

Formal planning objection submission

Garden House,
Lower Common Lane,
Scissett.
HD8 9HL

Kirklees Council
Planning Department
PO Box 1720
Huddersfield
HD1 9EL

Application reference number: 2026/62/90452/E

Dear Sir / Madam

I am writing to submit a formal objection to the planning application reference number 2026/62/90452/E as a resident of an adjacent property. I would like to be clear that I hugely respect the work completed by the Nortonthorpe Sports Club and its committee and this objection does not intend to be negative towards the work that is done for the good of the community by the facility and its members, usually on a voluntary basis.

Context

For context the land was originally donated by Nortonthorpe family, the former mill owners, in 1949 as a sports facility and allotments for the benefit of the local community. The family donated the grounds for the Nortonthorpe Sports Club to **ensure the land would remain a permanent community asset** for the inhabitants of Scissett and the surrounding areas. The donation was intended to provide a dedicated space for recreation and social welfare, with the specific goal of improving the conditions of life for local residents and should not be sold off for private development.

On the Charity Commission website it states the charity's charitable objects are;

To provide or assist in providing facilities for recreation or other leisure-time occupation in the interest of social welfare, and as a means of improving the conditions of life for the benefit of the inhabitants of Scissett.

The Nortonthorpe Sports Club's (charity number 1195313) main activities undertaken for the public benefit in the year were:

- Continue to offer its facilities to Scissett FC and built a closer relationship with Scissett FC, our main users of the grounds.*
- Continued to improve the facilities which is now seeing additional groups, both sports and general groups interested in using the facilities. Our plans include:*
- Developing and completing the perimeter fencing and trail for the benefit of the wider community*
- Continue to improve and market the grounds as a multi-sport venue so existing clubs and events can use it.*

My objections

My first objection centres on the **failure to notify**. I wish to raise a formal concern regarding the handling and publicity of planning application, which I believe has not been publicised in accordance with the statutory requirements or the procedures set out in the Kirklees Development Management Charter.

Kirklees Council is required to publicise planning applications through a combination of:

- Neighbour notification letters
- Site notices placed on or near the development site
- Press advertisements for specific applications
- Publication on the online planning register

However, in this case, the Council has failed to carry out the required publicity, specifically:

- Neither I, or my neighbours who border the site have received a neighbour notification letter, despite the charter stating that letters will be sent to affected or adjoining properties.
- No site notice was displayed at or near the development site entrance, even though the nature of the proposal requires one under statutory regulations.
- I am unsure if any press advertisement was published, where such an advertisement is required for developments affecting heritage assets or conservation areas.

These omissions represent a clear failure to meet both statutory obligations and the Council's own published procedures. As a result, affected residents who all live adjacent to the development, including myself, were denied sufficient opportunity to be properly informed and to submit comments within the consultation period.

I therefore request that:

1. The Council acknowledges the failure to publicise the application correctly, and
2. The consultation period is restarted, with all required publicity measures carried out in full, ensuring that residents receive the notification they are entitled to.

Given the importance of transparency and public participation in the planning process, I trust that this matter will be treated with urgency.

My second objection falls around Nortonthorpe **requirement to use the land for the stated use** and failure to recognise or protect the land as a Heritage Asset.

The application fails to acknowledge the historic and cultural significance of the land, which was originally donated as a sports facility by the former mill owners family for the benefit of the local community. The Norton family donated the grounds for the Nortonthorpe Sports Club to ensure the land would remain a permanent community asset for the inhabitants of Scissett and the surrounding areas. The donation was intended to provide a dedicated space for recreation and social welfare, with the specific goal of improving the conditions of life for local residents. By gifting the land to the club, the family ensured that for community preservation the grounds remain open for public benefit and cannot be sold off for private development. Any changes must go through the Charities Commission.

This donation forms an important part of the areas social and industrial heritage. These facilities and similar facilities, such as Scissett Baths and local allotments, reflect the long-standing tradition of mill and mining communities providing recreational and welfare facilities for workers and their families. Such assets are recognised within the National Planning Policy Framework (NPPF) as non-designated heritage assets, where their historic, communal, and cultural value must be properly assessed and given due consideration.

The proposal does not include any heritage assessment, nor does it demonstrate an understanding of the site's origins, purpose, or contribution to the historic identity of Scissett and Clayton West. This omission is contrary to paragraph 203 of the NPPF, which requires applicants to describe the significance of any heritage assets affected, including the contribution made by their setting. Without this assessment, the application cannot be considered compliant with national or local heritage policy.

The land's historic use as a community sports facility is not incidental; it represents a deliberate act of social provision by the mill owners family, forming part of the areas industrial legacy and community identity. The loss or inappropriate redevelopment of such land erodes the tangible and intangible heritage of the locality. The proposal fails to conserve, enhance, or even acknowledge this heritage value, and instead introduces a form of development that is incompatible with the site's historic purpose and character.

