

Road Safety Audits Ltd.

Transport Planning and RSA Consultant.

Road Safety Audits / Transport Statements / Highways Planning Application Advice / Planning Appeal Statements / Speed Surveys

Erection of 4 Dwellings
Rear of 1 Sparks Road,
Oakes,
Huddersfield,
HD3 4BX.

Section 73 Planning Statement

July 2026

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Introduction

This application is made under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning application was granted. Specifically, the application seeks to remove condition 5 and vary conditions 2 and 3 attached to 2023/90956 which granted permission for the erection of four dwellings. I set out the relevant conditions below

2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence

3) Prior to the development being brought into use, areas to be used by vehicles/pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

5) Prior to development commencing, a detailed scheme for the provision of a widened access from New Hey Road into the site with associated white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and any associated drainage. Unless otherwise agreed in writing by the Local Planning Authority, all the agreed works shall be completed before any of the dwellings hereby approved are brought into use and shall be thereafter retained

Condition 2 simply requires amending to refer to the new access plan submitted with this application. Condition 3 also needs to be varied such only those areas under the Applicant's control, shown on the new plan, are surfaced and sealed. New suggested conditions are attached as Appendix 6.



Background

This application arises due to a legal dispute with the owner of the access who has reneged on written assurances that the Applicant could undertake surfacing works to the access. While the Applicant retains a right of access, he does not own the land edged in blue on the submitted plan and cannot therefore undertake improvements to the access with New Hey Road without the written agreement of the owner.

Despite the Applicant's best endeavours, it has not been possible to reach agreement with the landowner. As a result, the Applicant has been left with no choice but to submit this s73 application to remove/vary the conditions attached to the original consent that require improvements to the site access.

Should this application be refused, the dwellings, which are now substantially complete, will be incapable of being occupied. That would deny four families of a much-needed home in an area where there is already a pressing need evidenced by the Council housing land supply position.



Justification

National policy on the use of conditions, including the 'six tests' is found in the National Planning Policy Framework (NPPF) at paragraphs 56 - 57. These advise that the number of planning conditions should be kept to a minimum and only imposed where they meet the 'six tests' i.e. they must be:

(i) necessary,

(ii) relevant to planning and to the development to be permitted,

(iii) enforceable,

(iv) precise and

(v) reasonable in all other respects.

Paragraph 116 of the (NPPF) states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*".

The legal framework is thus clear that conditions must be **necessary** rather than simply desirable or "*appropriate*". If the Council is to refuse the application, it must be able to demonstrate that the development would unacceptably harm highway safety with the conditions.

As is made clear in paragraph 5 of the Horsa Close decision (Appendix 2) the starting point for any highway assessment is to establish the actual impact of development and then to weigh any additional risk against probability. For clarity the correct approach is set out below:

"*Highway safety assessments inevitably involve balancing risk against probability. It is not simply the case that a development served by a substandard access will be unacceptable. In other words, sub-optimal does not mean unacceptable. The generally accepted approach dictates that developers are required to mitigate the impact of their development rather than resolve pre-existing problems on the road network. To that end, the starting point for any assessment is to ascertain the "impact" of the development.*"[1]

Condition 5 was imposed for reasons relating to highway safety. The consultation response from Kirklees Highways for 2023/90956 states:

"*Given the shared use with existing commercial businesses it is considered* ***appropriate*** *to widen the proposed access to industrial access road standards and provide a footway into the site. The access should be widened to 6.75m with a 2.0m with footway to one side*."



The above response refers to the shared residential/commercial use, that is of course an existing issue and not therefore the responsibility of the Applicant to resolve. Notwithstanding the above, the actual drop kerb is 7.0m in length with a total width of 10.8m wall to wall; this work being undertaken by Heathcote Transport 40 years ago (planning ref 86/04469).

As the Inspector in the Horsa Close appeal makes clear, developers are only required to address impacts arising from their development. In that regard, the above consultation response does not attempt to quantify or identify what the impact of the four dwellings is on the access. Without that analysis, it is difficult to see how the Highway Authority came to the view that the improvements were strictly necessary.

