

To: Planning and Development Services, Kirklees Council

Re: Formal objection to outline planning application 2026/60/91785/W

Site: Land adjacent to 161 Reinwood Road, Quarmby, Huddersfield

Proposal: Outline application for up to five dwellings

Dated: 20 August 2026

1. Executive summary

The application fails to overcome the fundamental policy objection identified by the adopted Kirklees Local Plan and by the Council's own pre-application Policy response. The site is wholly within Urban Green Space allocation UG117. The applicant has not demonstrated that the strict requirements of Policy LP61 are satisfied.

The submitted evidence does not prove that the site is no longer required to meet local open space needs. Moreover, it does not demonstrate that the land fails to make an important contribution to visual amenity, landscape character or provide biodiversity value. No robust open space assessment, landscape and visual impact assessment, or green infrastructure assessment has been provided to justify those conclusions.

The applicant's own Biodiversity Net Gain evidence confirms a significant net biodiversity loss of 43.12%, reducing habitat value from 3.0720 habitat units to 1.7475 habitat units which, in itself, directly contradicts the suggestion that the site is of limited biodiversity value thus undermining the applicant's case under Policy LP61.

The application also fails to demonstrate how statutory Biodiversity Net Gain will be achieved. It acknowledges that off-site compensation is likely to be required, but it identifies no specific receptor site, secured habitat units, legal delivery mechanism, long-term management arrangements or evidence that the required biodiversity units are available.

The proposal would also cause direct residential amenity harm by placing a new access road beside the rear gardens of Nos. 21 to 27 Royd Croft. It would introduce vehicle movements, visitors, deliveries, refuse vehicles, pedestrian activity, engine noise, door slamming, headlights and artificial lighting where residents currently adjoin undeveloped land.

Taken together, the application does not provide a robust evidential basis for the loss of designated Urban Green Space. The proposal conflicts with Policy LP61, would result in substantial biodiversity harm, and fails to demonstrate that the benefits of five dwellings outweigh the permanent loss of protected green space. For these reasons, our client strongly objects to the application.

Issue	Why it matters
LP61 policy conflict	The site is designated Urban Green Space and none of the LP61 exceptions has been met.
Council pre-application advice	The Council's own Policy Team previously concluded the scheme did not satisfy LP61(a).
Open space need	Lindley Ward was identified as deficient in natural and semi-natural greenspace.
Biodiversity loss	The applicant's own metric shows a 43.12% reduction in habitat value.
BNG delivery	No receptor site, secured units, legal mechanism or long-term management arrangements are identified.
Residential amenity	The access road would run beside established rear gardens and materially change existing living conditions.
Highway and pedestrian safety	The application does not adequately assess junction safety, bus stop changes, shared-surface operation or pedestrian movements.
Drainage	Package treatment plants and surface water drainage are not justified by a complete drainage strategy.
Contamination and ground gas	Historic landfill, asbestos, lead contamination and limited gas monitoring remain material concerns.
Deliverability	A restrictive covenant appears to prohibit residential dwellings and is not addressed adequately.

2. Policy LP61 is the decisive issue

As you will be aware the application site lies wholly within Urban Green Space allocation UG117. Policy LP61 is therefore the primary policy consideration. This protective development plan policy only allows the loss of Urban Green Space where strict exceptions are met.

Policy LP61 allows loss of Urban Green Space only where one of three routes is satisfied, either

- an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
- replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
- the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- The proposal clearly satisfies none of these tests. It does not provide replacement open space.. It has not been supported by the evidence required to show that the land is clearly surplus and unimportant in visual, landscape and biodiversity terms.

The Council should therefore treat the proposal as contrary to Policy LP61. This conflict should attract substantial weight as the development would permanently remove designated Urban Green Space and provide no alternative provisions.

3. The Council's pre-application response has not been overcome

Substantial weight should be given to the Council's own pre-application Policy response:

The entirety of the site is allocated as urban green space in the adopted Kirklees Local Plan, part of site ref. UG117.

