

DC Admin

From: Cllr Tim Bamford
Sent: 14 August 2026 16:04
To: DC Admin
Subject: Objection – Planning Application 2026/60/91494/E, Land off Penistone Road, Birdsedge

Categories:

Please publish unredacted.

Dear Jillian,

I wish to object strongly to the above outline planning application.

The proposed development conflicts with the adopted development plan and has not demonstrated compliance with national Green Belt policy. It would urbanise undeveloped countryside, cause significant harm to the rural setting of Birdsedge and create an unsustainable, predominantly car-dependent extension to the village.

The application should therefore be refused for the following reasons.

Conflict with the adopted Local Plan and Green Belt policy

The applicant acknowledges that the site lies entirely within the Green Belt designated by the adopted Kirklees Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The applicant describes the site as “grey belt”. Although national grey-belt policy is a material consideration, this remains an evidential assertion made by the applicant—not an adopted allocation or an automatic entitlement to planning permission. The Council must independently and rigorously assess whether every relevant national policy test is satisfied.

The site consists of historically undeveloped, actively grazed pasture enclosed by traditional stone walls. It forms part of the continuous rural landscape surrounding Birdsedge and provides a clear transition between the village and open countryside.

Development would extend the built-up area eastwards, introduce roads, houses, lighting and domestic activity into an open landscape, and permanently diminish its openness and rural character. The land plainly contributes to safeguarding the countryside from encroachment, regardless of the applicant’s narrow assessment of certain Green Belt purposes.

If the Council concludes that the site does not qualify as grey belt, or that the proposal fails any of the other relevant national policy tests, the development must be treated as inappropriate development in the Green Belt. In that event, substantial weight must be given to Green Belt harm and permission should not be granted unless very special circumstances exist.

The generic benefits advanced—housing, affordable housing, biodiversity net gain and construction activity—do not clearly outweigh the Green Belt harm and the other identified harms. The applicant has therefore failed to demonstrate very special circumstances.

Unallocated and speculative development

The site is not allocated for housing in the adopted Kirklees Local Plan. It is understood to have been considered during the plan-making process but was not selected for development.

Granting permission would circumvent the plan-led process and risk setting an undesirable precedent for speculative residential development on other undeveloped Green Belt sites around Birdsedge and neighbouring rural settlements.

The applicant relies heavily upon the Council’s housing-land-supply position. However, its calculations use a higher housing requirement and additional buffers to produce a lower reported supply figure. These calculations should be independently examined by the Council.

Even if a housing shortfall is established, that does not automatically make every unallocated Green Belt site suitable or sustainable. Nor does housing need alone constitute the very special circumstances required if the proposal is inappropriate development.

The appropriate way to assess the release of Green Belt land, infrastructure requirements and reasonable alternatives is through the Local Plan review, where potential sites can be considered comprehensively rather than through an isolated speculative application.

Failure to establish an acceptable scale of development

This is an outline application in which the applicant expressly declines to fix the number of dwellings. The supporting assessments refer to approximately or “up to” 70 homes, but the description of development contains no binding maximum.

That is a fundamental weakness. Without a defined upper limit, the Council cannot reliably assess:

traffic generation and junction capacity;
pedestrian safety;
school and healthcare demand;
foul-water capacity;
surface-water drainage and flood risk;
ecological and biodiversity impacts;
landscape and visual harm;
public open-space requirements; or
affordable-housing and infrastructure contributions.

An outline permission should not provide flexibility for a materially greater number of dwellings than the technical evidence has assessed. If the Council is nevertheless minded to approve the application, the permission must be expressly limited to no more than 70 dwellings. However, the present uncertainty weighs strongly against approval.

Unsustainable and car-dependent location

Birdsedge has limited services, facilities and employment opportunities. The applicant's own evidence confirms that the principal daytime bus service operates only every two hours. Shepley railway station is more than three kilometres away and is not connected to the site by an attractive, convenient and accessible walking route.

Cycling on or around the A629 cannot reasonably be presented as a safe and practical everyday option for all residents, particularly families with young children, older people and those with limited mobility.

Residents would inevitably rely heavily upon private cars to reach employment, secondary schools, GP practices, pharmacies, supermarkets and other essential services in surrounding settlements.

A travel plan promoting walking, cycling and public transport does not overcome the site's fundamentally limited accessibility. The proposal is therefore inconsistent with the objective of locating development where reliance upon private vehicles can genuinely be reduced.

Highway and pedestrian safety

The proposed access would be directly onto the A629 Penistone Road, close to Birdsedge First School. The A629 is a busy strategic road used by HGVs, abnormal loads and regular through traffic.

There is already congestion and substantial vehicle and pedestrian activity around the school, particularly at opening and closing times. The proposal would introduce a new junction, right-turn facility and potentially hundreds of additional daily vehicle movements into this sensitive location.