In order to establish the impact of the development (i.e. the four dwellings, it is first necessary to establish the traffic baseline for the development. In other words, to identify robust 'without development' and with development' scenarios. This is best done by analysing trip rates for the various uses.

The existing access serves 1 & 1a Sparkes Road as well as a B8 haulage yard operated by Heathcote Transport. Aerial photographs of the site show that the B8 use involves a range of commercial vehicles (Appendix 1). Nos. 1 & 1a is currently in use as a 11-bed house in multiple occupation (HMO). Licence at Appendix 5. Prior to that it was divided into 12 self-contained flats.

Kirklees Highways have previously accepted the following 12-hour trip rates:

Detached/semi-detached houses - 5.5-7.5 trips per dwelling

Self-contained flats - 2-4 trips per unit

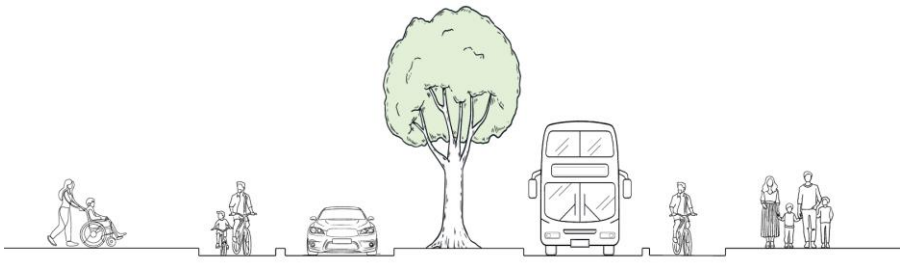
HMO/shared accommodation - 1-3 trips per unit

Applying the mid-point from the above trip rates to the current HMO use results in a figure of **22 daily trips**. Under the previous use (12 self-contained flats) the Nos. 1 & 1a would have generated 36 daily trips.

The national TRICS database gives 12-hour trip rates of 0.650 arrivals and 0.710 departures for the adjacent B8 (storage & distribution) use. This is likely to be a conservative estimate given there is some evidence of ancillary B2 uses. Based on a site area of 1,300$m^{2,}$ the B8 use can be estimated to generate **17 daily trips.**

Combined, the existing residential and commercial uses generate in the order of **39** movements a day. This is the 'without development' scenario.

Against that, four new semi-detached dwellings would generate **26** additional trips, **65** in total. This is the 'with development' scenario. The proposed development would therefore generate one extra vehicle movement through the site access every 30 minutes on an average day. On any level that is an extremely small amount of additional traffic. That is supported by paragraph 17 of



the Wragby Grange decision (see Appendix 2) where the Inspector found that '*one additional vehicle movement through the site access every 8.5 minutes in the AM peak and every 10 minutes in the PM peak*', would be immaterial.

It is pertinent that the increase in trips resulting from the four dwellings is even smaller (10 additional trips) when compared against the traffic situation that existed prior to 2019 when Nos 1 & 1a were converted to an HMO. That is because self-contained flats have a higher trip rate than HMOs.

In light of the above trip rates, the Applicant would submit that the **impact** of development on the site access would be extremely small. In those circumstances and as made clear at paragraph 7 of the Horsa Close decision, it is therefore largely irrelevant whether the existing access is substandard or not.

Nonetheless, the Applicant makes the following points about the site access:

1) The existing access has accommodated residential and commercial traffic for a very long time during which there have been no recorded accidents associated with turning traffic to/from New Hey Road. There is only one recorded accident near the access in the last 10 years, and this involved a pedal cycle colliding with a parked car on New Hey Road (see Appendix 3).

2) The existing access and internal parking/manoeuvring area is already hard surfaced (combination of cobbles and tarmac). While sub-optimal, there is no evidence it causes any highway safety problems in practice given this is a lightly trafficked environment.

3) The existing access is 7m wide which is more than the recommended widths in Manual for Streets (Fig. 7.1 extract below). Accordingly, there can be no dispute that it can safely and conveniently accommodate two-way flow between residential and commercial vehicles. It is also wide enough to accommodate opposing vehicles movements as well as pedestrians.