Lindley Ward was recognised to be deficient in natural and semi-natural greenspace in quantity terms in the 2016 KOSS, having 1.74 hectares per NSNG per 1,000 population compared to the minimum standard of 2.0 hectares per 1,000 population. Therefore, it is not considered that this area of NSNG is surplus to requirements.

The site provides an open setting to the adjoining recreation ground, and also serves as a buffer, separating the residential development along Royd Croft, and Douglas Avenue Recreation Ground.

The area of natural and semi-natural greenspace may also hold some biodiversity value, given it partially connects an area of woodland positioned in the northern part of Douglas Avenue Recreation Ground with another area of woodland positioned directly south of the red line boundary.

The scheme does not satisfy LP61(a) meaning the loss of urban green space would be a departure from the Local Plan.

These conclusions are directly relevant to the present application. They show that the Council had already identified three core harms: loss of deficient natural and semi-natural greenspace, loss of open setting and buffer function, and potential biodiversity value. The applicant was on clear notice that a robust assessment would be required, which hasn't been provided.

It is respectfully suggested that the application relies heavily on selected points from the pre-application response, including the fact that the land is enclosed and has no public access. However, the Council expressly identified LP61 as the central policy consideration and concluded that the scheme did not satisfy LP61(a).

4. The site is not shown to be surplus

The applicant has not demonstrated that the site is clearly no longer required to meet local needs. Stating that the land is privately owned, fenced, unmanaged, enclosed or not currently used by the public does meet this ostensibly high threshold.

You will be fully aware that the purpose of Policy LP61 is to protect Urban Green Space for more than public recreation. It protects sites so they may provide openness, visual amenity, landscape function, habitat value, green separation and connection within a wider green infrastructure network. The site performs all those stated functions. It provides undeveloped grassland within an urban residential area. It sits next to Douglas Avenue Recreation Ground and acts as a buffer between existing homes and recreational land. It clearly provides an important contribution to the green setting of the area.

As a minimum the applicant should have provided:

- a site-specific open space needs assessment;
- an updated natural and semi-natural greenspace assessment for Lindley Ward;
- an assessment of existing and future open space deficiency;
- a landscape and visual impact assessment;
- a green infrastructure assessment;
- a site-specific assessment of visual amenity and landscape function;
- an assessment of the site's biodiversity value in light of the applicant's own baseline habitat units;
- an explanation of whether equivalent or better replacement open space is proposed.
- Without this information the Council is not in a position to determine this application,

5. The applicant's scrubland or low-value narrative is contradicted by its own evidence

The Design and Access Statement presents the site as low value, enclosed, underused, scrub-like or 'grey belt' however this is contradicted by the applicant's ecological evidence.

The BNG Grassland Condition Assessment identifies the relevant habitat as Other Neutral Grassland in Moderate condition, recording characteristic indicator species. It also records no invasive species, no bracken, no scrub, and varied sward height. These are indicators of functioning semi-natural habitat. They do not support the suggestion that the land is simply 'degraded scrub'.

This point is important because the applicant cannot rely on a low-value description while its own BNG metric records a baseline value of 3.0720 habitat units and a post-development loss of 43.12%. The evidence shows that the site currently has measurable biodiversity value and that the proposed development would substantially reduce that value.

6. Misuse of the tilted balance and housing land supply argument

The applicant's reliance on the tilted balance should be treated with caution. A housing land supply shortfall does not automatically release protected Urban Green Space for housing

Even if the presumption in favour of sustainable development is engaged, the Council must still apply the development plan and weigh adverse impacts against benefits. The proposal would provide only up to five dwellings. That is a limited housing supply benefit and it does not materially resolve the current housing land supply position. Moreover, the lack of housing supply is a temporary snap shot in time, the loss of this greenspace, if approved, would represent a permanent loss

The harms are not limited or theoretical. They are direct, permanent and cumulative. The scheme would remove designated Urban Green Space, fail to prove the land is surplus, cause measurable biodiversity loss, weaken the setting of adjacent recreational land, remove a buffer to Douglas Avenue Recreation Ground, introduce a road beside rear gardens, and leave drainage, highway, contamination, ground gas and deliverability issues unresolved.

