

FAO: Ellie Thornhill
Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL

24 September 2026

PLANNING OBJECTION

Dear Ms Thornhill

Application Number: 2026/62/92047/W
Land off Netherley Drive, Marsden, Huddersfield, HD7 6HL

We write to raise our objection to the above planning application.

1 The Context

- 1.1 This is now the third planning application that has been made in relation to this site. In this regard:
- 1.1.1 An original application was made on 10 December 2015 to erect 19 dwellings (Ref: 2015/60/93926/W). Following the statutory and public consultation period but before it could be determined by the Council, the applicant decided to withdraw it on 8 March 2016.
 - 1.1.2 A further application was made on 6 July 2018 to erect 5 dwellings (Ref: 2018/62/92216/W). The Council refused planning permission on 17 December 2018 citing (amongst other things) the site's status as safeguarded land, issues with the proposed drainage solution and the failure of the proposed development to respect the character of the surrounding area.
- 1.2 This latest application seeks permission to erect 10 dwellings with 40 parking spaces. In the few weeks since the public consultation began, it has prompted significant local opposition – with 49 objections having been received by the date of this letter.

2 Summary

- 2.1 We do not consider that the land is suitable for development for a number of reasons:
- 2.1.1 The site remains Safeguarded Land and, contrary to the applicant's planning statement, Policy LP6 applies following recent changes to the National Planning Policy Framework (August 2026) (see paragraph 3).
 - 2.1.2 Issues with the proposed drainage solution remain (see paragraph 4).
 - 2.1.3 The development would put the neighbouring properties on Mount Road at an unacceptable risk of subsidence (see paragraph 5).
 - 2.1.4 The development would exacerbate existing access and parking issues in the local area and cause an unacceptable highway safety risk (see paragraph 6).
 - 2.1.5 The development's housing mix does not comply with the Council's policies (see paragraph 7).
 - 2.1.6 As with the previous rejected application, the proposed development fails to respect the character of the surrounding area (see paragraph 8).

2.1.7 The development is not in a sustainable location (see paragraph 9).

2.2 Further, as has already been addressed by the Council's Ecology Officer, the environmental impact of the development has not been properly investigated.

3 Safeguarded Land

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 imposes a duty on the Council to determine planning applications in accordance with the "development plan" unless material considerations indicate otherwise.

3.2 The development plan includes the Kirklees Local Plan, which was adopted on 27 February 2019. In examining the Local Plan, the Inspector, Katie Child, considered site SL2167, within which the site lies. She agreed with the Council that the land should not be developed, but remain as Safeguarded Land, until at least 2031. Further, Kirklees Local Plan Safeguarded Land Policy LP6 states "*The status of safeguarded land sites will only change through a review of the Local Plan*".

3.3 The applicant's planning statement instead relies heavily on paragraph 11d of the National Planning Policy Framework to assert Kirklees Local Plan Safeguarded Land Policy LP6 is deemed out-of-date. However, the new National Planning Policy Framework (August 2026) no longer considers that housing policies can be out-of-date. Paragraph 11d has now been removed. Therefore, Kirklees Local Plan Safeguarded Land Policy LP6 still applies.

3.4 The site remains safeguarded land. On this basis, the planning application should be refused.

4 Drainage

4.1 In contrast to the previous application, the applicant now relies on a Drainage Strategy report, which contends that there are likely drainage systems already on site. The report says "*A 4-inch / 100mm diameter clay pipe has been traced and verified as connecting to the existing 225mm diameter public combined sewer in Mount Road*". We note:

4.1.1 4 inch clay pipes were historically often just used for land drainage.

4.1.2 It is generally understood in the area that the drainage on the site is only land drainage. The 2018 application's Flood Risk Assessment says: "*anecdotal information suggests the southern part of the site has field drainage connections*".

4.1.3 Further, the Lead Local Flood Authority said in connection with the 2018 application that: "*It is likely that land drainage is available on the site but may be currently in poor condition. It is noted that springs are associated with this area.*"

4.2 Evidence of the verification, including the location, has not been provided within the application. Further, no drains are marked across the site on Yorkshire Water's Asset Map.

