

FORMAL OBJECTION TO PLANNING APPLICATION 2026/62/90310/E

Dear Sir/Madam,

I write to object in full to planning application **2026/62/90310/E** for the erection of 37 dwellings with associated access, parking, landscaping and creation of a multifunctional area of public open space on land off Sunny View, White Lee, Batley.

I am the resident of **1 Sunny View, Plot 1** of the adjoining Jones Homes development, and my property is directly affected by the proposed scheme, both physically and functionally. This objection is made on **material planning grounds only**. It is not based on private dislike of development in principle, nor on non-material matters such as property value. It is based on conflict with the development plan, the National Planning Policy Framework, the planning history and appeal history for this exact locality, the current unresolved statutory and technical objections, and the failure of the application material to demonstrate that the proposal is acceptable in planning terms.

1. The proposal conflicts with the clearest and most important material consideration affecting this land: the earlier refusal and dismissed appeal

This application cannot be assessed as if it has no history. The land at White Lee / Sunny View has already been through the planning and appeal process. The 2015 scheme for 66 dwellings was refused, and the subsequent appeal was dismissed in July 2017. A later scheme was then withdrawn. The current application is another attempt to secure housing development on the same immediate body of open land.

That dismissed appeal is a highly material consideration. It is the clearest benchmark for lawful and consistent decision-making on this site. The Inspector previously concluded that housing on this open land was not justified when weighed against the planning protection given to it and the harm caused by its loss.

The real planning question is therefore not simply whether 37 dwellings is fewer than 66. The real question is:

What has materially changed, in policy terms, evidence, site circumstances, mitigation, or planning balance, such that development on this open land is now acceptable when the earlier proposal was refused and the appeal dismissed?

On the material before the Council, nothing of sufficient substance has been demonstrated.

The core planning concerns remain the same:

- loss of open land;
- drainage and flood risk concerns;
- highway safety and cumulative traffic concerns;
- ecological uncertainty;

- cumulative strain on an already pressured locality.

A reduced number of dwellings does not, by itself, answer the Inspector's earlier reasoning or remove the policy conflict. Nor does the inclusion of internal landscaped land automatically cure the planning harm arising from building into protected and valued open land. If the Council were minded to approve this proposal, it would need a clear and evidence-based reason for departing from the earlier refusal and dismissed appeal. No such reason has been supplied.

For that reason alone, the proposal should be refused.

2. The application fails the policy tests protecting Urban Green Space and open land

This proposal would result in the permanent loss and fragmentation of land that functions as valuable urban green space immediately adjoining my home and the surrounding area.

That is not simply a matter of local preference. It is a matter of planning policy and land function.

Under Kirklees Local Plan Policy LP61, development involving the loss of Urban Green Space or other valuable green space is only supported in tightly defined circumstances, such as where the land is clearly surplus to requirements or where equivalent or better replacement provision is made in an appropriate location. The NPPF adopts a similarly restrictive approach to development on existing open space and recreational land.

Those tests are not met.

This land is plainly not redundant or functionless. It currently exists as open, permeable and undeveloped land, with visual openness, environmental value and amenity value. Once developed, those qualities are permanently lost. The applicant has not demonstrated that the land is surplus, nor that the replacement space within the scheme is truly equivalent in function, openness, setting or usability.

The inclusion of internal landscaped or residual open areas within the development does not answer the policy test. The existing land currently performs a collective function as open land. The proposed retained spaces would be enclosed by housing, roads, parking and engineered infrastructure. That is not the same thing.

Nor should the Council overlook the risk of incremental erosion. Once the principle of housing on this land is accepted, it becomes harder in future to resist further encroachment onto what remains. That is a legitimate planning concern because approval here would weaken the protection presently afforded to this land.

The Council therefore cannot lawfully conclude that the proposal satisfies LP61 or the NPPF open space test. It is contrary to policy and should be refused.

3. Drainage and flood risk are unresolved, and the Council cannot lawfully conclude that the development is safe

Drainage and flood risk are among the strongest reasons for refusal.

The NPPF requires a risk-based approach to flood risk and requires development to be safe for its lifetime without increasing flood risk elsewhere. Kirklees Policies LP27 and LP28 require the same, including site-

specific assessment, safe operation over the lifetime of the development, sustainable drainage, runoff control, exceedance routing and secure maintenance arrangements.

The application does not presently satisfy that framework.

The most important point is simple: the Lead Local Flood Authority objects and requires further information. In the presence of an unresolved objection from the specialist statutory consultee on flood and drainage matters, the Local Planning Authority cannot reasonably conclude that the development is acceptable in drainage terms.

The submitted layout identifies a **“STORAGE TANK BELOW PARKING.”** That confirms the scheme depends on engineered drainage infrastructure embedded within the built development. That raises obvious issues of:

- long-term inspection and maintenance;
- access for repair;
- ownership and responsibility;
- failure scenarios;
- exceedance routing if the system does not perform as intended.