The tilted balance, if engaged, does not override LP61. In this case, the adverse impacts significantly and demonstrably outweigh the limited benefit of five dwellings.

7. Biodiversity loss is significant and central to the LP61 test

The applicant's own Biodiversity Net Gain assessment confirms that the development would result in a substantial biodiversity loss. The submitted metric records:

- baseline habitat value: 3.0720 habitat units;
- post-development habitat value: 1.7475 habitat units;
- net loss: 1.3245 habitat units;
- net change: minus 43.12%.

This is a significant adverse environmental effect. It directly undermines the applicant's suggestion that the site has limited biodiversity value. It also goes directly to Policy LP61(a), which requires the applicant to show that the land does not make an important contribution in terms of biodiversity value.

The application also appears internally inconsistent. The numerical BNG assessment identifies a substantial reduction from 3.0720 to 1.7475 habitat units. However, other wording

appears to suggest an increase in biodiversity value. The Council should require the applicant to clarify the correct baseline, post-development value and percentage change before relying on the assessment.

The Council should distinguish between achieving a statutory numerical BNG outcome and deciding whether this development is acceptable on this particular site. Compensating for harm elsewhere does not mean that the underlying loss of protected Urban Green Space and local habitat value is acceptable.

8. Biodiversity Net Gain is not secured

The application fails to demonstrate how the biodiversity deficit created by the development will be resolved. The BNG assessment acknowledges that the current layout cannot achieve the necessary biodiversity outcome on site and that off-site compensation is likely to be required. However, the application fails to identify:

- a specific off-site receptor site;
- secured habitat units;
- a legal delivery mechanism;
- long-term management arrangements;
- evidence that the required biodiversity units are available;
- evidence that habitat creation or enhancement would be deliverable and enforceable.
- The application should not be treated as acceptable simply because off-site compensation may be possible in principle. The Council should first consider whether the layout should be changed to avoid and reduce harm. That includes whether the number of dwellings should be reduced, whether the access road should be redesigned, whether the building footprints should be repositioned, and whether more of the existing grassland and boundary vegetation should be retained.

The submitted evidence suggests the layout has been designed around housing delivery first, with biodiversity compensation left to be resolved later. That is the wrong order, especially on protected Urban Green Space.

9. Ecological value is understated

The Preliminary Ecological Appraisal was based on a UK Habitat Classification survey undertaken on 25 July 2025. The assessment characterises habitats and vegetation but does not provide a complete list of all species occurring on the site. The Council should therefore treat the survey limitations carefully.

The ecological evidence identifies relevant receptors and ecological functions:

Bats: The assessment records bat records within 2 km, including roost records. It recommends avoiding light spill onto surrounding habitats and boundary vegetation. This is relevant because the proposed access road, dwellings and domestic lighting could increase light disturbance along boundary features.

Birds: The assessment records bird species within 2 km and considers the site to be of site-level importance for breeding birds. It recommends vegetation clearance controls or nesting bird checks. This demonstrates ecological function beyond the BNG metric.

Reptiles: Rubble piles and grass-clipping mounds have some potential to provide shelter for reptiles. This requires careful treatment before clearance or construction.

Amphibians: Common amphibians cannot be ruled out and the proximity of an unidentified stream means pollution prevention measures are required during construction.

Hedgehogs: The site provides foraging opportunities and possible movement routes. Hedgehog highways are recommended within garden fencing to maintain movement through the site.

These matters show that the site has ecological functions beyond the headline BNG calculation. They also reinforce the need to avoid light spill, protect boundary vegetation and retain ecological connectivity.

10. Residential amenity impact on Nos. 21 to 27 Royd Croft

The proposed access road is a separate and serious objection. It would run directly beside the rear gardens of Nos. 21 to 27 Royd Croft. The existing relationship is between established rear gardens and undeveloped green land. The proposal would replace that with a road and associated activity.