Fig.1 – Recommended carriageway widths from Manual for Streets.

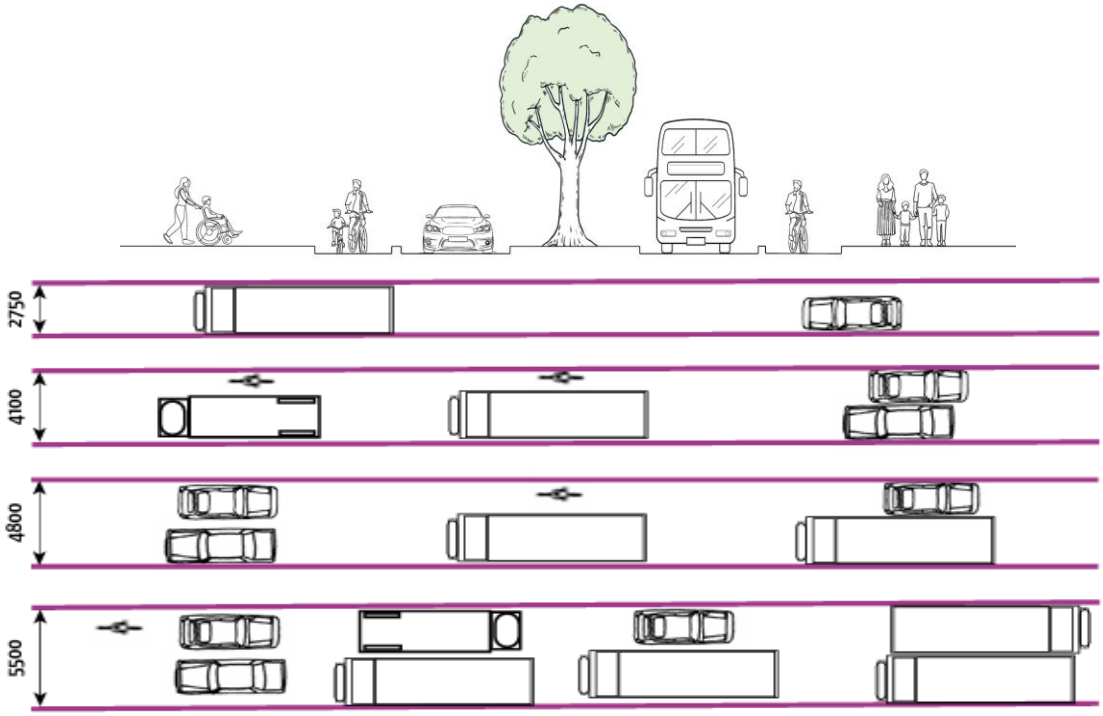


Figure 7.1 Illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

4) In terms of assessing "risk against probability", the probability of two vehicles meeting at the site access based on the above trip rates, is 0.01% or 1 in 10,000 in other words not impossible but very rare (see Appendix 4 for calculations). The probability of a pedestrian using the access at the same time as two opposing vehicles is statistically so small that in all likelihood it would never occur.

5) Given the limited number of additional trips and existing width, there is little or no justification for the formation of a pedestrian footway into the site. In this regard, the access has operating as a de facto shared surface without issue for many decades. Manual for Streets advises that shared surfaces work best in relatively calm traffic environments. With a worst case of one traffic movement every 11 minutes (65/12hr), the Applicant considers the access can continue to operate safely as a shared access.

Based on the above points, it is difficult to see how any highway safety concerns could arise with the use of the access in its existing condition.



Conclusion

The Applicant has demonstrated in this statement that the four dwellings would have a very small impact on the existing access in terms of additional trips. Moreover, it has been demonstrated that the existing access has accommodated residential and commercial traffic for many decades without any manifest highway safety problems. The width, surfacing and pedestrian provision are all acceptable with reference to national highway guidance. Accordingly, condition 5 is unnecessary and fails to meet the statutory tests for planning conditions set out in the NPPF.

