

DC Admin

From:
Sent: 12 July 2026 22:11
To: Ellie Thornhill; DC Admin
Cc: Cllr Damian Brook
Subject: Objection - recommend refusal of the planning application 2026/62/91628/W
Attachments: Reply to initial planning application amended.pdf

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Application number: 2026/62/91628/W
Applicant Jones Homes (Yorkshire) Ltd
Objection - recommend refusal of the planning application 2026/62/91628/W

Dear Ellie,

Prior to the application (2026/62/91628/W) being submitted by Jones Homes we decided to commission an independent Arboricultural report to give us an understanding of the trees, look further at the Tree Protection Orders and get an independent record of the health and status of the trees.

We have had the initial report updated to include the planning application when it appeared on the 16th June 2026 along with the material submitted to support it and have found that there are so many issues and inconsistencies that our view is that the application needs to be rejected and re-worked with a better design.

I have included a copy of the observations and comments about the application reference:
2026/62/91628/W. Please take this document as our reason for refusal of planning permission.

With thanks

323 Dunford Road
Hade Edge
Holmfirth
HD9 2RT

Reply to initial planning application: 2026/62/91628/W

Submitted to Kirklees Council – 1st July 2026

Site address: land off, Boshaw View, Hade Edge, Holmfirth, HD9 2TZ

Also referred to as: land off Dunford Road, Hade Edge, Holmfirth, HD9 2RT

4th July 2026

Dear

Thank you for appointing me to give you an independent assessment of the trees adjacent to your property in relation to a planning application to develop the land.

I have now viewed the material submitted by Jones Homes Ltd to support a planning application to build 17 houses across two sites: one to the north and east of your property and one further south of your property on the other side of a small housing estate.

To set the scene, I shall explain about the expected input from an Arboricultural Consultant within the planning process:

Background information about tree reports required for a potential development

Arboricultural Reports – These are usually presented in a suite of three reports:

1 - Arboricultural Report (assessing the trees as they are, prior to any knowledge of a design proposal). Sometimes called a Tree Constraints Report or Pre-development Report.

2 - An Arboricultural Impact Assessment (overlaying the tree information from the first report onto a design layout to assess the impact). During this stage an arboricultural consultant should work with the client and designer to identify and the reduce the impact upon the trees prior to submitting an application. This may involve many revisions, yet it gives the client a higher chance of producing a successful application; as trees are a material consideration within the planning system.

3 - Finally, an Arboricultural Method Statement (demonstrating how the development can be achieved, whilst step by step detailing the required protection method for all the retained trees from start to finish).

Objection - Recommendation for refusal of the application 2026/62/91628/W

Here are my observations and comments about the application reference: **2026/62/91628/W**:

I could not find the first report '**Arboricultural Report**' even though it is referred to my third parties in their assessment of the site.

It says it was produced on 2nd April 2025. I would like this to be available in the public domain for an opportunity to comment upon it.

Arboricultural Impact Assessment

The Arboricultural Impact Assessment is dated 16th April 2026 and present on the planning portal for public viewing. I notice that the details of the layout close to the trees varies when compared with proposed layouts in some of the other supporting documents, which were assessed by third parties. The layout in this report is referenced as **Drawing no. 0005-026-NIE-XX-XX-DR-A-PL_005-P13 – Proposed Site Layout**. I think it is important to be certain which one is correct, to ensure that we are all commenting on the correct proposal.

Of utmost importance is the accuracy of the information contained within the Arboricultural Impact Assessment.

I noted discrepancies between the information in two different documents: **Arboricultural Impact Assessment (Appendix 1 – Tree Schedule)** and **Preliminary Ecological Report (pages 20-22)**. In addition to this, is the information that I obtained when I surveyed the trees.