This would materially change living conditions for existing residents. It is not just about the number of vehicle movements. It is about where those movements would occur. A road beside rear gardens would introduce activity along a boundary currently facing open land and vegetation.

The likely impacts include:

- vehicle movements beside garden boundaries;
- engine noise, acceleration, braking and manoeuvring;
- door slamming and visitor activity;
- delivery movements and refuse collection;
- pedestrian activity along the access;
- headlight glare into gardens and potentially rear-facing windows during evenings, winter months and early mornings;
- artificial lighting and light spill;
- visual intrusion and loss of the existing open green outlook;
- construction traffic, machinery, deliveries, contractor parking, excavation, dust, noise and temporary lighting;
- potential damage to existing boundary treatments during construction.

The application does not provide enough information about road levels, boundary heights, road alignment, lighting design, vehicle direction, headlight paths, refuse arrangements or construction management. The Council should require a specific assessment of the effect on Nos. 21 to 27 Royd Croft before determining the application.

If permission were granted, a detailed Construction Management Plan would be required. It should address construction traffic routes, delivery arrangements, contractor parking, working hours, noise, dust, temporary lighting, protection of garden boundaries, measures to prevent obstruction of local roads and ecological protection measures. However, mitigation by condition would not remove the permanent amenity harm caused by placing a road beside existing rear gardens.

11. Highway safety, junction safety and pedestrian safety

The Transport Assessment concludes that impacts would be acceptable. However, the application provides limited consideration of pedestrian demand associated with adjacent recreational land and limited analysis of how pedestrians would interact with the proposed access arrangements.

The applicant should demonstrate that the proposed access can safely accommodate residents' vehicles, visitors, pedestrians, cyclists, emergency vehicles, refuse vehicles, delivery vehicles and construction traffic. The Council should assess the proposed alignment, width, gradients, visibility, turning arrangements and relationship with existing properties.

Specific issues requiring scrutiny include:

- the safety of the road junction and visibility on the bend;
- the relocation of the bus stop;
- the removal of the lay-by;
- potential conflict between vehicles, bus passengers and pedestrians;
- pedestrian movements linked to Douglas Avenue Recreation Ground and local school routes;
- the lack of dedicated internal footways and reliance on a shared-surface layout;
- vehicle tracking for refuse, emergency and delivery vehicles;
- construction traffic routing and contractor parking;
- whether peak trip assumptions are realistic for five family homes with potential multiple vehicle ownership.

These matters may not each justify refusal on their own. However, they add to the overall uncertainty and cumulative harm. They also show that the layout is constrained and has not fully resolved the relationship between new vehicle access, existing residents and pedestrians.

12. Drainage and package treatment plants

The foul drainage strategy is inadequate. The application refers to package treatment plants for foul drainage. That is difficult to justify in an urban location where mains sewerage may be available.

The applicant should provide clear evidence explaining why connection to the public foul sewer is not proposed. Evidence of consultation with Yorkshire Water should be provided. The Council should not accept a private package treatment plant solution without testing the

drainage hierarchy and understanding the amenity, maintenance, failure, odour and permitting implications.

The application also fails to address important drainage matters, including:

- whether soakaways are suitable given reported fractured sandstone ground conditions;
- a complete surface water drainage strategy;
- evidence of consultation with Yorkshire Water;
- a SuDS hierarchy assessment;
- attenuation calculations;
- discharge rate modelling;
- long-term maintenance responsibility;
- potential odour from package treatment plants;
- failure risk and emergency arrangements;
- the receiving water or discharge route and any permitting implications.

The drainage strategy therefore does not demonstrate that the development is feasible, acceptable or compliant with relevant drainage policy and guidance. These matters should not be deferred unless the Council is satisfied that a workable strategy exists in principle.

13. Historic landfill, contamination and ground gas

The geo-environmental reports identify historic landfill material, made ground extending to approximately 2.3 metres, lead contamination and asbestos contamination. These are significant constraints for residential development.