Kirklees Council has a statutory duty to give special regard to the desirability of preserving heritage assets and their settings, including non-designated assets of local importance. By disregarding the site's historic bequest and its longstanding role as a community sports facility, the application does not meet this duty. The proposal therefore conflicts with the NPPF, the Kirklees Local Plan (including Policy LP35 on the historic environment), and the wider principles of heritage conservation.

In addition to all the above section 19.3 of Kirklees planning policy states;

The NPPF also recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Within the urban areas of Kirklees many open spaces, both public and private, provide opportunities for sport and recreation to encourage physical activity and a healthy lifestyle. These urban green spaces also perform an important function by providing visual breaks in built up areas, contributing to the local character and attractiveness of towns and villages and providing important wildlife habitats. Green spaces of particular importance to local communities have been identified for special protection as local green space. The council will protect opportunities that support a healthy lifestyle by retaining and enhancing sport and recreation facilities, preventing the loss of open space and giving protection to urban green spaces and local green spaces.

My third objection is the **right to privacy** under Article 8 of the Human Rights Act 1998. This Article protects the right to respect for your private and family life, your home and correspondence. including the right to enjoy ones home without unjustified intrusion. The proposed development includes a substantial glass fronted elevation and balcony facing directly towards several neighbouring properties and located approximately 19 metres from residential homes and within 10 meters of neighbouring boundaries.

The scale, transparency, and orientation of this glazed façade as well as the balcony would result in significant and unavoidable overlooking into private gardens and habitable rooms. This represents a material loss of privacy and an unjustified interference with the rights protected under Article 8. No meaningful mitigation has been proposed, and the design fails to safeguard the reasonable expectation of privacy that residents are entitled to. The proposal therefore conflicts with both Article 8 and local planning policies relating to residential amenity. The scale and positioning of the building would create an overbearing

presence and reduce the enjoyment of nearby homes and gardens. The removal of the hedgerows along side the driveway would also then imping on the privacy of all residents in the area.

My fourth objection relates to the sites location being on **unstable land and near a Development High Risk Area**, according to the Mining Remediation Authority. The site is on a high bank next to land identified by the MRA as a Development High Risk Area. This designation indicates the presence of recorded mine entries, shallow coal workings, or other mining-related hazards that pose a significant risk to ground stability.

Kirklees Local Plan Policy LP53 (Contaminated and Unstable Land) requires that development on or near unstable land must demonstrate that risks can be fully mitigated. The application does not meet this requirement.

The application fails to:

- acknowledge the proximity of the high-risk mining remediation zone
- provide a Coal Mining Risk Assessment (CMRA)
- demonstrate that the land is safe or capable of supporting the proposed development
- address the risk of subsidence, slippage, or structural instability associated with the high bank
- acknowledge the significance of the application 2022/94010 of a sports facility at the top of the bank to this instability.

This omission is a serious deficiency. Development in or adjacent to a Mining Remediation Authority designated High Risk Area cannot be approved without a full CMRA prepared by a competent professional. The absence of this assessment renders the application incomplete and non-compliant with national policy.

Given the known mining legacy of the area, the steep topography, and the documented high-risk designation, the proposal presents unacceptable safety concerns.

My fifth objection is with regards to **drainage, flood risk, and climate-change non-compliance**. The application fails to address the significant drainage and flood-risk issues associated with the site. The land lies immediately adjacent to a large hill, and the surrounding area already experiences surface-water flooding during periods of heavy rainfall. This is a well-documented local issue and is exacerbated by the steep topography, which channels water directly toward the site and neighbouring properties. The development would introduce impermeable surfaces, increasing run-off volumes.

Under the National Planning Policy Framework (NPPF), Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change, local planning authorities must ensure that development does not increase flood risk elsewhere and must take full account of climate-change projections. Paragraphs 170 – 182 require that:

- flood risk is not increased on- or off-site
- developments incorporate sustainable drainage systems (SuDS)
- applicants provide site-specific flood-risk assessments where flooding is known or suspected
- climate-change allowances are factored into drainage design

The application does not include a Flood Risk Assessment (FRA), a drainage strategy, or any evidence that the developer has considered the areas known susceptibility to heavy water run off in line with Kirklees Local Plan Policy LP28 (Drainage). No SuDS measures are proposed, and no modelling has been provided to demonstrate that the development will not worsen existing flood conditions.

This omission is particularly serious given that:

- the site sits below a steep hillside
- surface-water run-off already affects the area
- climate-change projections indicate increased rainfall intensity and frequency
- the development would introduce impermeable surfaces, increasing run-off volumes

The proposal therefore fails to comply with the NPPF's climate-change and flood-risk requirements.

The application does not meet any of these requirements and so approval of the application in its current form would be contrary to national policy, local policy, and the Council's duty to ensure safe and sustainable development.

My sixth objection is around **failure to provide safe and compliant access**, including right of way.

The proposed access arrangements are unsafe, substandard, and contrary to national and local highways design requirements. The development relies on a stated 3.7-metre-wide access however at points of the driveway this reduces down to nearer 3 meters, which is only marginally above the minimum width required for a single dwelling. There is no clear agreed boundary and this width would take up all the hedgerows of the boundary and more.

