

From:
Sent: 12 July 2026 14:34
To: DC Admin;
Subject: Objection to application 2026/60/91494/E

Categories:

I OBJECT to application 2026/91494 and request that it be **refused**. The proposal is inappropriate development in the Green Belt for which no very special circumstances exist. It would place around 70 houses on open agricultural land in the historic core of Birdsedge — a roughly 40% increase in the village's households in a single scheme — causing harm to the openness of the Green Belt, to the setting of designated and non-designated heritage assets, to the character of the rural landscape, and to highway safety on the A629, while overloading local services (a GP surgery already operating beyond safe limits, and a sewer network with no planned or funded upgrades). The application is also inadequately supported: the applicant's own Heritage Impact Assessment fails to identify or assess one of the oldest buildings in the village, and its ecological evidence rests on a preliminary appraisal without multi-season surveys. The proposal conflicts with the adopted Kirklees Local Plan (2019) and the National Planning Policy Framework (NPPF, 2024) and the harms clearly and demonstrably outweigh the claimed benefits.

2. The site and the application

The application site is open, sloping farmland in the centre of Birdsedge — grazed pasture enclosed by traditional drystone walls — set below the level of Penistone Road, directly opposite Birdsedge First School and close to the Grade II listed Birdsedge Mill. The application is in outline only, with **all matters reserved except the means of access** from the A629; approximately 70 dwellings are indicated. The applicant acknowledges that **the site lies entirely within the Green Belt** as designated by the adopted Kirklees Local Plan. The land was promoted for housing during the Local Plan process and **rejected by the council — recorded as rejected housing site option H2582 in the Rejected Site Options Report (July 2017, submission document LE4/1, page 365)** — and it was not allocated in the adopted plan.

3. Grounds of objection

Ground 1 — Green Belt: inappropriate development with no very special circumstances

- **The site is Green Belt.** The applicant acknowledges this. Housing here is *inappropriate development*, which is by definition harmful to the Green Belt and must be refused except in very special circumstances.

- **"Grey Belt" is an assertion, not a designation.** The Planning Statement's attempt to describe the land as "Grey Belt" is the developer's own evidential claim. It is not an adopted planning designation and cannot override the statutory status of the site: under **section 38(6) of the Planning and Compulsory Purchase Act 2004** the application must be determined in accordance with the adopted development plan unless material considerations clearly indicate otherwise.
- **The land performs Green Belt purposes.** The applicant's own evidence shows open countryside — grazed pasture enclosed by traditional stone walls, part of the historic rural landscape around Birdseye. It safeguards the countryside from encroachment and maintains the openness and rural setting of the village. This directly contradicts the applicant's conclusion that the site makes only a limited contribution to Green Belt purposes, and undermines the credibility of the Grey Belt assessment.
- **This exact question has already been asked and answered.** The land was promoted for housing through the Local Plan process and the council rejected it — **site option H2582, Rejected Site Options Report (July 2017, submission document LE4/1, page 365)** — with no exceptional circumstances found to justify removing it from the Green Belt. The Local Plan was then examined and adopted on that basis. Nothing material has changed. Granting permission now would overturn the council's own considered, examined judgement, undermine the plan-led system, and set a precedent for further speculative Green Belt development around the village.
- **The claimed "very special circumstances" do not exist:**
 - o *Housing land supply* — the applicant's calculations are selective, relying on the highest available housing requirement plus additional buffers to depress the reported supply. Even if a shortfall exists, national policy and established case law are clear that **housing need alone does not amount to very special circumstances**, and the applicant has not shown why this Green Belt site is necessary when the Local Plan review provides the proper route for meeting need.
 - o *Affordable housing and the "Golden Rules"* — these are policy obligations and mitigation, not exceptional public benefits capable of outweighing permanent Green Belt harm.
 - o *Biodiversity Net Gain* — again mitigation rather than benefit, and **partly dependent on off-site land beyond the application boundary**, requiring legal agreements and long-term management that have not been secured.
 - o *Economic activity* — generic construction-phase benefits that any development anywhere would generate; nothing exceptional or site-specific.

