

Address: 8, MOUNTAIN WAY, HUDDERSFIELD, HD5 0EW

About the application

Application number: 2026/90715	
What is the application for?:	Permission in principle for erection of 1 dwelling
Address of the site or building:	land off, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW
Postcode:	

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	No
Application 2026/90715	
There have been two previous applications for residential development in the land off (opposite to 8) Mountain Way since December 2017 (Applications 2017/94195 and 2020/93365). Both were refused by Kirkless Council. The 2020/93365 application refusal to grant planning by Kirkless Council was appealed to the Secretary of State (Appeal Reference APP/Z4718/W/21/3276643). The Inspector appointed by the Secretary of State dismissed the appeal in October 2021. The comments made by nearby residents and villagers submitted for previous applications (2017/94195 and 2020/93365) remain relevant and all should be taken into consideration for the current application (2026/90715). In particular the following: 1. In one of the earlier comments the ownership of the land was questioned and should be investigated if is not clear. 2. The planners have included measurements of the site, indicating the plot to be 12 meters wide x 28 meters long. These measurements not only appear to include a public footpath, but also record the width at its widest (and smallest) part of the plot. It is not consistently 12 meters wide, but tapers by at least 3 meters towards the area of the footpath. 3. From other planning applications that were approved in 1992 it is shown that the road isn't a public road but is in fact a private driveway providing access to 2 Orchard Road, 8, 10 and 12 Mountain Way. This suggests there is no access to the proposed site. As a single-track private drive maintained by the current residents it is imperative that cars are prevented from parking on the road to allow access for emergency services. 4. The location plan on the map includes the private road/driveway. 5. The un-adapted section of Mountain Way has a public right of way (PRW). The site	

5. The un-adopted section of Mountain Way has a public right of way (PRW). The site is next to the PRW and its boundary appears to encroach upon it. The un-adopted/private road is next to the PRW and provides access as a driveway for the resident's cars. Comments made on one of the earlier applications in 2017 (2017-90367) by a consultee representing public rights of way (2017-90367_+Consultee+Responses_623794) queries whether the 2017 application is valid as it does not indicate access to the site from a public vehicular highway network. The same consideration should apply to the current application (2026/90715).

6. The site is on Greenbelt land and is a gateway to the main expanse of Greenbelt. Entering from Orchard Road provides a beautiful vista northwards to Cockley Hill and to "The Mountain" more north easterly. The fields and ancient hedges have well used and popular walking routes which would be obscured by development on the site subject to the planning application.

7. The application made is very similar to those made in 2017 and 2020 (2017-94195 and 2020-93365) and should be refused on the same grounds as it is Greenbelt land. The comments raised and the conclusions made in the Delegated report (2017-94195_Delegated+Report_674 227) are still valid and should be taken into consideration when assessing the latest planning application.

The Inspector for the Secretary of State dismissal of the appeal (Appeal Reference APP/Z4718/W/21/3276643) summarised his findings - quoted below:

"Planning Balance and Conclusion

15. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

16. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

17. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal."

The Government National Planning Policy Framework 2024 as amended in 2025 has not changed the constraints for residential development on land on, or adjoining Greenbelt land.

Finally, the Planning Notice was posted on a telegraph pole in Orchard Road and not on the telegraph post in Mountain Way located next to the site subject to the planning application. Therefore, it would not be seen by the many walkers that make use of the public rights of way each day. This will have severely restricted the number of people made aware of the planning application and limited the comments submitted.