Previous Use

4.3 The report is unable to explain what the newly discovered drainage on the site was used for and says (underlined for emphasis): "*The existing drainage encountered during trial pitting is therefore considered likely to comprise historic foul drainage, surface water drainage and/or land drainage associated with the former buildings and land use*". We do not consider this can be correct as:

4.3.1 The outbuildings referred to by the applicant as being present as late as 1999 were simply stables as the owner of Pule Springs kept horses (see **Appendix 1** and red-circled area of Google Earth image from 1999). The stables were located at a different location within the site than the historic Spout Ing farm buildings (see **Appendix 1** and red-circled area of Ordnance Survey map from 1932).

- 4.3.2 Pule Springs now occupies part of the original footprint of Spout Ing. The drains for Pule Springs & Butterley View adjacent do not run east to Mount Road, where the discovered clay pipes are said to run. Instead, they run to Netherley Drive.

Capacity

- 4.4 Although only one pipe is said to have been verified as connecting to the combined sewer, it is then proposed that both foul and limited surface water from the 10 dwellings and associated hardscaping will discharge into the public combined sewer. There is a stark difference between the small historic Spout Ing and the proposed 10 dwellings and hardstanding and the impact each would have on sewer capacity.

Yorkshire Water

- 4.5 The 2018 application's Flood Risk Assessment showed that Yorkshire Water said it would not be feasible to connect foul and/or surface water to the combined sewer in the east (Mount Road). They stated: *"The possibility of requisitioning foul and/or surface water sewers to the existing combined sewer network to the east was reviewed. Yorkshire Water confirmed that this would not be feasible on the grounds of sewer capacity, topography/existing retaining, sewer easements and impact on existing residents"*.
- 4.6 That application was for 5 dwellings in contrast to the 10 dwellings for this application. Yorkshire Water also said that there is no capacity in their network for surface water discharge. The current drainage proposals for the 10 properties have not secured Yorkshire Water approval for connection of foul and surface water to the combined public sewer.
- 4.7 Historically there was a well on the site and there are underground springs (as noted above, the historic property on the site was called Spout Ing). Water runs off this land to the properties below on Mount Road and can be seen exiting boundary walls. A spring is used as a water feature at 119 Mount Road and water also seeps out of Mount Road. These water sources on the site should not be disturbed.
- 4.8 The 2018 application's Preliminary Geo-Environmental Risk Assessment (page 131) shows a water source crossing the site. This was not addressed in that report and is not addressed in the current application. Disturbance or alteration of this watercourse is likely to have serious consequences for the proposed drainage system, properties below, and land stability.
- 4.9 The Lead Local Flood Authority said in 2018: *"Kirklees Council has records of reported water issues from this land affecting existing properties to the south."* They also said *"In our experience it is likely that a watercourse (small or otherwise) is located in this area."* The current Drainage Report (pdf page 6) incorrectly says that the Lead Local Flood Authority said this was piped.
- 4.10 As Yorkshire Water previously said they did not have sewer capacity for foul and/or surface water and that there is no capacity in their network for surface water discharge, Yorkshire Water's system cannot have the capacity for any water from newly disturbed water sources. Therefore, disturbance of existing water sources would be likely to create a flood risk to properties on Mount Road which currently does not exist.
- 4.11 There are many different types of water storage systems proposed on the site. Each relies on the owner's ability and willingness to maintain each aspect of it. The system is incompatible with a sloping site whose ground is unstable, with several water sources and existing water issues. Overall, this creates a new flood risk to properties below that was not there before.

5 Subsidence & Slope Instability

- 5.1 Paragraph 18.2 of the *Kirklees Local Plan – Strategies and Policies* states *"To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location"*. Further, under the heading of

“National decision-making policies”, the National Planning Policy Framework (August 2026) states:

“P2: Ground conditions

1. Sites proposed for development should be suitable for their proposed use taking into account:

- a. Ground conditions, including any risks arising from land instability or contamination (whether due to natural hazards or current and former activities such as mining or fuel storage); and*
- b. The extent to which any such risks can be mitigated, and the potential impacts on the natural environment arising from remediation”*