There are discrepancies between the measurements of the tree diameters (DBH), as taken by a number of people:

Tree number	DBH by Arboricultural Surveyor	DBH by Ecologist	DBH by Me (estimated using a linear measuring technique)
T1	58cm	75cm	58cm
T2	75cm	80cm	78cm
T3	80cm	76cm	82cm

As a precaution I also checked the other information and found the following:

Crown Spread (metres)	Arboricultural Surveyor	My measurements (# = estimated)
Tree T1 north/east/south/west	N – 6.5 E – 6.0 S – 3.0 W – 6.5	N – 7.6 E – 8.1 S – 1.5# W – 8.2
Tree T2 north/east/south/west	N – 3.0 E – 6.0 S – 7.0 W – 6.5	N – 2.5# E – 7.2# S – 8.5 W – 8.0
Tree T3 north/east/south/west	N – 7.0 E – 7.0 S – 7.0 W – 7.0	N – 7.0 E – 7.2# S – 8.5 W – 8.0

Tree height	Arboricultural Surveyor	My measurements
T1	13m	17.4
T2	14m	17.8
T3	14m	15.8

Root protection area (Metres radius from tree centre) for	Arboricultural Surveyor	My measurements (calculated from estimated DBH measurements)
T1	Not known	6.96m
T2	Not known	9.36m
T3	Not known	9.84m

Amenity value	Arboricultural Surveyor	My assessment
T1	Moderate	High
T2	Moderate	High
T3	Moderate	High

I strongly recommend that the Tree Officer check the measurements of the trees when on site to find out for certain what the actual measurements are. This will then provide valuable information about the diameters, crown spreads and RPA's for each tree and remove the guesswork as to which measurements are accurate.

The proximity of the trees to the adjacent properties in the proposed layout is very close, and I agree with the Tree Officer, that there is likely to be pressure from the owners and neighbours, to prune or remove the trees in favour of more light in the future. Other factors like leaf fall, blocking gutters etc., and the sticky sap from aphid activity on Sycamore leaves which drips onto furniture and cars. These all cause an intolerance for a tree to remain, if it is too close.

It would be useful for the arboriculturist to provide a sun-shade prediction for the architectural designer, to more accurately predict the amount of sun and shade that the new inhabitants are likely to experience. They can then adjust the design to move or rotate the layout so the impact from the trees is negated. Trees **T1 and T2** are west of the dwelling, within the rear garden of Plot 1. I anticipate they will cast constant shade throughout the entire day, over much of the garden (the trees physically occupy most of the garden). I also envisage that the house will cast the shade in the mornings too, blocking out the sun rise into the garden. Only the portion of garden to the south-east close to the garage will get some sun.

I measured the heights of **T1 and T2** to be 17.4 metres and 17.8 metres respectively. The perception and fear of large trees causing death or significant damage to the house and occupants, is a common fear. It is strongly correlated with the height of a tree and its proximity to where people live. Even if there is no factual evidence that the tree is in a poor or failing condition, the pressure to remove the tree is known to be very high.

Tree **T3** is located to the south-west of Plot 5, and although the garden plot is larger than average, it is likely that the shade will dominate the property and much of the garden, causing in a predictable demand for the removal or severe pruning of the tree.

The height of the tree was measured by me to be 15.8 metres high and again the pressure to reduce or remove the tree is known to be high where people live close to tall trees.

It is therefore strongly recommended to redesign the layout to ensure a greater chance of the trees continuing to remain, thereby providing amenity and health benefits to the area.

Note – Due to the discrepancy between:

- 1- the ecologist's DBH measurement and that of the Arboriculturist;
- 2- the arboriculturist's measurements and my own,

I do think it is important to determine which of these measurements are the most accurate, given the proximity of the trees to the proposed design layout in many key areas.

The trees clearly have a high amenity value in the locality and can be seen from numerous public places, due to the open nature of the field system. It is clear and justified that the trees were given protection with a Tree Preservation Order (TPO), due to their condition and amenity value in Hade Edge.

Page 4 section 3.2. Tree Works for Development

This section of the document says that no tree works are required to accommodate the development. This is untrue, as can be seen by the plan in **Appendix 6 – Arboricultural Implications Plan**.

