

Address: Wood View Farm, Birkby Road, Huddersfield, HD2 2DN

About the application

Application number: 2026/92032	
What is the application for?:	Non material amendment to previous permission 2024/92647 for erection of detache
Address of the site or building:	Land at, Occupation Lane, Off Birkby Road, Huddersfield, HD2 2ES
Postcode:	HD3 4EY

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	No
FORMAL OBJECTION – APPLICATION 2026/NMA/92032/W I formally object to application 2026/NMA/92032/W being approved as a non-material amendment to permission 2024/62/92647/W. The applicant’s documents state that the dwelling is being reduced so it can be constructed “entirely within the applicant’s legal boundary line”. Drawing AL101a also states that the building setting-out has been changed following “new legal boundary information”. This is significant because I have repeatedly disputed the boundary information relied upon for the original permission. It appears that the approved development could not be constructed as originally positioned without potentially extending outside the applicant’s lawful boundary. I specifically object to drawing 24.002/(EX)01, “Site Plan as Existing”, document reference 1149987. Although submitted for this 2026 amendment, the drawing is dated July 2024. It expressly states: “Drawing produced from third party information. Do not scale from this document. All dimensions to be checked on site.” The red line on this drawing encloses the access driveway leading from the highway into the development site. I dispute the accuracy of this line because it appears to include land forming part of my property and/or land over which I have property and access rights. It should not be assumed that everything enclosed by this red line is exclusively owned or controlled by the developer. I raised this issue in my objection to the original application. I therefore do not understand why the same disputed drawing has been accepted again without an apparent investigation, correction or explanation from the planning officer. This is particularly concerning when the amendment is expressly said to be necessary because of “new legal boundary information”. A plan based on unidentified third party	

because of new legal boundary information. A plan based on unidentified third-party information, dated July 2024 and marked “do not scale” cannot reliably establish the current legal boundary.

I recognise that a red-line planning boundary is not, by itself, proof of ownership. However, if any part of the land enclosed by that line is owned by another person, the applicant must accurately disclose that interest and provide the appropriate ownership certificate and notification. I have not received any ownership notice concerning the inclusion of my land within this application boundary.

The amendment is also not limited to a minor internal or cosmetic alteration. It changes the dwelling’s footprint and setting-out and relocates and substantially enlarges the garage. The approved garage measured approximately 6.5m by 6.5m, whereas the amended garage measures approximately 6.5m by 8.5m—an increase of approximately 13 square metres, or 31%. The parking, garden and overall site arrangement are also changed.

These changes may materially affect:

- my sole driveway and legal access;
- emergency and service-vehicle access;
- the boundary wall and stability of land beside the excavation;
- underground services and drainage;
- privacy and residential amenity;
- the future use and development of my property; and
- the possibility of construction taking place on or affecting third-party land.

Before determining this application, I request that the Council:

1. places the application on hold and undertakes an urgent site inspection;
2. requires drawing (EX)01 to be corrected or replaced with a current, accurately surveyed and dimensioned plan;
3. verifies the application boundary against the available title documents, survey evidence, physical boundary wall and Lucas Lee expert boundary report;
4. distinguishes clearly between land owned by the applicant, third-party land and any claimed access rights;
5. verifies the applicant’s ownership declaration and confirms whether all necessary notices have been served;
6. requires an approved-versus-amended comparison plan showing precise distances to the driveway, boundary wall and third-party land; and
7. consults Planning Enforcement, Highways and Building Control about access, excavation, retaining works, structural safety, drainage and services.

I ask the Council to refuse the non-material amendment route. The changes and unresolved boundary, ownership and third-party effects require a fresh planning application or another appropriate procedure involving proper consultation and ownership notification.

I have completed the Council’s complaints process under reference FS-Case-
and have now referred my concerns about the Council’s handling of the

boundary, notification, enforcement and safety issues to the Local Government and Social Care Ombudsman. The Ombudsman referral does not remove the Council's responsibility to investigate these matters before determining this application.

Please record this as a formal objection and bring it urgently to the attention of the case officer, Ellen Gilbert.

[Open drawing (EX)01 – document 1149987]

([https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/downloadaddocument.aspx?](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/downloadaddocument.aspx?application_number=2026%2f92032&file_reference=1149987&size=111982)

[application_number=2026%2f92032&file_reference=1149987&size=111982](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/downloadaddocument.aspx?application_number=2026%2f92032&file_reference=1149987&size=111982))

Government guidance confirms that where another person owns land within an application site, the appropriate ownership certificate and notice are required.

[Government ownership-certificate guidance](<https://www.gov.uk/guidance/making-an-application>)