- 5.2 No new Geo-Environmental Risk Assessment has been undertaken. A report was prepared in connection with the 2018 application. It did not highlight, nor did it respond to, the landslide risk in the area, even though the data sheets in their assessment showed areas of both moderate and high landslide potential.
- 5.3 However, the report did show, under the heading of “plausible geohazards”, *“existing steep slope – movement of the slope could cause structural damage to properties”*. The Mount Road properties are to the east and are considerably lower than the proposed development site. These older properties, built around the 1920s, also have a Category D Landslide Risk according to the British Geological Survey. This is defined as *“significant potential for slope instability with relatively small changes in ground conditions”*. They do not have the benefit of modern foundations for stability.
- 5.4 Further, the report showed: (a) the ground is *“likely clay over mudstone shale”*; (b) earthworks may need to be undertaken to achieve stable development platforms; (c) an intrusive ground investigation had yet to be carried out.
- 5.5 We also repeat our comments above regarding: (a) the existence of a water source crossing the site (see paragraph 4.8), which was not addressed in the report; (b) the existence of water sources in the area (see paragraph 4.7), which we strongly believe should not be disturbed.
- 5.6 The following combination of factors on the site is a hazard to both new and existing older properties below at Mount Road: (a) steep slope; (b) unstable land; (c) clay soil with shrink/swell scenarios; (d) marshy land with natural pools of water, underground springs, watercourse across the site etc.

6 Access / Parking / Road Safety

- 6.1 Please see below a marked-up image, which is intended to show the relevant access.
- 6.2 As to the markings, highlighted in [blue](#) is a footpath and public right of way (ref: COL/207/40) (“**PROW**”):
 - 6.2.1 This is used by several local properties for vehicular access between their residences and Netherley Drive;
 - 6.2.2 It is also an important route of access for walkers, cyclists and horse riders. The historic footpath provides the principal pedestrian route between: (a) Mount Road and its surrounding areas, including the Pennine Way, Butterley reservoir, Wesseden reservoir, Deer Hill reservoir and beyond; and (b) Old Mount Road and its surrounding areas, including Pule Hill and beyond.
- 6.3 Highlighted in [green](#) is a private lane (“**Private Lane**”). This is used by the 16 properties at 108 Mount Road to 138 Mount Road for vehicular access from their homes onto Netherley Drive (the only access point).

- 6.4 Highlighted in **purple** is a public highway, Netherley Drive. This is used by (a) the 40+ properties on Netherley Drive (which are largely semi-detached houses split into two apartments) for vehicular access between their house and Mount Road; (b) the aforementioned 16 properties on Mount Road for onward vehicular access onto Mount Road; (c) the aforementioned properties mentioned at paragraph 6.2.1, who come off the PROW.
- 6.5 Highlighted in **orange** is another public highway, Mount Road. This is a busy road. As well as being used by all the nearby properties, alongside the A62, it is one of the two key routes between: (a) Huddersfield, Slaithwaite, Outlane, Meltham, Holmfirth and beyond; (b) Saddleworth, Diggle, Delph, Greenfield and beyond.
- 6.6 Lastly, highlighted in **red** is the approximate location of the access road for the development.



Current Issues

- 6.7 As reflected in other representations, existing access, parking and road-safety conditions are already significant local concerns. On Mount Road, local residents park their cars on either side for much of its length. On Netherley Drive (which is narrower – 4.8m wide), there is a line of vehicles parked on one side of the road for almost all of it. To illustrate this point, on the map at **Appendix 2**, we have drawn red lines for areas that typically have parked cars. We have also included some images at **Appendix 3** to illustrate the point.
- 6.8 The reality is that both Mount Road and Netherley Drive are a single lane in most places. This means that:

- 6.8.1 The junction at Netherley Drive is often the only passing point. It is used by cars travelling downhill on Mount Road (heading northwards) as a space to pull in to allow vehicles travelling uphill on Mount Road (heading southwards) to pass.
- 6.8.2 There are frequent issues with an inability to exit Mount Road onto Netherley Drive due to: (a) one side of the road being blocked by parked cars (see **Appendix 3**); (b) the other side of the road either having a car waiting at the junction or proceeding towards the junction. As such, vehicles can be stranded on Mount Road in the path of vehicles travelling at speed coming down Mount Road and round the bend past parked cars.
- 6.8.3 There are also significant safety issues with exiting Netherley Drive onto Mount Road. Visibility is poor as: (a) both left and right tend to be obscured by cars parked either side on Mount Road; (b) the road heading northwards curves away; (c) vehicles tend to speed in both directions.
- 6.9 The applicant's transport statement failed to count and include vehicles travelling from the Private Lane to proceed downhill on Mount Road towards Marsden and vice versa. This is because the count on Netherley Drive was placed to the west of the Private Lane – as opposed to the east, which is the direction of onwards travel for vehicles exiting the Private Lane.
- 6.10 Speeding traffic on Mount Road is a concern in the area and the applicant's transport statement confirms speeding vehicles. The Examiner has previously reported incidents concerning a hit and run¹ and a car flipping onto its roof².

Applicant's Proposal

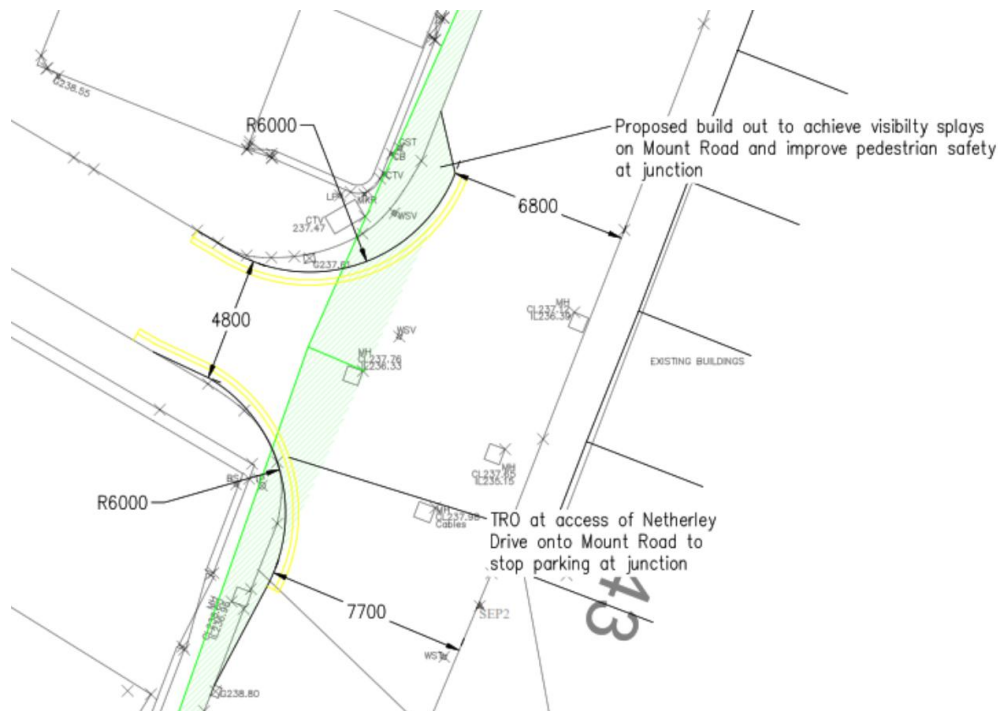
- 6.11 The application is for 10 dwellings and 40 car parking spaces. The plans presently only accommodate 2 visitor spaces.
- 6.12 The proposed access from the development will be via the PROW (third party land – outside the applicant's ownership – see images below comparing development with title plan), then Netherley Drive then Mount Road.



¹ <https://www.examinerlive.co.uk/news/west-yorkshire-news/man-quizzed-on-hit-run-5050119>

² <https://www.examinerlive.co.uk/news/west-yorkshire-news/car-ends-up-roof-marsden-5673706>

- 6.13 Further, the application depends on the Council making a traffic regulation order covering a short section near the Mount Road junction and on alterations to the junction (as shown in the extract below).