The benefits relied upon are generic; the harm to openness is permanent. The very special circumstances test is not met and the application should be refused on this ground alone.

Ground 2 — Heritage (see Section 4 below)

Dealt with in detail separately, because this is my principle objection point after the Green Belt.

Ground 3 — Strain on local services: GP capacity already beyond safe limits

The development would materially reduce access to essential services for the existing population.

- The **British Medical Association identifies 1,800 registered patients per full-time-equivalent GP as the safe upper limit.**
- Our nearest surgery, in **Shepley, is already operating at over 2,200 patients per full-time GP** — more than 20% beyond the safe limit.

- The housing developments now completing at **Shepley will push that list size higher still** — before a single house is built at Birds Edge.
- Adding approximately **70 family homes** whose residents would all rely on the same surgery — and would all **need a car to reach it**, as there is no practical alternative — would worsen an already unsafe position and diminish services for existing and new residents alike.
- There is no GP, dentist or pharmacy in Birdsedge itself; school places, dental and other services across the Denby Dale and Kirkburton wards are under equivalent cumulative pressure from committed development.

This conflicts with Local Plan infrastructure policy and with the NPPF's requirement that development be supported by the services communities need.

Ground 4 — Sewerage and waste water: no capacity, no planned upgrades

- The local **sewer network cannot handle a development of this size**.
- Because the site is **not in the Local Plan, Yorkshire Water has no planned — and no funded — upgrades** to serve it. Water company investment programmes follow the adopted plan, not speculative applications.
- Overloading the network risks **sewage flooding of homes and gardens, and pollution of local watercourses** — the River Dearne rises in these fields and supplies local industry downstream — with consequent risk to **public health** as well as the environment.
- I request that **Yorkshire Water and the Lead Local Flood Authority be formally consulted**, and that permission be refused unless it is demonstrated that the network has capacity and that foul and surface water can be drained without increasing flood or pollution risk elsewhere.

Ground 5 — Not sustainable village growth

- Birdsedge has approximately **170 houses and around 350 residents**. Around **70 new homes is a roughly 40% increase in the village's households delivered in a single scheme**, with the population rising by approximately half.
- Sustainable villages grow organically, at a pace their community and services can absorb. A step-change of this scale — in a village with **no shop, no pub, no GP and a bus every two hours** — cannot be absorbed without harm to existing and future residents alike.
- Whether growth of this scale in this location is sustainable **was tested through the Local Plan process and answered: the site was rejected (H2582) and not allocated**. That judgement should not be overturned by a speculative application.

Ground 6 — Landscape and visual impact

The site contributes to the rolling, drystone-walled agricultural landscape that defines Birdsedge and provides the rural setting experienced from Penistone Road and from public rights of way to the east. The applicant's own Landscape and Visual Impact Assessment and viewpoint photographs confirm the site is visible in local views. Development would urbanise an open field in the centre of the village, erode the green agricultural character that gives Birdsedge its identity, and replace a historic walled field with built form and hard surfacing — including the loss of actively farmed land that forms part of a continuous agricultural landscape. Although classified Grade 4, its contribution to landscape character, openness and local distinctiveness remains a material consideration. The "lower than the road" argument does not remove this harm; it merely changes the viewpoints from which it is experienced.

Ground 7 — Highway safety and access (the one matter not reserved)

Access is the **only** matter for which approval is sought now, so it must be scrutinised rigorously and completely now.

- The A629 Penistone Road is a busy, fast, classified A-road and strategic route to the M1, heavily used by HGVs and commuters, with existing congestion **particularly at school opening and closing times**.
- The proposed access lies **close to Birdsedge First School**, concentrating new vehicle movements and construction traffic where children and parents cross daily — an unacceptable safety risk.
- The applicant's own evidence confirms **public transport consists of a bus every two hours**, and the **nearest railway station is over three kilometres away with no attractive walking route**. Future residents would be almost wholly reliant on private cars, contrary to the NPPF's sustainable transport objectives.
- Visibility splays, footways, crossing provision and the safety of the new junction must be demonstrated, and the cumulative effect of other committed development feeding the A629 taken into account.
- Furthermore, visibility splays, footways, and crossing provision cannot offset the harm and risk from a significant increase in the volume of traffic on this stretch of road.
- At the time of writing (12th July) we have had two accidents in two days involving cars turning onto Penistone road on a 30mph stretch (at the top of Carr Hill Road).
- The current 30mph speed limit through the village is rarely adhered by cars, motorbikes and HGVs alike. Adding an additional turn onto this road will increase the frequency of accidents.