Even if the Council, took a different view, and could produce substantive evidence to support it, account would need to be taken of the wider circumstances of this case. The consequence of refusing this application is that four largely completed dwellings could not be occupied. In those circumstances an appeal to the Secretary of State would be inevitable.

As part of that process and within the overall legal framework of section 38(6) of the Town and Country Planning Act 1990, it would be as much for the Council to make out its case as to why the conditions are necessary as for the Applicant to make out a case that they are unnecessary. In other words, to have acted 'reasonably', the Council would have to "*produce evidence to substantiate"* their case **and then** argue that the harm was not outweighed by the benefits.

The benefits of delivering four family homes in a highly sustainable location such as this must be given considerable importance and weight. This is more so in Kirklees which on its own evidence, is not building enough houses to meet the needs of its residents. The Applicant would therefore submit that even if the Council finds some harm arising from the removal of condition 5 (and the variation of 2 and 3), this would very clearly be outweighed by the significant social benefits associated with the delivery of four family homes.

END

Tim Robinson B.Eng Civ.Eng (Hons) MCIHT

Road Safety Audits Ltd

20th July 2026



Appendices

Appendix 1 – Aerial Photographs of the site

2002





2009





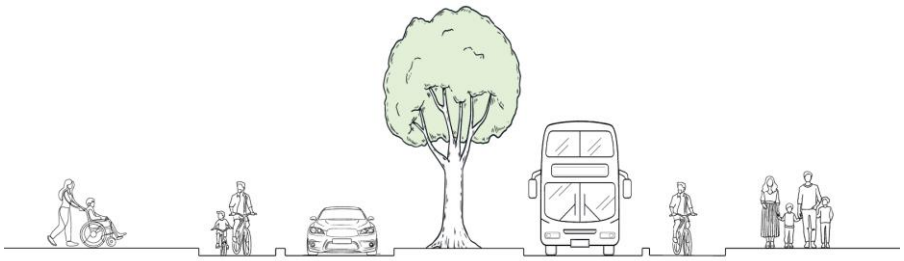
2011





2019





Appendix 2 – Horsa Close and Wragby Grange Appeal Decisions

Planning Inspectorate

Appeal Decision

Site visit made on 3 March 2026

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 24 April 2026

Appeal Ref: 6005404
6 Horsa Close, Bournemouth, BH6 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
- The appeal is made by Andrew and Susan Baldry against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is P/25/02228/FUL.
- The development proposed is the erection of a detached dwelling with associated access and parking.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with associated access and parking at 6 Horsa Close, Bournemouth, BH6 3AW in accordance with the terms of the application, Ref P/25/02228/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. The application site is located at the head of a narrow, cul-de-sac known as Horsa Close which currently serves seven residential properties. Paragraph 116 of the National Planning Policy Framework (NPPF) states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety*".

4. The Council's first reason for refusal appears to rest almost entirely on advice from the Local Highway Authority (LHA) who consider Horsa Close is unsuited to the increased traffic that would be generated by the development. Two matters are raised; 1) width, and 2) surfacing. As the Local Highway Authority (LHA) acknowledge, both are existing issues.

5. Highway safety assessments inevitably involve balancing risk against probability. It is not simply the case that a development served by a substandard access will be unacceptable. In other words, sub-optimal does not mean unacceptable. The generally accepted approach dictates that developers are required to mitigate the impact of their development rather than resolve pre-existing problems on the road network. To that end, the starting point for any assessment is to ascertain the "impact" of the development.

https://www.gov.uk/planning-inspectorate



6. The LHA identifies that there are 7 residential properties served by Horsa Close each generating four movements a day. On that basis, it is stated that the proposed development would increase the number of movements along Horsa Close from 28 to 32 which it considers is "*not an insignificant level of use for a such a poor and constrained and unadopted back road*".