LP28 specifically requires long-term management and maintenance of drainage infrastructure. At present, the application does not demonstrate this to the necessary standard.

Those issues remained unresolved in later records. I am not advancing my snagging history as a free-standing reason to refuse permission. I am advancing it as relevant local evidence that drainage, levels, sealing, external works and long-term infrastructure performance on this adjoining estate have required much closer scrutiny than the developer’s initial assurances would have suggested.

That matters here because the current proposal relies on engineered drainage measures in place of the natural permeability of the site. The Council should not simply assume that these solutions will work safely over time merely because they are shown on submitted drawings.

This is also not a matter that can simply be postponed to condition if the outcome remains uncertain. Where flood safety and drainage adequacy are not properly demonstrated at application stage, the lawful course is refusal or deferral until the evidence is sufficient. The Council should not approve first and hope the technical case can be rescued later.

For all of these reasons, the proposal is contrary to LP27, LP28 and the NPPF flood risk framework, and should be refused.

4. The proposal fails to demonstrate safe and acceptable highway performance

The NPPF states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. Kirklees Policies LP20 and LP21 require sustainable location, safe and suitable access, and sufficient transport evidence and mitigation.

The current application does not discharge that burden.

The highway implications are not abstract.

Sunny View currently functions as a low-traffic residential street serving the existing estate. This proposal would materially alter that function by adding:

- additional daily vehicle movements;
- increased delivery and servicing activity;
- construction traffic;
- more stop-start traffic associated with a new housing phase.

That functional change is itself relevant to highway safety and amenity.

More traffic means:

- more braking and acceleration events;
- more reaction conflicts;
- increased noise and vibration;
- increased risk of near-conflict or rear-end incidents in a constrained residential setting.

The development would also increase short-stay delivery and servicing activity. That matters because such vehicles involve stopping, manoeuvring and reversing movements within a residential street that is not designed as a distributor route.

In addition, Sunny View is a residential environment in which children and families use the street space informally. Increasing traffic through it fundamentally changes the character of the street and increases pedestrian-vehicle conflict risk. That is a planning harm, not merely a personal concern.

More stop-start traffic will also increase dust, tyre and brake particulate deposition on frontages, windows and parked vehicles. I accept that this is not a primary refusal reason on its own, but it does reinforce the broader point that the street is not suited to the intensified use proposed and that residential amenity would be degraded.

The central weakness remains that the application has not demonstrated that these additional impacts can be safely accommodated. The Council should not conclude compliance with LP21 or NPPF paragraph 116 unless the applicant has positively demonstrated safe access, safe operation and an absence of severe cumulative impact.

On the present material, that has not been shown. The proposal should therefore be refused on highway safety and cumulative traffic grounds.

5. The ecological evidence is inadequate and does not allow a lawful conclusion that biodiversity harm is acceptable

The NPPF requires decisions to minimise impacts on biodiversity and to refuse permission where significant harm cannot be avoided, adequately mitigated or compensated. Kirklees Policy LP30 requires no significant loss or harm, protection of habitat networks and net gains for biodiversity.

The ecological case here is inadequate.

A key concern is the limited basis of the ecological work. Where the survey base is too narrow, the Council cannot lawfully conclude that the likely impacts have been properly understood. That matters here because the site is currently undeveloped open land, not previously disturbed urban hardstanding. Such land may perform ecological functions that are not captured by limited or poorly timed survey work.

It is entirely plausible that the site supports wildlife use that is not fully reflected in a narrow snapshot assessment. My point is not that personal observation replaces expert survey work. My point is that the site is the kind of land where robust, seasonally appropriate and sufficiently detailed ecological evidence is required before the Council can conclude that significant harm has been ruled out.

In the absence of that level of evidence, the authority cannot lawfully conclude that:

- significant biodiversity harm has been ruled out;
- protected species issues have been properly addressed;
- the mitigation hierarchy has been correctly applied.

Accordingly, the proposal conflicts with LP30 and the biodiversity provisions of the NPPF, and should be refused or deferred pending proper ecological assessment.

6. Biodiversity Net Gain has not been robustly demonstrated

Biodiversity Net Gain is not a matter of aspiration. It is a statutory requirement which must be demonstrated through a sound baseline, a lawful metric assessment and a deliverable mechanism.

Given the doubts over survey adequacy and the current open land function of the site, the Council should not accept broad claims of biodiversity enhancement at face value. It must be satisfied that:

- the baseline habitat information is sound;
- the metric is correctly applied;
- any claimed gain is real and deliverable;
- the gain is secured and maintainable over time.

That has not been sufficiently demonstrated. Until it is, the Council cannot safely rely on BNG as a reason to support the scheme.

7. The proposal produces cumulative impact that is no longer sustainable in this locality

This application must be assessed in the reality of the area, not in theoretical isolation.