The applicant estimates approximately 38 two-way vehicle movements during the morning peak and 37 during the evening peak. These figures must be independently tested against:

- the eventual number and mix of dwellings;
- local car-ownership levels;
- homeworking assumptions;
- school-related journeys;
- deliveries and servicing;
- existing committed development; and
- cumulative traffic growth.

A conventional weekday peak-hour assessment may fail to reflect the particular conditions outside Birdsedge First School. The Council should require observations and modelling covering school arrival and departure periods during a normal school term.

The proposed pedestrian refuge does not, by itself, establish that children and families would have safe routes between the development, the school, bus stops and other facilities. Highway officers must also consider vehicle speeds, visibility, HGV movements and the interaction between queuing or turning traffic and school-related pedestrian activity.

Disproportionate scale and landscape harm

Approximately 70 homes would represent a substantial and disproportionate expansion of a small rural settlement. The scheme would appear as a suburban extension rather than development responding sensitively to the established form and scale of Birdsedge.

The land contributes positively to the village's rural character and local distinctiveness. Its agricultural use, open aspect, traditional field boundaries and relationship with adjoining countryside are important landscape qualities.

Development would be visible from surrounding roads, properties and public rights of way, including routes associated with the nearby Dearne Way. It would adversely affect rural views, tranquillity and the experience of people using the footpath network.

New landscaping might soften views after a considerable period, but it would not restore the openness of the fields or prevent the fundamental change in character from countryside to housing.

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The proposal would result in the permanent loss of actively farmed agricultural land forming part of a continuous agricultural landscape.

Even if the land is classified as Grade 4, its value is not limited to agricultural land classification. Its continuing use as grazed pasture contributes to the landscape character, openness, rural economy and local distinctiveness of Birdsedge.

The applicant has not demonstrated why the permanent loss of this unallocated greenfield site is necessary when the comparative assessment of alternative locations should properly take place through the Local Plan process.

Ecology, ancient woodland and the River Dearne corridor

The site is close to the River Dearne corridor, priority deciduous habitat and ancient woodland. Habitats within and adjoining the site are acknowledged as having the potential to support foraging, commuting and nesting species. Residents have reported Northern Lapwing, Roe Deer and other wildlife using the area.

A preliminary ecological appraisal represents a snapshot of conditions. The Council should not determine the application until it is satisfied that all required species-specific and multi-season surveys have been completed at appropriate times of year.

The assessment must consider the combined effects of:

- habitat loss and fragmentation;
- construction activity;
- artificial lighting;
- noise and disturbance;
- domestic pets;
- increased recreational activity;
- effects upon the River Dearne corridor; and
- impacts upon ancient woodland and its ecological connections.

The proposed biodiversity improvements do not remove the need to apply the mitigation hierarchy by first avoiding harm. Biodiversity net gain is a statutory policy requirement, not an exceptional benefit that automatically outweighs Green Belt, landscape or ecological harm.

Part of the claimed biodiversity provision appears to depend upon land outside the application boundary. The Council must establish that the land is legally secured, deliverable and capable of being funded and maintained for the entire statutory period.

Foul-water capacity, pollution and public-health risk

Yorkshire Water has not yet provided a consultation response on the foul-water proposals for this application. The application should not be determined until Yorkshire Water has confirmed whether the receiving sewer network and sewage treatment works have sufficient capacity.

This is particularly important because Yorkshire Water has objected to another substantial, unallocated housing proposal downstream—application 2025/60/93572/E, for up to 123 dwellings at land south of Barnsley Road, Upper Cumberworth—which is understood to discharge to the same sewage treatment works.

In its response to that application, Yorkshire Water stated:

“Regarding the foul water proposals, at present the sewer network does not have sufficient available capacity to support the size of development proposed. It is understood that the site is not allocated within the adopted Kirklees Local Plan and as such the site has not been considered within the current Yorkshire Water Asset Management Plan period. Yorkshire Water wishes to object to the development on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development.”

Although these comments relate to a separate application and may concern a different part of the sewer network, they raise a clear cumulative concern about the ability of local wastewater infrastructure and the shared treatment system to accommodate further unplanned development.

The Birdsedge site is also unallocated and may therefore not have been included in Yorkshire Water’s current Asset Management Plan. Its foul-water effects must be considered alongside application 2025/60/93572/E and other committed or proposed developments draining through the same network or sewage treatment works.

The Council must not assume that capacity improvements will be provided at some unspecified future date. Nor should the matter be deferred entirely to a planning condition after the principle and scale of development have been approved.

Before determination, Yorkshire Water should be required to confirm:

- the proposed foul-water connection point and drainage route;
- the available capacity within every relevant section of the sewer network;
- the available hydraulic and treatment capacity at the receiving sewage treatment works;
- the cumulative effects of this proposal, application 2025/60/93572/E and other committed or proposed developments;
- whether additional flows would increase the risk of sewer flooding, storm-overflow operation, untreated discharges or pollution of the River Dearne;
- whether any network or treatment-work reinforcement is required;
- whether the necessary improvements are included and funded within the current Asset Management Plan;
- when any required improvements would be completed; and

whether development would need to be phased or prevented from occupation until those improvements are operational.