The plan clearly shows that there is an infringement of the RPA of trees **T1 and T2** due to:

- The removal of the stone wall beside the trees (only **T3** is mentioned on **page 4 section 3.4.2.1 Demolition**) but it is likely that it will also affect trees **T1 and T2**. They are situated close to a stone wall too.
- The working space allocated for building the nearest proposed dwelling (plot 1), for facing up the stonework etc., is within the RPA of the trees. Within the **British Standard 5837:2012 Trees in relation to design, demolition and developments – Recommendations**, the RPA is the minimum area required for trees to survive, and this area is to be treated as sacrosanct for the tree to function healthily. Therefore, the statement about no infringement is clearly not the case.
- As these trees are protected with a Tree Preservation Order, the working space should be outside of the RPA and by a minimum of at least a metre and a half to allow for scaffolding etc to be erected.
- **Page 5 section 3.4.3.1. Access/Construction of Hard Surfacing**
It says there is no construction of hard surfaces within the RPA of retained trees. This is incorrect. According to the plan, the infringement into the RPA of tree **T3**:
 - To the south-west – a third parking space for plot 5
 - To the south-east – a bin collection point and a 4 metre wide road to access the dwellings in the southern most part of the site. (The new access is from Greave Road at the north of the site). The 4 metre wide access road encroaches into the RPA of **T3**.
 - Potential for perimeter fencing or wall to demark the boundary of plot 5, which will be placed to the south- east and south-west (within the RPA) of tree **T3**.
 - Access paving around dwelling (plot 5) coming across the RPA of tree **T3** on the north east side.

Page 5 section 3.4.4. Building Construction / Foundation Design

- The plans show little or no working space for the build to take place outside of the RPA of trees **T1, T2 and T3**. This means that there will have to be entry onto the rooting area of the trees, to dig strip foundations. This process will require machinery and access around the plot footprint. This is not identified within the report. Only 'ground protection suitable for pedestrians' is specified in the report. It is very unlikely that the foundations would be dug by hand and barrowed away. Heavy machinery is enough to cause severe compaction to the roots beneath as well as damage to overhanging branches.

Page 5 section 3.4.5. Utilities

- I have not seen any information about the proposed service runs within the submitted supporting documents. It is essential that these are identified prior to permission being granted on this application due to the potential for them to be brought in across the area occupied by the trees.

Page 5 section 3.4.6 Site Compound

- There is no information about where this is to be located. Given the lack of available space, it is possible it will be sited close to the trees at some point.

Page 5 section 3.4.7 Landscaping

- It is insufficient to specify that 'any patios, garden paths or other hard surfaces within RPAs which are not shown on the projected layout (**Appendix 6**), may be constructed using no-dig techniques...' Given that the trees are protected by a TPO, it should say 'will be constructed using no-dig techniques...'
- **Page 6 section 4.1.** clearly states that no Tree Preservation Orders are present on the site. Yet, the TPO was made in 2016. The TPO is a legal protection to ensure that trees are retained and safeguarded in the event of any development and are treated as more worthy of retention than a tree without any legal protection.

Tree T3

- The report also says that pedestrian and site traffic should be outside of the RPA of the trees where possible. According to **Appendix 6**, this is not the case. It is evident that a new roadway which forks east and west at the southern edge of tree **T3**, is encroaching into the southern half of the RPA along the edges. These areas should be outside of any development to safeguard the health of the tree into the future.
- In addition to this roadway, it is detailed in **section 3.4. on page 4**, there is a bin collection point at the east-south-east portion of the RPA, and what appears to be a paved walkway around the house to the north-east of the tree. This patio encroaches on the RPA and the dwelling is so close that the working space to build the property will have to be over the RPA too. The report highlights these as 'negligible infringements'; I disagree, these are unnecessary infringements and the proposed layout should be altered to keep any and all workings/access, clear of the RPA's.

Looking at the repeated information said to be taken from the Arboricultural Report, and reproduced in the Arboricultural Impact Assessment, I have the following comments to make about the final report; the Arboricultural Method Statement.