Ground 8 — Flood risk and drainage

The site slopes; covering an absorbent greenfield with roofs, roads and hardstanding will increase the rate and volume of run-off to land, property and watercourses downhill (see also Ground 4). The Flood Risk Assessment, infiltration testing and SuDS proposals should be independently scrutinised, and permission refused unless it is demonstrated that flood risk will not increase elsewhere.

Ground 9 — Ecology and biodiversity

- The applicant **acknowledges that habitats suitable for foraging, commuting and nesting species exist within and adjacent to the site**; residents record species including **Northern Lapwing and Roe Deer** on and around the field.
- Given the proximity of **ancient woodland and priority habitats**, reliance on a **preliminary ecological appraisal without comprehensive multi-season surveys** is an inadequate evidence base for concluding that impacts can be mitigated.
- The claimed **Biodiversity Net Gain depends partly on off-site land** outside the application boundary, with legal agreements and long-term management not yet secured — it cannot be given weight as a benefit.
- Boundary hedgerows, trees and drystone walls form part of the historic field pattern; their loss compounds the landscape and heritage harm.

Ground 10 — Air quality, noise and residential amenity

The site adjoins the A629; the suitability of the living environment must be demonstrated, along with construction-phase impacts (dust, noise, vibration, HGV movements) on the village, the school

opposite and neighbouring homes. Development would also affect existing neighbours through overlooking and loss of the open outlook that characterises the area.

Ground 11 — Inadequate and premature information

The application is in outline with all matters reserved except access, and is supported by: a heritage assessment that **fails to identify and assess a significant non-designated heritage asset** (Section 4); an ecological appraisal **without multi-season surveys**; and a housing-supply case built on **selective calculations**. NPPF paragraph 207 requires the applicant to describe the significance of *any* heritage assets affected, including the contribution of their setting, in sufficient detail for the impact to be understood. The council cannot lawfully and properly weigh the balance on the current information, and the application should be refused or, at minimum, not determined until these deficiencies are remedied.

4. Heritage — My principal ground of objection

The proposal would cause harm to the significance of heritage assets, contrary to **Kirklees Local Plan Policy LP35 (Historic Environment)** and NPPF paragraphs 203–216. The applicant's own Heritage Impact Assessment (CLB Heritage, March 2026) concedes harm, materially understates it, and omits a significant heritage asset altogether.

4.1 The applicant concedes harm to the Grade II listed Birdsedge Mill

The Heritage Impact Assessment accepts that the development would cause "**less than substantial harm**" to the setting of the **Grade II listed Birdsedge Mill** (List Entry 1184959). Three points follow:

- **Harm is admitted, so the statutory and policy tests are engaged.** Under NPPF para 212, *great weight* must be given to the conservation of the listed mill, irrespective of the level of harm. Under para 213 any harm requires *clear and convincing justification*, and under para 215 less-than-substantial harm must be weighed against public benefits — which, for a speculative Green Belt scheme, are the same generic benefits shown in Ground 1 to be unexceptional.
- **The harm is understated.** The assessment concedes that **the open agricultural land contributes positively to the setting of the mill and retains the openness that expresses the historic relationship between farming and the textile trade**. Building on that land removes precisely the openness the report acknowledges as a positive contributor. That is direct setting harm which cannot be "designed out" at reserved-matters stage, because it stems from the loss of the open land itself.
- **"Less than substantial" does not mean "less than important".** Case law is clear that considerable importance and weight attach to such harm.

4.2 The application ignores a significant non-designated heritage asset: Birds Edge Farm House (1638)

I believe this is the central flaw in the application's heritage case.