No homes should be occupied until the necessary foul-water infrastructure has been completed and Yorkshire Water has confirmed that sufficient capacity is available.

In the absence of a satisfactory response from Yorkshire Water and an enforceable infrastructure solution, the Council cannot safely conclude that the development would avoid unacceptable risks to flood risk, water quality, the environment and public health. This uncertainty weighs strongly against granting outline planning permission.

Surface-water drainage, water quality and downstream flood risk

The development would replace permeable pasture with roads, roofs, driveways and other hard surfaces close to the upper River Dearne.

The drainage strategy proposes attenuation followed by a restricted discharge to the river. This requires particularly careful assessment because any failure, blockage, exceedance event or maintenance deficiency could have consequences for downstream communities.

There is also a risk that surface water from the completed development could carry pollutants directly into the upper Dearne. Potential contaminants include:

detergents and cleaning chemicals from car washing;
fuel, oil, brake dust, tyre particles and other vehicle residues;
pesticides, herbicides and weedkillers used in gardens and communal areas;
fertilisers and other lawn or garden treatments;
paint, solvents and household chemicals;
de-icing salts; and
sediment and construction-related contaminants.

Attenuating the rate of discharge does not necessarily treat or remove these pollutants. The drainage design must therefore incorporate an effective Sustainable Drainage System treatment train, with suitable filtration, settlement and pollution-control measures before surface water is discharged into the River Dearne.

The Council must be satisfied that car washing and other potentially contaminating activities would not drain untreated into the surface-water system. Appropriate measures should also be provided to contain accidental spills and prevent contaminated water from reaching the river.

Before determination, the Lead Local Flood Authority, Environment Agency and other relevant bodies should independently confirm that:

the proposed discharge of 7.4 litres per second is appropriate;
the full drainage hierarchy has been followed;
the required climate-change allowance has been applied;
the system can accommodate the appropriate design storm;
safe exceedance routes are provided;
there will be no increased downstream flood risk;
suitable pollution interception and water-quality treatment are incorporated;
the drainage system protects the ecological and chemical condition of the upper Dearne;

construction-phase runoff and pollution would be controlled; access for inspection and maintenance is assured; and a legally enforceable and adequately funded maintenance arrangement will remain in place throughout the development's lifetime.

These matters should be resolved before outline permission establishes the principle of development. They should not be left solely to planning conditions or a later reserved-matters application.

Pressure upon local infrastructure

The proposed development would create additional demand for primary and secondary education, healthcare, public transport, highways, drainage and other services.

Before determination, the Council should obtain current assessments from Education, the relevant NHS bodies, West Yorkshire Combined Authority, Yorkshire Water and other infrastructure providers.

The availability of places at Birdsedge First School must be specifically assessed, together with the implications of transporting children to schools elsewhere if adequate local capacity is unavailable.

All necessary improvements and contributions must be identified and secured before permission is granted. They should not be deferred on the assumption that existing services will absorb the additional demand.

Affordable housing and the "Golden Rules"

Affordable housing and compliance with applicable national "Golden Rules" are important requirements. However, these are policy obligations associated with development on relevant Green Belt land, not discretionary gifts by the applicant.

They do not remove the need to demonstrate that the site qualifies as grey belt, that the development would be sustainable, that its effects are acceptable and that the proposal complies with the development plan and national policy when read as a whole.

The Council must also ensure that the proposed affordable-housing commitment is binding, deliverable and protected from subsequent viability-based reduction.

Community concerns

The Planning Statement underplays the strength and substance of local opposition. Residents have consistently raised legitimate planning concerns regarding Green Belt policy, countryside encroachment, highway and pedestrian safety, ecology, foul-water capacity, surface-water drainage, infrastructure, sustainability and landscape impact.

These are material planning considerations supported by the characteristics and limitations of the site. They should not be dismissed as opposition to development in principle.

Conclusion

Taken as a whole, the proposal would urbanise an undeveloped rural landscape, diminish Green Belt openness, extend Birdsedge into the surrounding countryside, increase dependence upon private

vehicles and place additional pressure upon local roads, sewers, treatment infrastructure and public services.

The applicant has not established an acceptable maximum scale of development or provided a sufficiently robust basis for concluding that the highway, foul-water, surface-water, water-quality, ecological, landscape and infrastructure effects would be acceptable.

The absence of a Yorkshire Water consultation response is particularly significant given its objection to another large, unallocated development draining to the same sewage treatment system. The Council should not determine this application until the individual and cumulative effects upon sewer and treatment capacity have been properly assessed.

The benefits relied upon—housing provision, affordable housing, biodiversity net gain and economic activity—are generic benefits associated with many residential developments. They do not remove the identified harms or establish why this particular unallocated Green Belt site should be developed ahead of the Local Plan review.

I therefore request that planning permission be refused.

Kind Regards

Tim

Tim Bamford
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