arboricultural and ecological assessments as an accurate representation of the site's former environmental value if these are not from this date.

The Council should instead:

- establish the extent of tree removal across the site since 2020
- confirm whether all works were carried out in accordance with Tree Preservation Order consents
- verify whether required replacement planting has been implemented
- consider whether the ecological and arboricultural baseline should reflect the historic condition of the site prior to vegetation removal.

Failure to do so risks allowing environmental harm undertaken prior to the application to influence the planning balance in favour of development.

The mature tree cover across the grounds of West House forms an essential component of the verdant estate landscape which contributes significantly to the setting of the Grade II listed building.

The progressive loss of trees, combined with the proposed introduction of estate roads, engineered plots, domestic gardens and large detached houses, would represent a form of **incremental suburbanisation of the historic estate landscape**.

This would fundamentally erode the historic character of the site and significantly diminish the contribution that the grounds currently make to the significance and setting of West House.

7. Artificial Subdivision of the Historic Estate and Incremental Development Strategy

The application documents divide the proposed development into two parcels referred to as **Site A and Site B**.

While the application is presented as a single scheme for nine dwellings, the physical layout and supporting documentation clearly indicate that the estate landscape is being subdivided into separate development parcels with independent access arrangements and development plots.

This approach raises legitimate concerns that the estate is being incrementally fragmented in order to facilitate development across the historic grounds of West House and undermines the ability of the Local Planning Authority to properly assess the cumulative impact of development on the setting of the listed building again, representing a process of **incremental suburbanisation of the historic estate**.

The subdivision of the historic estate landscape into smaller development parcels fundamentally alters the way in which the site functions as the setting of the listed building. The historic relationship between West House and its surrounding open land derives not only from the immediate garden areas but from the wider extent of the estate landscape which historically provided the spatial and visual context for the house.

National planning policy requires that heritage assets and their settings be considered in a holistic manner, taking account of the full extent of the asset's historic context. Fragmenting the estate into development parcels risks disguising the true scale of change that the proposal would introduce to the setting of West House.

The subdivision of the site raises concerns that this proposal could be the first step in a wider pattern of estate fragmentation, enabling further development on the remaining grounds once residential use is accepted in principle. Introducing access roads and housing plots would permanently alter the historic setting of the listed building, and once the landscape is suburbanised, the remaining open areas would become increasingly vulnerable to additional development pressure.

The Council should therefore exercise caution when considering development proposals that introduce suburban residential layouts within historic estate landscapes.

For these reasons, the subdivision of the estate into development parcels should be regarded as an important factor weighing against the proposal when considering the overall impact on the historic environment and the long-term preservation of the setting of West House.

8. Biodiversity Net Gain Shortfall

The ecological documentation confirms that the scheme currently **fails to achieve the required 10% biodiversity net gain**.

Instead, the application relies on:

- potential future habitat enhancement
- off-site offsetting.

The biodiversity assessment also states that habitat degradation since January 2020 must be considered when determining the baseline ecological value of the site.

9. Drainage Strategy Uncertainty

The drainage strategy proposes the discharge of surface water to the public sewer network.

However the Flood Risk Assessment confirms that:

- Yorkshire Water previously indicated the sewer network lacked capacity
- the depth and level of the relevant sewer infrastructure are unknown
- further survey work is required to confirm whether gravity connection is possible.

This demonstrates that the drainage solution remains uncertain and dependent upon further technical confirmation.

Such uncertainty should be resolved before planning permission is granted.

10. Highway Safety Concerns

Access to the two pockets of development would be via Latham Lane and Oxford Road.

Latham Lane:

- is narrow
- lacks any footpaths
- has limited visibility in places
- is used by pedestrians including school children.

The highway assessment uses generic traffic generation assumptions due to insufficient comparable data.

Given the scale and luxury nature of the proposed dwellings, vehicle ownership and trip generation may be significantly higher than assumed.

No road safety audit has been submitted.

No centre line sections or gradient plans have been submitted.

The sight lines extend across a public footpath.

The proposed highways or access connection points do not appear to be in line with Kirklees' highway design guide nor up to adoptable standards. The western access point from Latham lane is extremely close to the Drub Lane access point which is already dangerous with inadequate visibility.

This raises legitimate concerns regarding traffic safety and increased vehicle movements on a constrained road network.

11. Fire Appliance Access

The application drawings show turning areas for emergency vehicles.

However, the submission fails to demonstrate compliance with fire service access standards.

Approved Document B requires fire appliances to be able to reach within **45 metres hose distance of all points within a dwelling**.

No drawing has been provided demonstrating:

- hose reach distances
- standing points for fire appliances
- compliance with maximum reversing distances.

Several plots appear to be located beyond the effective operational reach of a fire appliance without significant reversing manoeuvres.

This matter must be resolved before planning permission could safely be granted.

12. Archaeological Risk

The West Yorkshire Archaeology Advisory Service has identified the site as lying within a historic landscape associated with medieval and post-medieval settlement.

The consultee advises that the claim within the heritage statement that no other heritage assets would be affected cannot be substantiated.

Archaeological evaluation has therefore been recommended prior to determination.