Arboricultural Method Statement dated 16th April 2026

I dismiss the contents of this report as inapplicable in enabling the trees to be safeguarded throughout the development, as a result of the concerns I have about:

- 1 – The absence of the first Arboricultural report in the public domain
- 2 – My concerns about the accuracy of the tree data and assessment of the trees within the Arboricultural Impact Assessment

I urge for accurate checks of the arboricultural information to be forthcoming in the first instance, and for this information to be checked thoroughly by the Tree Officer. Then the method statement can be determined to either be relevant or, the tree reports would need to be re-written.

Preliminary Ecological Report

Regarding ecological value in the Preliminary Ecological Report, I find it misleading to carry out a site assessment in winter. When I was on site, I observed an abundance of bird life using the tree as a corridor and in which to feed and travel. It would not surprise me if the corridor is used as a feeding area by bats (which can travel over a mile to a feeding area).

Planning Statement – by Savills

This report was produced in June 2026. On **page 3**, it first details that this land is ‘safeguarded’, referring to ‘**Kirklees Local Plan**,’ and reference continues throughout the document.

A section 106 agreement is served to override this protection. I do not believe that the layout, particularly with reference to the character of the local area is being enhanced by this development and the treed landscape will certainly greatly diminish with this current proposed design layout.

Page 11 states **LP32 Landscape**; ‘Consider and enhance landscape character of the area including...patterns of woodland, trees and boundaries.’

There is insufficient evidence of this within the proposed design submitted for approval.

Supplementary Planning Guidance (SPG) on **pages 14-15 section 4.9.11 and 4.9.14** mention usable and accessible greenspace. I could not see where this is evident within the proposed plans for the site. I also notice that the north portion of the site, namely Greave Road, will be the new access into the site and that the existing footpath will be extended, taking the green space away from trees **T1 and T2**, with the construction of a wider footpath to the north and west of trees. Namely along both Greave Road and extending south along Dunford Road. This means that as the trees age, they will already be restricted in terms of available space allocated for them, for their future.

Page 19 section 5.2.18 says that there will be ‘retention and protection of all trees on the site.’ However, this is not taken literally in the plans I have seen.

Page 21 section 5.3.22. This relates to SUDS. It says that SUDS are not suitable for the site, yet permeable surfaces for all private driveways are proposed. I would like to the proposed run of the services to be made public prior to approval.

Page 22 says this:

‘5.3.30 Trees

Section 5.3.31. *There are three trees on the site, all under a Tree Protection Order. Two are located in the north west corner of the site where no development is proposed, and the other is close to the centre of the site. All three of these trees are no be retained with no development proposed within the root protection areas of the north-western tree, and minor development on the roots of the other tree which are shown to be protected through an Arboricultural Method Statement.*

I disagree with the statement. The typo also makes the meaning ambiguous. There will be great potential for damage to the RPA from the works that do occur close to and within the RPA's of all the protected trees.

‘Section 5.3.32. *An Arboricultural Impact Assessment has been completed by JCA Limited in support of this planning application. The report confirms that the trees will be fully retained.*

In my opinion, the information submitted by JCA Limited should be checked by the Tree Officer, particularly the measurements of the trees: Height, crown spread (north, east, south and west), diameter at breast height (DBH), and the subsequent RPA calculation (which they have not stated). It is also worthy of note that in my assessment of the trees on 8th May 2026, I noted that pruning was required to give clearance around the cables on the west of trees **T1 and T2**, regardless of any development taking place. See my report: reference: TSC LTD 010 PDR if required.

‘Section 5.3.33. *The report outlines a number of recommendations including temporary protective measures and remedial measures which will be adhered to if planning permission is granted via anticipated standard planning conditions.*

These recommendations are generic and incomplete. The reference to ground protection for pedestrian access only, is one example of the inadequacy of the protection measures.

Statement of Community Involvement

This was written in May 2026. On **page 8, section 4 – Consultation Feedback**

‘Themes

Trees – Concerns the dwellings shown on the proposed scheme are too close to the existing TPO'd trees.