7. However, the LHA's approach fails to distinguish between existing and development traffic. The percentage impact of the development would be approximately 14%. Put another way, the number of vehicular movements along Horsa Close would go from one every 26 minutes to one every 23 minutes. On any assessment it is difficult to see how that could be material. Since there would be no material increase in traffic movements, there is no need to consider the deficiencies of Horsa Close. Nonetheless, for completeness I set out my thoughts below on these matters.

8. In the absence of any evidence to the contrary, the surface of Horsa Close, while undoubtedly substandard, does not strike me as a highway safety matter. Horsa Close is a private road and therefore its surface and maintenance rests with the frontagers or individual street managers not the LHA. Only if the surface was impacting the public highway in some manifest way, would it be a matter for the LHA. There is nothing before me to demonstrate this is the case.

9. Turning to width, there can be no dispute that the road is narrow and does not allow for simultaneous two-way flow. However, the road is short and serves only a limited number of dwellings. As I saw on my site visit, driven speeds along Horsa Close are very low. While users might be sometimes be subjected to a fleeting inconvenience, there is no evidence before me to demonstrate the width of the road causes highway safety issues in practice. That is supported by the accident records which show there have been no recorded incidents on Horsa Close or its junction with Horsa Road since at least 1999.

10. This along with my own observations, suggests that the small number of drivers who use Horsa Close are acutely aware of its limitations and drive accordingly. On that basis, I have no reason to think that future occupiers of the development would not drive in a similar manner. I accept there might be occasions where vehicles will need to wait for a short time on Horsa Road to allow a vehicle to egress. However, taking account of the ample forward visibility along Horsa Close as well as the characteristics of Horsa Road and the small number of additional movements generated by a single dwelling, this would not pose an unacceptable highway safety risk.

11. I therefore conclude that the development would not harm the safety of highway users. Accordingly, there would be no conflict with Policies CS16, CS18 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012), the Parking Standards SPD (2021) or the NPPF.

Other Matters

12. One of the Council's reasons for refusal relates to the failure to mitigate the impact of development on the Dorset Heathlands and New Forest Special Protection Areas (SPAs). Since the application was refused, a Unilateral Undertaking has been submitted. This would secure the necessary financial contributions to mitigate the impact of development on the SPAs. Accordingly, I am satisfied that adverse effects upon the integrity, either alone or in-combination, of European and



internationally important sites would be avoided. Accordingly, there would be no conflict with PLP Policies PP32 and PP39.

13. The remaining reason for refusal relates to Biodiversity Net Gain (BNG). Again, since the application was refused further information has been submitted by the Appellant to demonstrate that the proposed development would provide 10% BNG in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 and Schedule 14 of the Environment Act 2021. The Council has confirmed the acceptability of this information.

14. I have considered the matters raised by the objectors. These include the effect of the development on the character and appearance of the area and living conditions of neighbouring occupiers and inadequate parking. However, these matters did not form part of the Council's reasons for refusal and were carefully considered in the Officer Report. While I can appreciate some of these concerns, there is no substantive evidence which would lead me to a different conclusion to the Council.

Conditions

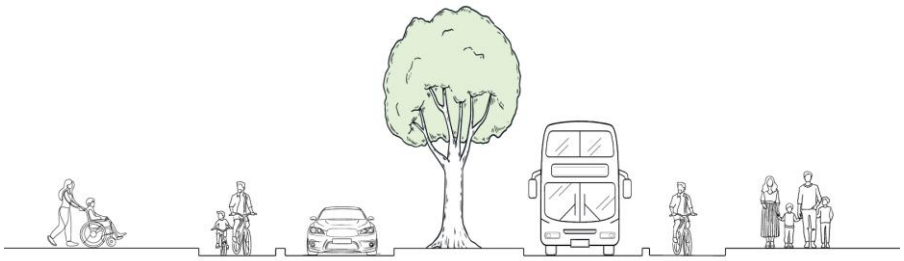
15. I have imposed a time limit condition to provide certainty. A materials condition is necessary to ensure the satisfactory appearance of the development. I have also imposed a condition requiring the submission and approval of a Construction Management Plan to protect the amenity of neighbouring residents. I have imposed a condition requiring the first five metres of the access to be hard surfaced to prevent gravel and loose stones being deposited on the highway. I have conditioned the Biodiversity Habitats Plan to ensure the development delivers the necessary BNG. I do not consider it necessary for details of cycle parking to be provided for private dwellinghouses.