- 6.14 We consider the application is likely to have a materially detrimental impact, which puts other road users at risk. In this regard:
- 6.14.1 The addition of 10 dwellings (with 40 car parking spaces) and the associated traffic will cause a substantial amount of further congestion in this confined road space with very limited capacity and will increase the danger. This is particularly concerning for the PROW, which is a vital route for pedestrians, cyclists and horses.
 - 6.14.2 It will also increase the parking issues in circumstances where the development only incorporates 2 spaces for visitors (equating to 0.2 spaces per property). Inevitably, the additional visitors to the development will need to park somewhere else. There are already issues with on-street parking.
 - 6.14.3 The important passing point for vehicles on Mount Road, which is referred to at paragraph 6.8.1, will be lost by virtue of the junction being built out. Further, at a time when there will be increased demand for parking caused by the development (see previous point), the traffic regulation order will result in the loss of on-street parking for local residents with the cars that currently park in this area needing to park elsewhere.
 - 6.14.4 The building out of the junction will also mean the loss of space to manoeuvre in this area, which is likely to exacerbate the situations referenced at paragraph 6.8.2 above.
- 6.15 Further development in this already constrained area with limited road space would create an unacceptable highway safety risk for all users (including those on the PROW) and therefore the application should be refused.

Inclusive Mobility

- 6.16 There is no standard 2-metre footpath accessing and running up the left of the site, only a 600mm “hard margin” which also crosses the PROW. The 600mm margin fails to meet the Kirklees Highway Design Guide SPD and the Department for Transport’s Manual for Streets. It fails to provide “inclusive mobility” for people using wheelchairs, mobility aids or pushchairs.

7 Housing Mix

- 7.1 The application form states that the site area is 0.90 hectares and the housing mix is for six 4+ bedroomed and four 3 bedroomed housing. This housing mix does not meet local housing needs and does not comply with the Kirklees Local Plan Housing Mix and Affordable Housing Policy (LP11), which states:

“For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.”

“Proposals for more than 10 dwellings, or on sites of at least 0.4 hectares, should seek to meet local housing needs by using the market housing shares set out in Table 1 as a starting point. Where the dwelling mix does not reflect the figures set out in Table 1 below, applicants will need to provide justification.”

	Batley & Spen	Dewsbury & Mirfield	Huddersfield North	Huddersfield South	Kirklees Rural East	Kirklees Rural West
1 and 2 bed	30-60%	30-60%	30-60%	30-60%	30-60%	30-60%
3 bed	20-40%	25-45%	25-45%	25-45%	25-45%	25-45%
4+ bed	15-35%	10-30%	10-30%	15-35%	5-25%	10-30%

Table 1 Market housing mix requirements (%) by sub-area and number of bedrooms

- 7.2 In contrast, this application proposes at least twice the number of 4+ bedroom dwellings (Table 1 indicates a 10-30% share whereas the proposal provides for 60%) and no 1 and 2-bedroom dwellings.
- 7.3 There is no affordable housing provision on the site (it being just below the threshold of 10+ dwellings). The proposed 10 dwellings (mainly 4+ bedroomed detached dwellings) are well below the allocated 30 dwellings in the Local Plan for the indicative capacity of the site and do not meet the required net housing density of 35 dwellings per hectare. This is not an efficient use of land and has less benefit than envisaged when it was allocated as Safeguarded Land.

8 The Area & Landscape

- 8.1 The development still proposes 3-storey dwellings. These dwellings will dominate the landscape. They would not be in keeping with the area, where there are no other three-storey dwellings, and would be detrimental to the character of the area and the wider landscape.
- 8.2 The site has always been a rural open green space. The tramway mentioned in the application was only temporary to transport raw materials to build Butterley Reservoir and was removed around 100 years ago.

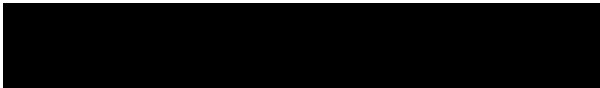
9 Sustainability

- 9.1 The site is located at the top of a long, steep hill. The extent of the development on Mount Road to Netherley Drive has the appearance of ribbon development. The steep topography limits and extends walking time and cycling.