The proposed access road neighbours other existing shared accesses and is in close proximity to a road junction, and directly opposite a nursery car park. The access is further constrained by the fact that the adjacent property holds a legal right of way over the entrance and the land in question. This configuration presents significant safety concerns with the addition of four cars, deliveries etc. construction traffic and emergency service vehicles using the access road including:

- increased likelihood of vehicles reversing onto the highway
- insufficient junction spacing
- difficulty achieving required visibility splays due to the angle of the drive
- increased conflict points near the junction
- No provision for road side bin collection for all the adjacent driveways without blocking pedestrian walkways

The presence of a right of way means the access cannot be narrowed, obstructed, or made hazardous by increased traffic. The proposed development would materially interfere with the adjacent property's legal rights.

Any development that intensifies the use of land subject to an existing right of way must demonstrate that:

- the right of way can continue to be exercised safely and without obstruction
- the increased traffic will not interfere with the legal rights of neighbouring landowners
- the access remains wide enough for simultaneous use by all entitled parties

Given the narrow width, shared nature of the access, proximity to a junction, and known ground-stability risks, and right of way the proposed access arrangements are unsafe and unacceptable.

My seventh objection is **loss of wildlife habitat and failure to comply with biodiversity legislation**.

The proposed development would result in the direct loss of established wildlife habitat. The site currently contains mature vegetation, grassland, hedgerows, and natural cover that support a range of species, including bats, birds, small mammals, pollinators, and other fauna that rely on the area for feeding, nesting, and movement. The ecological report notes various endangered species on the site. The removal of this habitat would cause a measurable decline in local biodiversity and disrupt ecological connectivity within the surrounding landscape, namely the River Dearne to the Cliff Wood area.

Under the National Planning Policy Framework (NPPF), Section 15 – Conserving and Enhancing the Natural Environment, planning authorities must ensure that development:

- provides measurable biodiversity net gain
- protects and enhances ecological networks

The application fails to meet these requirements. Shown in the applications biodiversity report;

*Overall Development 7.1 The proposal for the current development scheme **will result in a net loss of -1.72 habitat area units and -0.59 for linear hedgerow units, representing a -92.36% net loss for area habitat units and a -97.85% loss for linear hedgerow units.***

7.2 The Trading Summaries are not satisfied for this development proposal due to a net loss in medium-distinctiveness habitats which are not compensated for with units of the same broad habitat group or units of a higher distinctiveness.

Given the calculated net loss on the ecological information, the known presence of wildlife habitat, and the failure to demonstrate biodiversity protection or enhancement, the proposal is contrary to national legislation, the NPPF, and Local Plan Policy LP30

It is also worth noting that the **application supporting statement falsely claims** a positive net gain for the site.

44.The development will deliver the required minimum 10% biodiversity net gain in accordance with statutory requirements and LP30.

My eight and final objection is the **potential breach of Charitable Trust and Restrictions on the sale or use of the land**

There is significant concern that the land in question may not lawfully be sold or developed for private development. Historical records indicate that the land was originally donated or bequeathed by the former mill owners specifically for use as a community sports facility, and that the donation included conditions preventing private development. If this is the case, the land is likely held on a charitable trust or subject to a restrictive covenant that legally binds both the charity and any future owners.

Under the Charities Act 2011, trustees must:

- act only within the powers granted by the governing document or trust deed
- ensure that land subject to charitable purposes is used only for those purposes
- avoid any disposal that conflicts with the donor's original intentions
- obtain proper authority before disposing of land

If the land was gifted for community benefit, the charity may be legally prohibited from selling it for private development. Any attempt to do so could constitute:

- breach of trust
- misapplication of charitable assets
- failure to comply with donor-imposed restrictions
- unlawful disposal of charitable land

Furthermore, if a restrictive covenant exists preventing private development, this is a material planning consideration. Planning permission should not be granted for development that cannot lawfully be implemented.

The National Planning Policy Framework (NPPF) requires local authorities to consider land ownership constraints, legal restrictions, and the deliverability of development when determining applications. Granting permission for development that may be legally impossible to carry out would be contrary to good planning practice and could expose the Council to challenge.

Given the likely existence of donor-imposed restrictions, charitable trust obligations, and potential restrictive covenants, the proposed development may not be legally permissible. This issue must be fully investigated before any planning decision is made.

Conclusion

For the reasons outlined above, I respectfully request that this application is refused.

The proposal:

- fails to comply with statutory publicity requirements
- undermines residential amenity
- results in an unacceptable loss of privacy in breach of Article 8 of HRA 1998
- disregards the historic significance of the land as a bequeathed community sports facility in a mill and mining community
- fails to address the serious risks associated with its location adjacent to a Mining Remediation Authority Development High Risk Area
- fails to provide adequate drainage or flood-risk mitigation
- provides unsafe and non-compliant access
- results in the net loss of wildlife habitat and fails to meet biodiversity legislation
- fails to assess any constraints, legal restrictions on the land as a charity
- conflicts with multiple national and local planning policies
- makes false statements in the planning application

I trust that these concerns will be given full and proper consideration

Yours Faithfully