It may be possible to deal with some contamination matters through remediation. However, the application still leaves uncertainty regarding the extent of landfill-derived materials, the interaction between the final layout and affected ground, remediation design and verification requirements.

The gas monitoring programme also requires careful scrutiny. AD V1 identifies that gas monitoring comprised only six visits over three months. This is significantly below the CIRIA C665 expectation of 9 to 12 visits across at least six months for a high-sensitivity development, unless a clear risk-based justification is provided. The applicant has not clearly shown that worst-case or seasonal conditions were adequately captured.

The Council should require the applicant to demonstrate that the ground gas regime has been reliably characterised, that low-pressure and seasonal conditions have been considered, and that any required gas protection measures can be delivered, verified and maintained for the lifetime of the development.

Moreover, the use of a package drainage system would not be considered compatible with contaminated land.

14. Landscape and visual amenity

The applicant's claim that the site offers little in terms of visual amenity is not supported by the evidence. The site provides an open setting to Douglas Avenue Recreation Ground. It functions as green separation between existing housing, recreational land and woodland. It contributes to views from Reinwood Road and surrounding properties towards woodland and open green land. Again, if the Council did not consider that the site offered visual amenity benefits it is unlikely that the site would have been allocated in LP61.

The Design and Access material itself acknowledges that views through the site to woodland exist. That confirms that the land currently provides visual amenity.

The proposed development would materially alter that character by introducing dwellings, domestic gardens, estate access, hardstanding, lighting and boundary treatments. It would convert an undeveloped green buffer into a residential development parcel. Without a landscape and visual impact assessment, the Council cannot safely conclude that the site does not make an important contribution to visual amenity or landscape value under LP61(a).

15. Brownfield alternatives and proportionate weight to housing benefit

The proposal would provide up to five additional dwellings. That is a material benefit, but it is limited in scale. It should not be given disproportionate weight.

Kirklees has identified brownfield housing opportunities within the surrounding settlement, including land west of Lidgett Street, Lindley, referenced in the submitted objection material as a brownfield site capable of accommodating approximately 20 dwellings. This does not automatically prevent development elsewhere. However, it is relevant context when assessing whether five dwellings justify the permanent loss of designated Urban Green Space.

The Council should explain why release of protected Urban Green Space for five dwellings is justified when other housing opportunities exist and when the applicant has not satisfied LP61.

16. Restrictive covenant and deliverability

The land appears to be subject to a restrictive covenant. The covenant is understood to restrict use to agricultural purposes, grazing land, or use as a paddock for personal benefit or recreation. It also appears to provide that no residential dwellings of any type, whether temporary or permanent, shall be permitted.

Our client recognises that a private restrictive covenant is a separate legal matter from planning and does not, by itself, determine whether planning permission should be granted. However, it is relevant to the factual and deliverability context. Planning permission would not remove or override a private covenant.

The applicant should clarify:

- whether the covenant remains legally enforceable;

- who has the benefit of the covenant;
- whether a release or variation has been obtained or is proposed;
- whether any legal process has commenced to remove or modify it;
- how the proposed development could lawfully be implemented if the covenant remains in force.

The covenant also refers to nuisance or danger. This is relevant given the proposed access road beside the rear gardens of Nos. 21 to 27 Royd Croft. The applicant should address whether the intensified use and new access could give rise to issues under that restriction.

17. Cumulative planning balance

The applicant's benefits are generic and overstated. Five dwellings would make only a modest contribution to housing supply. Any construction benefit would be short term. The land is not previously developed land. It is functioning green space with measurable habitat value.

The harms are substantial, permanent and cumulative:

- permanent loss of designated Urban Green Space;
- direct conflict with Policy LP61;
- failure to show the land is surplus;
- failure to show the land lacks visual amenity, landscape or biodiversity value;
- loss of open setting and buffer function adjoining Douglas Avenue Recreation Ground;
- 43.12% biodiversity loss on the applicant's own figures;
- failure to secure a clear BNG delivery route;
- ecological impacts and lighting concerns;
- new access road beside existing rear gardens;
- noise, headlights, lighting, deliveries, refuse movements and construction disturbance;
- junction, bus stop, pedestrian and shared-surface safety concerns;
- inadequate drainage evidence and unresolved package treatment plant concerns;
- historic landfill, asbestos, lead contamination and ground gas uncertainty;
- restrictive covenant and deliverability uncertainty.