Birds Edge Farm House is a **datestoned gritstone farmhouse of 1638**. The datestone, in a moulded panel in the gable wall, reads "**1638**" above the initials "**W M**" — the date and initials of the yeoman who built it. This makes the house **one of the oldest buildings in Birdsedge, a pre-Civil-War**

survival that predates the listed mill (recorded from the early 19th century; "Wm Dickinson's Mill" in the 1801 Enclosure Award) by roughly 160–180 years, and a tangible survival of the earlier agricultural origins of the village which the applicant's own report acknowledges Birdsedge retains.

On any reasonable application of the NPPF and Historic England's criteria the farmhouse merits consideration as a **non-designated heritage asset**: clear **architectural interest** (a 17th-century vernacular gritstone farmhouse with a dated, moulded datestone) and **historic interest** (illustrating the pre-industrial agricultural phase of the settlement).

The applicant's Heritage Impact Assessment:

- acknowledges the farmhouse facing the site ("Birdsedge Farm") and concedes the buildings directly facing the site are "*of some heritage interest*" and not statutorily designated — implicitly recognising them as non-designated heritage assets;
- rates the impact on "Birdsedge Farm" as "**Moderate**" in its own impact table — its highest impact category, alongside the mill;
- yet **fails entirely to identify the 1638 datestone, to describe the farmhouse's significance, or to carry out the balanced-judgement assessment required for a non-designated heritage asset.**

This is a serious and material deficiency:

1. **It breaches NPPF para 207** — the significance of *any* affected heritage asset, including its setting, must be described. It has not been.
2. **It misapplies Local Plan Policy LP35 and NPPF para 216** — the balanced judgement (benefits vs scale of harm and significance of the asset) has never been performed because the asset was never assessed.
3. **The setting harm is direct and serious** — a 1638 farmstead derives part of its significance from its historic relationship with the open agricultural land it was built to farm. The application field forms part of the open, drystone-walled setting in which the farmhouse has stood for nearly four centuries; housing would sever that relationship.

4.3 Cumulative harm to the historic character of the village

Birdsedge's significance lies in the survival of its agricultural-and-textile character: scattered historic farmsteads, weavers' cottages, the listed mill and its cottages, drystone walls and open fields — recognised in the applicant's own report. Piecemeal loss of the open fields that bind these elements together causes incremental, cumulative harm to the historic character of the whole settlement, judged in the context of the nearby Upper Cumberworth and High Flatts Conservation Areas.

4.4 Heritage conclusion

The proposal causes admitted (and understated) harm to the Grade II listed mill, and unassessed harm to the significance and setting of the 1638 farmhouse. Weighed under LP35 and NPPF paras 212–216, this harm is not outweighed by the generic benefits of a speculative outline scheme. At the very least, the application cannot lawfully be determined until the farmhouse has been properly assessed and the **Conservation Officer and West Yorkshire Archaeology Advisory Service consulted**.

5. Conclusion and request

The proposal is inappropriate development in the Green Belt for which no very special circumstances exist — on land the council has already examined and rejected for housing (H2582). It conflicts with the adopted development plan and with national policy, and its harms — to Green Belt openness, heritage assets, landscape character, highway safety, an over-capacity GP surgery, an unfunded sewer network, ecology, amenity and the sustainable growth of the village — clearly outweigh the generic benefits relied upon. I ask that the application be **REFUSED**.

If the council is minded to consider the application further, I ask that, as a minimum, it: (a) require the applicant to properly identify and assess Birds Edge Farm House (1638) as a non-designated heritage asset (NPPF para 207; LP35); (b) consult the Conservation Officer and the West Yorkshire Archaeology Advisory Service; (c) consult Yorkshire Water and the Lead Local Flood Authority on network capacity; and (d) require comprehensive multi-season ecological surveys — before any determination.

Address Birds Edge Farm House, Birdsedge, Huddersfield HD8 8XP

Date: 12th July 2026 **Application reference:** 2026/91494

This objection relates only to material planning considerations. I wish to be notified of the decision and of any committee meeting at which the application is to be determined.