

Development Outside the Red-Line Boundary and Separation from Undeveloped Land

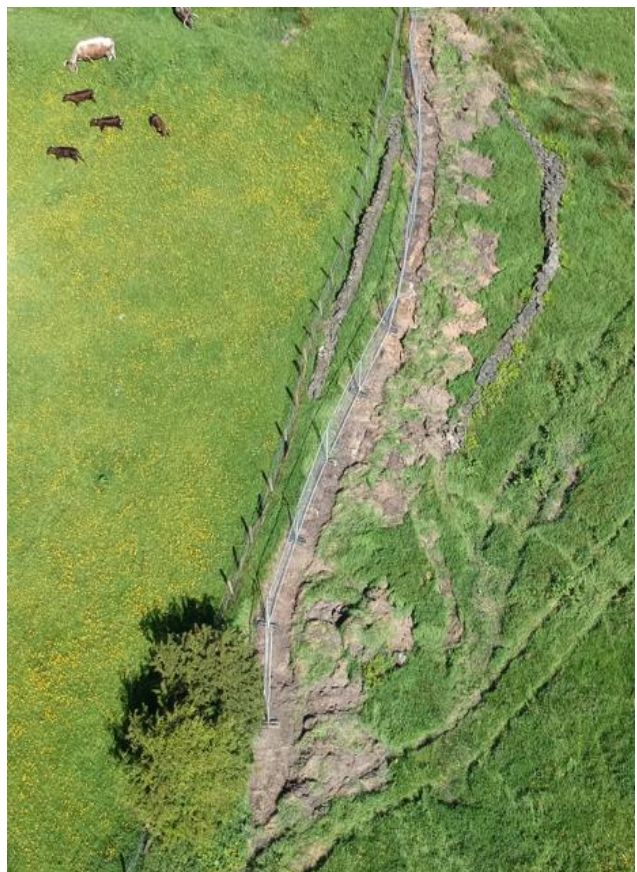
The photographs and submitted site plan below raise two related concerns about the western side of Plot 23.



The earlier photograph (left) clearly shows a pre-existing wall running immediately outside the western red-line boundary. A later photograph (right) shows that this wall has been removed and that part of the land beyond its former position has also been excavated and regraded.

I am not aware of any planning permission authorising development on this land. As both the wall and the adjoining land appear to have been outside the application boundary, I ask the Council to establish whether its removal and the associated engineering/regrading works constitute a separate planning breach and, if not, to identify the permission or other planning authority under which those works were undertaken.

An earlier photograph shows that, while the pre-existing wall was still intact, land outside the red-line boundary had already been excavated and levelled to form a platform for construction fencing, with excavated material deposited alongside it. A later photograph shows the wall itself removed and further alteration of the adjoining land. These appear to be engineering works beyond the application boundary, for which I am unaware of any planning permission.



Earlier photographs identify the pre-existing stone wall outside the western red-line boundary. A subsequent photograph (right) records that wall being physically dismantled involving an excavator bearing the name **D.M. Brewster**, the principal contractor for the Lingards Fold development. This occurred on 7th April 2025.



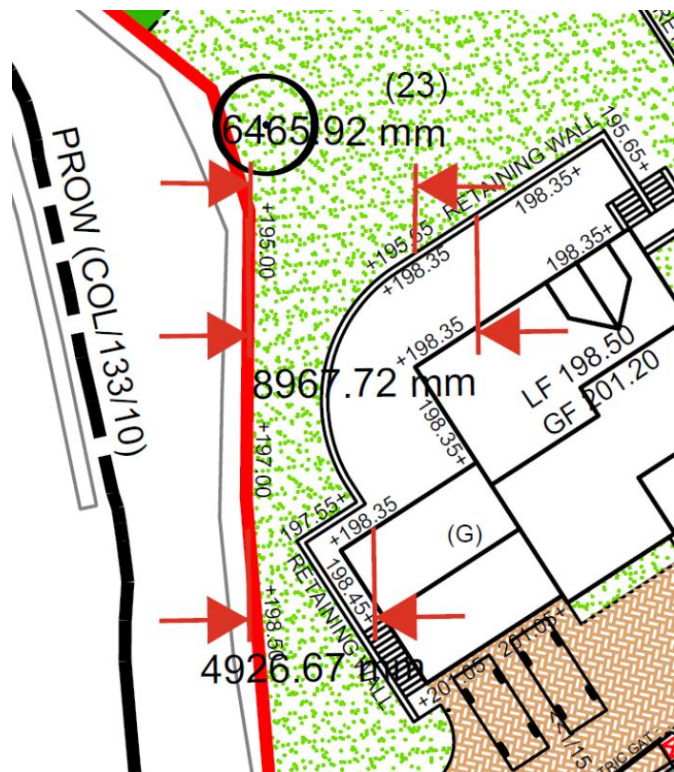
I am unaware of any planning permission covering these works outside the application site. The photographic evidence therefore raises a reasonable concern that engineering works associated with the development have extended beyond the permitted red-line boundary. The Council should establish what planning authority, if any, permitted the wall removal and associated excavation/regrading before determining 2026/91657.

Importantly, removing the wall does not move the planning boundary. Nor should alteration of the land beyond it cause that land subsequently to be treated as though it forms part of the permitted development site. The red-line boundary shown on application 2026/91657 remains the relevant boundary against which the proposed development must be assessed.

This is particularly important because 2026/91657 seeks permission for further openings and alterations facing towards that boundary and the undeveloped land beyond it.

The accompanying site-plan extract measures the relevant distances from the proposed openings to the western red-line boundary at approximately:

- Western garden-room window – 6.47 m
- Central garden-room window – 8.97 m
- Patio-door opening associated with the extended garage arrangement – 4.93 m



Kirklees' Housebuilders Design Guide advises a typical minimum separation of 10.5 m between a habitable-room window and the boundary of adjacent undeveloped land.

The two garden-room windows are therefore substantially inside that advised separation distance. The western window is approximately 4.03 m short of the guidance and the central window approximately 1.53 m short.

The proposed patio-door opening is even closer to the boundary, at approximately 4.93 m. If this opening serves habitable accommodation, it should likewise be assessed directly against the 10.5 m guidance. In any event, its scale and proximity to the undeveloped land should form part of the Council's assessment of the cumulative effect of the additional west-facing development.

These are not marginal differences. The proposed alterations would introduce or retain substantial glazed openings facing towards land outside the application site at distances materially below the Council's normal amenity standard.

The fact that the former wall has already been removed, or that any of these openings have already been constructed, should not create a new planning baseline or provide justification for permitting them retrospectively. Unauthorised alteration of land outside the application boundary cannot reasonably be used to make subsequent development within Plot 23 appear more acceptable.

I therefore ask the Council, before determining 2026/91657, to:

1. establish the planning status of the removal of the former wall and the excavation/regrading undertaken beyond the western red-line boundary;
2. confirm that the land beyond that red line remains outside the application site for the purposes of assessing 2026/91657;
3. assess the two garden-room windows specifically against the Council's 10.5 m separation guidance; and
4. separately assess the approximately 4.93 m patio-door relationship, including whether it serves habitable accommodation and whether its proximity to the undeveloped land is acceptable.

The concern is not that Plot 23 should simply be moved farther east. The issue is whether these additional western-facing elements should be permitted at all where they materially intensify development towards the boundary and fall substantially short of the Council's normal separation guidance.