The planning balance is clear. The limited benefit of five dwellings does not outweigh the direct policy conflict and the cumulative harm.

18. Matters the officer report should expressly address

The officer report should provide a clear and reasoned assessment of each material objection. In particular, it should address, as a minimum:

the Urban Green Space designation and the requirements of Policy LP61;
which LP61 gateway, if any, the Council considers to be satisfied;

- the Council's pre-application Policy response and its conclusion that LP61(a) was not satisfied;
- the recorded deficiency in natural and semi-natural greenspace in Lindley Ward;
- the open setting and buffer function provided by the site;
- the absence of an open space needs assessment, landscape and visual impact assessment, and green infrastructure assessment;
- the applicant's low-value or scrubland characterisation against the Grassland Condition Assessment;
- the 43.12% biodiversity loss and the reduction from 3.0720 to 1.7475 habitat units;
- the apparent inconsistency within the BNG documentation;
- the lack of a secured receptor site, habitat units, legal mechanism and long-term management for BNG;
- ecological receptors including bats, birds, reptiles, amphibians and hedgehogs;
- lighting impacts on ecology and existing residents;
- the effect of the access road on Nos. 21 to 27 Royd Croft;
- headlight glare, noise, deliveries, refuse vehicles, pedestrian activity and construction impacts;
- highway safety, junction safety, bus stop relocation, removal of the lay-by and pedestrian safety;
- foul drainage, package treatment plants, odour risk, Yorkshire Water consultation and SuDS evidence;
- historic landfill, made ground, asbestos, lead contamination and ground gas monitoring adequacy;
- the restrictive covenant and realistic deliverability;
- whether the limited benefit of five dwellings outweighs the development plan conflict and cumulative harm.

Any recommendation based on incomplete evidence or an inadequate assessment of these matters risks undermining the lawfulness and robustness of the decision-making process.

19. Conclusion

The central issue before the Council is whether the applicant has justified the permanent loss of protected Urban Green Space. The answer is no.

The application fails to demonstrate compliance with Policy LP61. It provides insufficient evidence to show that the site is clearly no longer required. It does not justify the loss of protected green space. It is accompanied by biodiversity evidence showing a 43.12% loss of habitat value and no secured Biodiversity Net Gain solution.

The Council's own Policy Team identified Policy LP61 and the loss of Urban Green Space as the principal planning issue during the pre-application process. Despite that early advice, the application has not been accompanied by the evidence necessary to demonstrate compliance with LP61(a).

The development would also cause material residential amenity harm by introducing a new access road beside established rear gardens at Royd Croft. It would create noise, lighting, headlights, vehicle activity, delivery movements, refuse movements and construction impacts where residents currently adjoin undeveloped land.

The remaining technical reports raise further concerns regarding ecology, contamination, landfill extent, ground gas, drainage, package treatment plants, highway safety and pedestrian safety. Whilst some of these matters may potentially be addressed through further work, they reinforce the conclusion that the application has not provided an adequate evidential basis for the loss of designated Urban Green Space.

Five additional dwellings would be a limited benefit. That benefit does not outweigh the direct conflict with Policy LP61, the substantial biodiversity loss, the Council's own pre-application concerns, the residential amenity harm and the unresolved technical issues. Planning permission should therefore be refused.

If the Council is nevertheless minded to approve the application, our client requests that the officer report provides clear and specific reasons explaining why the loss of Urban Green Space, the Council's own pre-application concerns, the 43.12% biodiversity loss, the lack of secured BNG, the amenity impact on Royd Croft residents, the drainage concerns, the contamination and ground gas issues, the highway and pedestrian matters and the restrictive covenant are each considered insufficient to justify refusal.