The locality already experiences:

- traffic congestion and constrained road conditions;
- pressure on schools, GP services and other local infrastructure;
- progressive loss of open land and erosion of local environmental quality.

The issue is not merely this one proposal viewed alone. The issue is that this proposal is one more addition to an area which has already absorbed substantial development pressure. Planning judgment must take account of that cumulative reality.

At this point, the cumulative effect of further housing on this site is no longer sustainable. This proposal would intensify pressure on a locality that is already materially strained.

8. The site is unsuitable for this scale and type of development

The site is constrained by:

- its relationship to the existing Sunny View estate;
- access through residential streets;
- topography that raises issues of overlooking, drainage and layout stress;
- the need to rely on engineered solutions to make the scheme function.

That is not a sign of a naturally suitable site. It is a sign of a site being pushed towards a form of development that depends on multiple layers of mitigation and technical optimism in order to appear acceptable.

A site that only becomes “acceptable” if significant policy protections are discounted and multiple unresolved technical issues are set aside is not, in planning terms, a suitable site for this scale and type of development.

9. The application fails to demonstrate secure long-term management of critical infrastructure and boundary treatment

This is an important issue and one that directly affects me.

The proposal depends on:

- engineered drainage infrastructure;
- landscaped and open space areas;
- boundary treatments and screening;
- long-term management and maintenance.

The Council must be satisfied that these elements will not simply be shown on a plan, but actually delivered, maintained and enforced over time.

If a relatively straightforward and site-specific matter such as adequate boundary treatment has remained disputed and unresolved over an extended period, despite professional input, then the Council is entitled to question how much confidence it should place in broader promises about the future long-term maintenance of more complex infrastructure such as drainage systems, open space and other managed elements.

This is particularly important because LP28 requires secure management and maintenance arrangements for the lifetime of the development. On the current material, the Council cannot be satisfied that these arrangements are sufficiently clear, robust or enforceable.

10. The application is under-evidenced and premature, and should not be approved on the basis that the details may be sorted later

This application suffers from a wider evidential problem. Key matters remain either unresolved or insufficiently evidenced, including:

- drainage and flood risk acceptability;
- ecological adequacy and biodiversity delivery;
- highway safety and cumulative traffic impact;
- long-term management and maintenance arrangements.

In those circumstances, the authority does not have the minimum technical basis required for a fully informed and lawful planning decision. The proper conclusion is that determination is premature.

Conditions are a legitimate tool where the principle of development is already acceptable and only implementation details need to be controlled. They are not a lawful substitute for establishing whether the proposal is acceptable in principle where core outcomes remain uncertain. The Council should not use conditions as a mechanism to postpone proof of acceptability.

If the authority is not presently satisfied on these core matters, the correct course is to refuse the application rather than approve subject to speculative future resolution.

Taking these matters together, the Local Planning Authority cannot lawfully conclude that the proposal complies with the development plan. The application fails to demonstrate that:

- the loss of open space is justified under Policy LP61;
- the development will be safe in drainage terms given the unresolved objection from the Lead Local Flood Authority;
- highway impacts would not be severe in the absence of robust transport evidence;
- biodiversity impacts have been properly assessed or that net gain can be delivered;
- critical infrastructure and mitigation measures will be delivered and maintained over the lifetime of the development.

In these circumstances, the proposal conflicts with the development plan and there is no evidential or policy basis on which planning permission could reasonably be granted.

Conclusion

For all of the reasons above, planning permission should be refused.

In summary:

- the proposal conflicts with the most important site-specific material consideration, namely the earlier refusal and dismissed appeal on this immediate land context;
- it fails the strict policy tests protecting Urban Green Space and open land under LP61 and the NPPF;
- it is undermined by an unresolved LLFA objection and an inadequately demonstrated drainage strategy, contrary to LP27, LP28 and the NPPF flood risk framework;

- it fails to demonstrate safe and acceptable highway performance, contrary to LP21 and NPPF paragraph 116;
- it lacks adequate ecological evidence and does not robustly demonstrate lawful biodiversity acceptability or BNG delivery, contrary to LP30 and the NPPF;
- it creates unacceptable cumulative pressure in a locality that is already materially strained;
- it remains under-evidenced and premature, and the Council should not defer proof of acceptability to conditions.

I therefore request that planning permission be refused.

If officers are not minded to recommend refusal, then I request, at minimum, that the application be deferred until:

- the drainage objections are fully resolved;
- the ecological case is properly evidenced;
- the transport case is robustly demonstrated;
- long-term management arrangements are clearly set out and secured.

I also request that:

- the application is determined by Planning Committee rather than under delegated powers; and
- members undertake a site visit, given the planning history, the site sensitivity, the direct relationship between the application site and the existing Sunny View estate, and the ongoing dispute over the technical adequacy of the proposal.

Yours faithfully,