Conclusion

16. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 21 May 2024

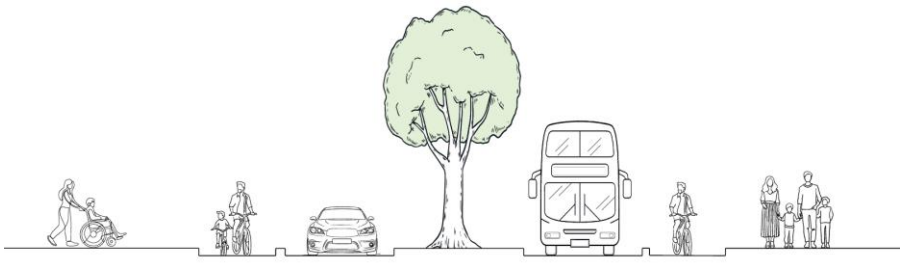
by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/X4725/W/24/3336805
Wragby Grange, Doncaster Road, Wragby, Wakefield, West Yorkshire, WF4 1QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Christopher Beach on behalf of Wragby Grange Dog Daycare against the decision of Wakefield Metropolitan District Council.
- The application Ref is 21/02268/S7301.
- The application sought planning permission for a retrospective change of use of land and buildings for a dog day care facility and dog grooming business and associated works and retrospective change of use of attached barn (part of) to part of existing dwellinghouse without complying with conditions 3, 5, 6 and 8 attached to planning permission Ref 21/02268/FUL, dated 13 January 2021.
- The conditions in dispute are Nos 3, 5, 6 and 8 which state that:
  3) Within three months of the date of this decision, the access improvement works detailed within the submitted Access Improvement Plan (drawing reference 964 01Revision B, dated April 2015 and received 10/11/2022) shall be completed in strict accordance with the details indicated on drawing reference 964 01 Revision B which shall thereafter be retained; be made available for use by vehicles; and kept free from obstruction throughout the lifetime of the development.
  5) The dog day care use hereby permitted shall not take place except between the hours of 09:00-18:00 Monday to Friday and at no other times.
  6) The dog grooming use hereby permitted shall not take place except between the hours of 09:00-18:00 Monday to Saturday and at no other times.
  8) The dog day care and dog grooming use hereby approved shall be operated strictly in accordance with the details set out at pages 5-6 of the submitted Planning Statement (document reference Revision 1, dated 23/08/2021 and received 09/09/2021) and the Noise Impact Assessment (document reference NIA/9623/21/9662/v4/Dog Day Care, Wragby Grange, dated 09/09/2021 and received 09/09/2021). Such operations shall include occupancy by a maximum of 24no. dogs at any one time, no drop-off or collection by customers outside of the permitted operating hours and shall be operated by the occupier of the host dwelling at Wragby Grange, Doncaster Road, Wragby, Wakefield, WF4 1QX only.
- The reasons given for the conditions are:
  3) To ensure a suitable access and layout in the interests of highway safety and in accordance with Policy D14 of the Local Development Framework Development Policies Document.
  5) The dog day care use hereby permitted shall not take place except between the hours of 09:00-18:00 Monday to Friday and at no other times.
  6) In the interests of the amenity of the occupiers of nearby properties to accord with policies D9 and D20 of the Council's adopted Local Development Framework Development Policies Document and the National Planning Policy Framework.
  8) In the interests of amenity and highway safety and in accordance with Policy CS10 of the Council's adopted Local Development Framework Core Strategy and policy D9, D14



Decision

1. The appeal is allowed and planning permission is granted for a retrospective change of use of land and buildings for a dog daycare facility and dog grooming business and associated works and retrospective change of use of attached barn (part of) to part of existing dwellinghouse at Wragby Grange, Doncaster Road, Wragby, Wakefield, West Yorkshire, WF4 1QX in accordance with the application Ref 21/02268/S7301, without compliance without complying with conditions 3, 5, 6 and 8 previously imposed on planning permission Ref 21/02268/FUL dated 13 January 2021 and subject to the conditions set out in the schedule to this decision.