- 9.2 There is also only 1 bus per hour within 400 metres of the site (the standard convenient walking distance). This bus service is not a reasonable alternative to the car. The provision of 40 car parking spaces on the site suggests that the applicant acknowledges that cars are likely to be the predominant mode of transport for residents. The Transport Statement includes bus services on Fall Lane (at the bottom of Mount Road). However, these are approximately 650 metres away and beyond the standard convenient walking distance. The steep topography on the return to the site is also a factor.
- 9.3 Google Maps shows that Marsden Rail Station is approximately **1.2 km** from the entrance to the proposed site. The Transport Statement has measured the distance between the two locations (given as **995** metres) directly over fields etc. (i.e. instead of following a road or pathway). Google Maps also shows that it is 26 minutes from Marsden Rail Station to Butterley View, which is adjacent to the site (this takes into account the steep topography). These distances are beyond the acceptable reasonable walking distance of **800** metres for rail.
- 9.4 Almost all of the services and facilities in Marsden are beyond Manchester Road. Manchester Road is approximately 870 metres away from the site.

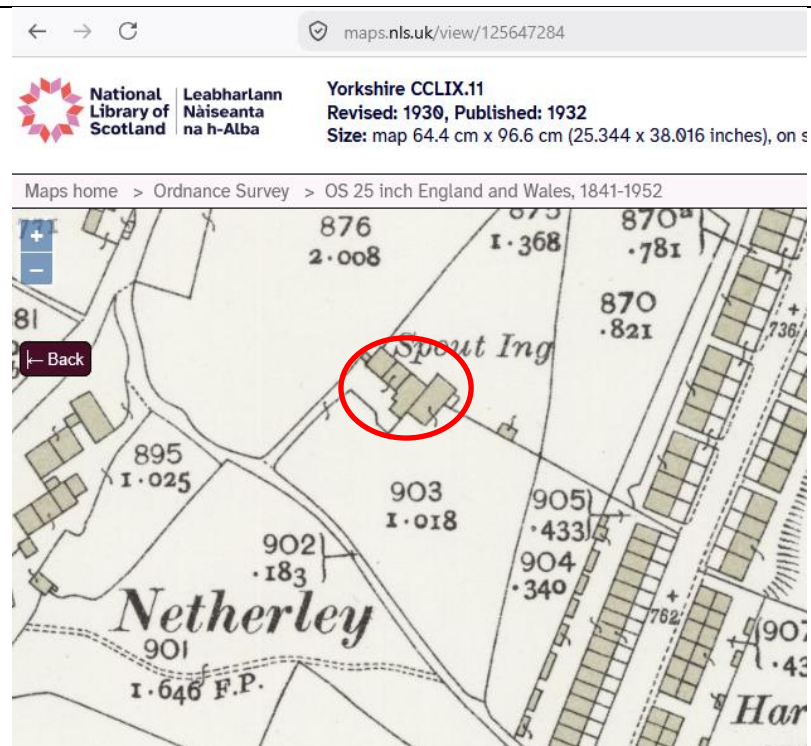
We trust that the Council will consider our objections together with the interests of local people and will reject the application.

Yours sincerely

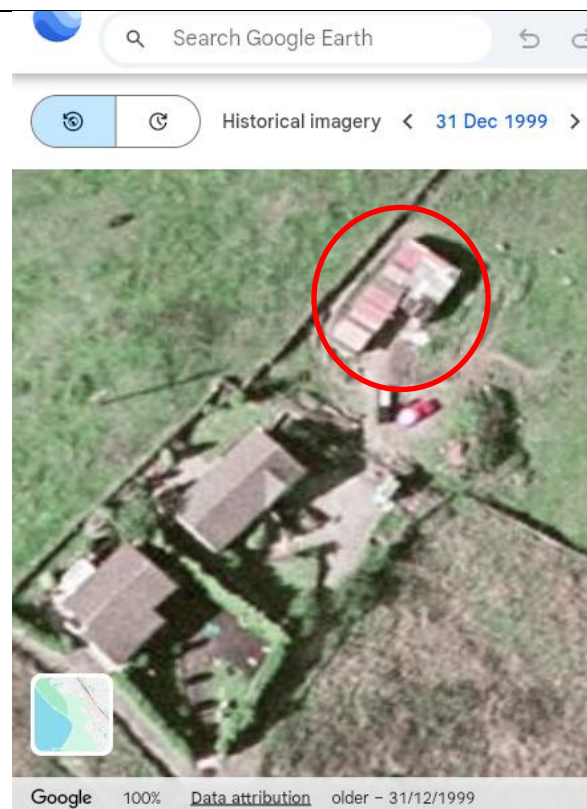
A solid black rectangular box used to redact the signature of the person making the statement.