This further demonstrates the incomplete nature of the supporting evidence.

13. Planning Balance

In planning terms the application offers limited public benefit.

The proposal consists of nine large executive houses and provides:

- only 4 open market homes, with 5 reserved for the applicant's family
- limited housing diversity
- no significant community infrastructure.

The applicant's reliance on speculative heritage management benefits and housing delivery does not outweigh the clear and permanent harm to the setting of a listed building and its historic landscape, nor does it justify the loss of open land with strong intrinsic landscape and heritage value that contribute positively to the Gomersal area and Latham Lane / Oxford Road street scene.

The proposal therefore fails to demonstrate the "clear and convincing justification" required by national policy for harm to the setting of a listed building.

14. Conclusion

The proposed development would result in:

- Harm to the setting of a Grade II listed building
- Loss of historic landscape character
- Removal of mature trees and habitat degradation
- Poor architectural response to a heritage asset
- Failure to demonstrate biodiversity net gain
- Uncertain drainage infrastructure
- Highway safety concerns
- Inadequate fire appliance access
- Archaeological risk

The proposal conflicts with the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, and the adopted Kirklees Local Plan, in particular Policies LP2, LP7, LP21, LP24, LP27, LP30, LP32 and LP35, for the following reasons:

LP35 (Historic environment): the development would fail to retain and appropriately conserve those elements of the historic environment that contribute to the distinct identity of the area, and would fail to maintain and reinforce local distinctiveness or conserve the significance and setting of the Grade II listed West House. Kirklees policy requires proposals affecting heritage assets to conserve significance and locally distinctive historic character.

LP24 (Design): the form, scale, layout and details of the proposal do not respect or enhance the character of the townscape, heritage assets and landscape, nor do they provide a convincing design response to the site's historic context. LP24 requires good design at the outset, including respect for character, setting and amenity.

LP2 (Place shaping): the scheme fails to protect and enhance the qualities that contribute to the character of this part of Gomersal, in particular the remaining undeveloped historic grounds between Oxford Road and Latham Lane and the contribution those grounds make to local identity.

LP32 (Landscape): the proposal does not take proper account of, nor seek to enhance, the landscape character of the area. Instead, it suburbanises an important open and verdant historic site through estate roads, engineered plots, hardstanding and executive housing form.

LP30 (Biodiversity and geodiversity): the scheme has not demonstrated compliance with the requirement to avoid significant harm, minimise impacts and secure net biodiversity gains through good design and habitat creation. That concern is sharpened by the applicant's own ecology material acknowledging a biodiversity net gain shortfall and by evidence of habitat/tree loss since 2020.

LP27 (Flood risk): the drainage strategy remains insufficiently robust, with reliance on sewer discharge, earlier acknowledgement of network capacity constraints, and the need for further confirmation of connection feasibility. Kirklees policy and design guidance require flood risk and drainage constraints to be properly addressed as part of site design.

LP21 (Highways and access): the application has not adequately demonstrated that the development can be accessed effectively and safely by all users, nor that servicing and emergency access operate satisfactorily on this constrained site. Kirklees policy requires safe and suitable access, and the current submission does not convincingly resolve the fire appliance access issue.

LP7 (Efficient and effective use of land): the development fails to make efficient and effective use of land. Kirklees policy requires at least **35 dwellings per hectare where appropriate**, with lower densities only acceptable where clearly justified. The proposal delivers only 9 large luxury houses on a substantial site and no convincing policy-compliant justification has been provided for such a low density.

LP11 (Housing mix and affordable housing): the scheme does not reflect the policy objective of achieving a housing mix that responds to need by size and tenure, instead proposing a narrow enclave of very large executive homes. Kirklees guidance states that on schemes of more than 10 dwellings, or 0.4ha in size, housing mix should reflect identified need, and affordable housing is required on qualifying developments of more than 10 dwellings, including where smaller parcels are developed incrementally on a site whose overall capacity exceeds 10 dwellings. While this application is framed as 9 dwellings, that only weakens rather than strengthens the public benefits claimed for the scheme.

The proposal also conflicts with the NPPF, in particular:

- **paragraphs 131–133**, which place high quality, beautiful and sustainable design at the heart of the planning process and require design expectations to be grounded in local character;
- **paragraphs 129–130**, which require efficient use of land and support refusal of schemes that fail to make efficient use of land;
- **paragraphs 170–181**, which require development to be safe for its lifetime without increasing flood risk elsewhere and to incorporate sustainable drainage systems unless inappropriate;
- **paragraphs 187 and 193**, which require protection and enhancement of the natural environment, avoidance of significant biodiversity harm, and measurable biodiversity gains;
- **paragraphs 208, 212, 213 and 215**, which require the significance of heritage assets and their setting to be properly assessed, give great weight to conservation, require clear and convincing justification for harm, and require any less than substantial harm to be weighed against public benefits.

For these reasons it is respectfully requested that **Kirklees Council refuse planning permission.**

Furthermore, the Council should consult specialist heritage organisations including:

- Historic England
- The Georgian Group
- The Society for the Protection of Ancient Buildings.

Submitted by:

A concerned local resident