Applications for costs

2. An application for costs was made by Mr Christopher Beach against Wakefield Metropolitan District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal scheme seeks to vary condition 5 (Dog Daycare Hours), 6 (Dog Grooming Hours) and 8 (Use) so that the operating hours and maximum dog occupancy can be extended. The scheme also seeks to remove condition 3 (Highway Works) which requires a scheme of improvements to be carried out to the access.

4. The Wakefield District Local Plan 2036[1] (WLP) was adopted in January 2024. I therefore give full weight to the policies therein. However, a number of the policies cited in the reasons for refusal relate to other matters. For example, the second reason for refusal cites conflict with Policies WLP 54 (protection of trees and woodland) and WLP 64 (designated heritage assets). In terms of the first reason for refusal, only SP13 appears relevant to the issue of highway safety. Given these errors, I have assessed the appeal scheme against Policy LP67 (pollution control)[2] and SP13 (sustainable transport).

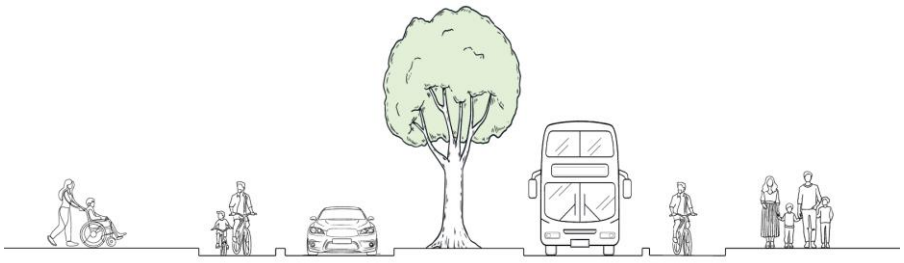
Main Issues

5. The main issues are whether the disputed conditions are necessary in the interests of highway safety and to safeguard the living conditions of neighbouring occupiers.

Reasons

6. The appeal site comprises a former farmstead known as Wragby Grange located on the south side of the A638 Doncaster Road. The site is bounded by open countryside to the west, south and east. To the north are two dwellings known as Longley Edge and Hessle Cottage. All three properties are accessed via a private driveway that forms a priority junction with Doncaster Road.

[1] Full Title: Wakefield District Local Plan 2036 – Volume 1 Development Strategy, Strategic and Local Policies (2024)
[2] This policy does not refer specifically to noise but does cover pollution control in a general sense.



7. The barn attached to the dwelling has been converted to a reception, washing room and grooming station for a dog daycare and grooming business which has been operating since 2019. As I understand it, the proposed increase from 24 to 32 dogs would bring the planning status into line with the Licence issued by Environmental Health in October 2021[3].

8. The proposed variation of condition 5 seeks to change the current opening hours from 09.00-18.00 Mon-Fri to 07.00-18.00 Mon-Fri and from 09.00-17.00 to 08.00-17.00 on Saturdays and 09.00-17.00 on Sundays. The proposed variation to condition 6 would enable the dog grooming element to operate from 07.30-18.00 Mon-Fri and 08.00-17.00 Saturdays and Sundays[4].

Highway Safety

9. WLP Policy SP13 requires proposals to demonstrate that they can be accessed conveniently and safely. This broadly reflects paragraph 115 of the National Planning Policy Framework (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on safety.