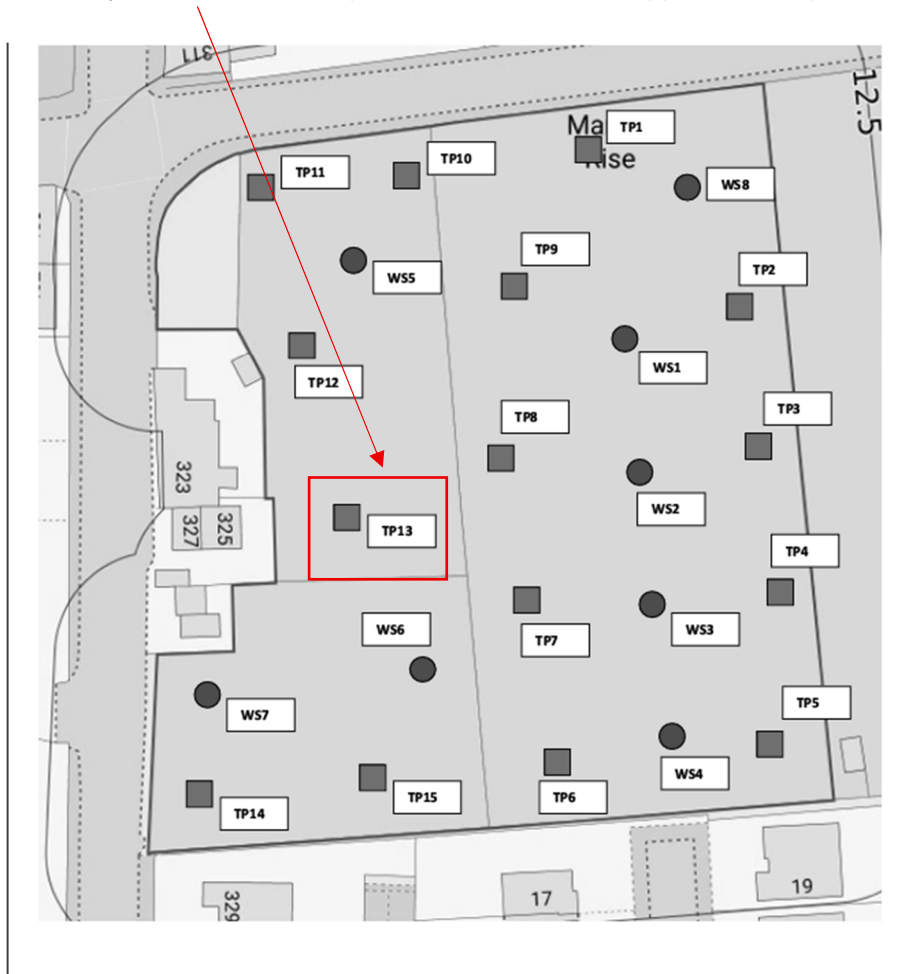
Response

The submitted layout had been amended to position the dwellings further away from the trees. An AIA has also been submitted with the application confirming there will be no adverse impact on the trees from the proposals.

The amendments are not far enough away to avoid contact with roots and potentially the branches of the trees. The proposed layout should be amended and re-submitted to address these concerns.

Phase One Geoenvironmental Risk Assessment and Phase Two Ground Investigation Part 1 - page 56 Window Sampling Borehole and Trial Pit Locations

My client has told me of mechanical excavations beneath tree **T3** in 2025, which he thought would be illegal given the TPO's on the trees. When reading through the information in this document, it appears that these were as a result of the Geotechnical and Geoenvironmental Consultants undertaking borehole samples. The map below shows these locations. There are also photos of the digger on the site. It is clear that TP13 (Trial Pit 13) would have taken place beneath the canopy of **T3** as my client witnessed.



This concludes my comments on the planning application

Independent Arboricultural Consultant

Treescaping Consultancy Ltd