Appendix 1 – Previous Site Use (Paragraph 4.3.1)

Ordnance Survey Map – 1932
Spout Ing



Google Earth – 1999
Farm Building



Appendix 2 – Parked Car Locations



Appendix 3 – Parking Images



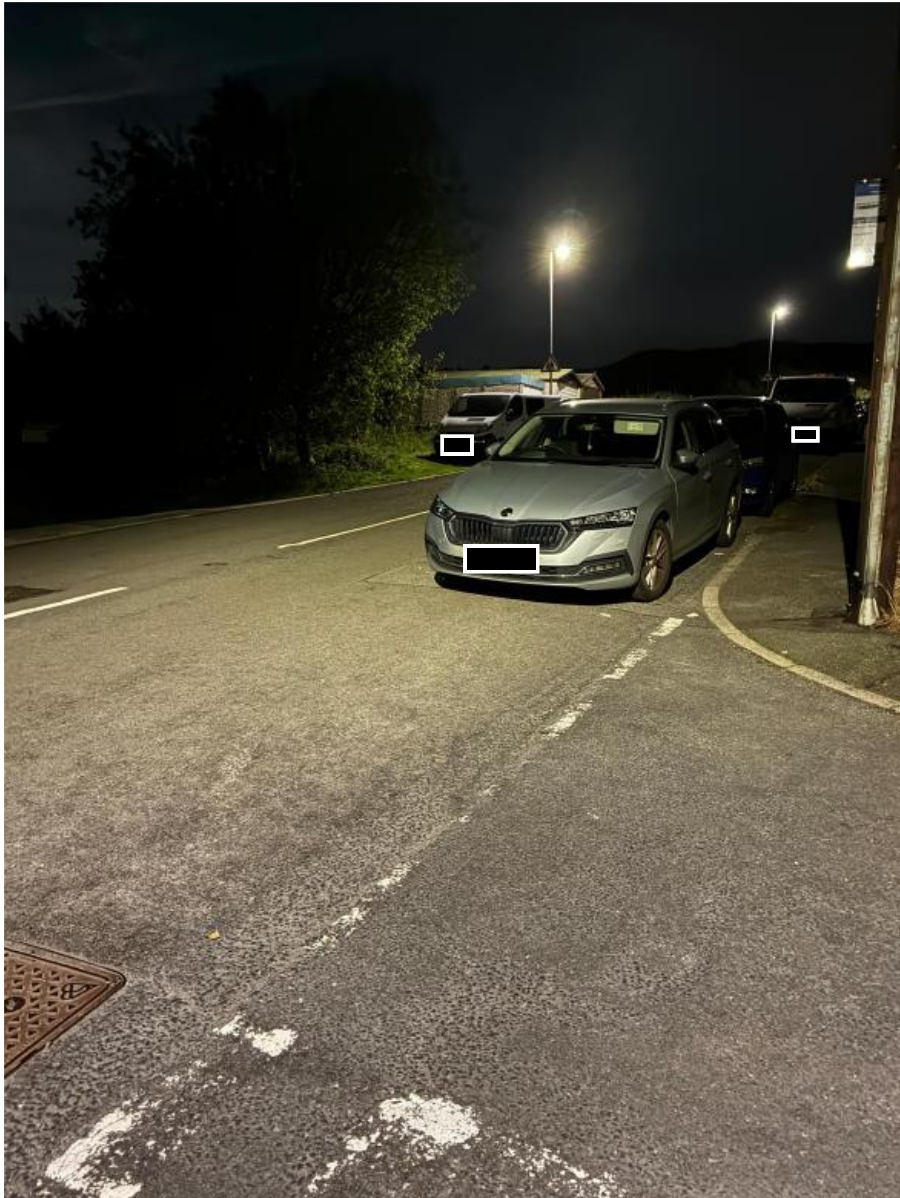
Location: Top of the Private Lane looking left





Location: Netherley Drive junction looking down Mount Road





Location: Netherley Drive junction looking up Mount Road





Location: Mount Road looking towards Netherley Drive