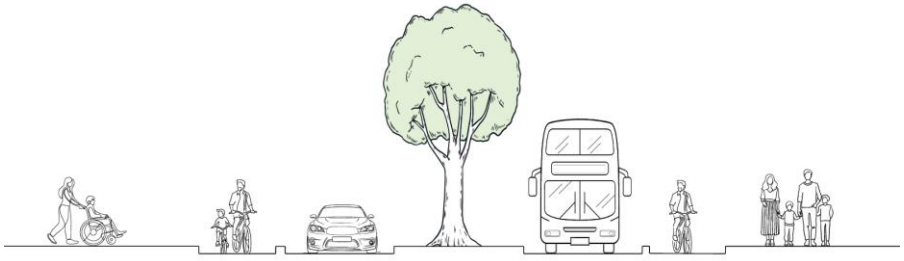
10. Doncaster Road is a well-trafficked A-road subject to a 30mph speed limit. Although some objectors refer to a speeding problem, no substantial evidence is before me to support this. Near the site access there are double white lines which prohibit overtaking, stopping and/or parking of a vehicles on the carriageway. The road is lit and there is no dispute that visibility at the site access accords with the requisite standards. Although the site has been operating as a dog daycare centre since 2019, the Council has not referred me to a history of accidents along Doncaster Road more generally or at the site access.

11. According to the Council, the improvement works sought pursuant to condition 3 envisaged the widening of the access onto Doncaster Road to 4.5m to allow two vehicles to pass without one having to wait on the main road. The scheme also appeared to involve the construction of two passing places along the driveway.

12. To address the Council's concerns about the width of the access, additional information was supplied by the Appellant during the determination period. Among other things, this included a series of spot measurements taken along the driveway demonstrating that the access is over 5m wide for a minimum of 5m back from the carriageway edge of Doncaster Road. Thereafter, the driveway varies in width between 4.1m and 4.5m save for a pinch point adjacent to the tree. A series of photographs showing these measurements was provided with the appeal.

13. I did not observe any worn/muddy grass verges along the access drive despite a bout of wet weather in the weeks and days leading up to my site visit. Even if I had, this would not be sound basis for dismissing the appeal. From my observations, there are several areas along the access driveway where two average sized cars can comfortably pass each other without the need for additional passing places.

[3] The most recent Licence issued by the Council (November 2023) permits up to 55 dogs.
[4] I have taken these hours from the Application Form.



14. While the Council and objectors argue that the width of the access is inadequate, the only set of comprehensive measurements before me are those provided by the Appellant. Accordingly, I am satisfied that the access complies with paragraph 4.5.1 of the Council's Street Design Guide which sets out the appropriate standards for a private driveway.

15. Even if the Appellant's measurements are inaccurate, I noted that right-turning traffic into the site often has to wait for a suitable gap before turning into the access. This occasionally results in vehicles having to slow or sometimes stop behind the turning vehicle. However, given speeds along Doncaster Road and the amount of forward visibility available to a turning vehicle, this did not appear to cause a particular problem in practice.

16. The Council argues that the design standards set out above are applicable to residential rather than commercial developments. I must say I find that line of argument to be distinctly unconvincing not least because there is no evidence before me that the appeal scheme would generate anymore commercial traffic than would reasonably be expected with a private residential drive. It is also reasonable to assume that the historical use of the site as a working farm would have generated considerably more commercial traffic including slower moving vehicles such as tractors.

17. I have reviewed the trip rates provided by the Appellant and consider they are robust. The data indicates that an increase to 32 dogs would result in 7 and 6 additional trips in the AM/PM peak hour respectively. That equates to one additional vehicle movement through the site access every 8.5 minutes in the AM peak and every 10 minutes in the PM peak. Such increases would clearly be immaterial.

18. The Council's Statement of Case refers to a lack of information. However, it appears from the Officer's Report that the trip rate data and access measurements were before the Council when it made its decision. Accordingly, it is not clear what more information the Appellant could have supplied or was sought by the Highway Authority.

19. Manual for Streets advises that carriageway widths should be appropriate for their use taking account of the volume of vehicular traffic and pedestrian activity. In this case, I am satisfied that the existing access is suitable to accommodate the small amount of additional traffic that would be generated by the proposed development. Based on the foregoing, the removal of condition 3 would not harm highway safety and there would be no conflict with the Council's Street Design Guide or Policy SP13 (b) of the LP.

Living conditions

20. The key issue is whether the increase in the number of dogs and the extended opening hours would harm the living conditions of the occupiers of the nearest residential property, Hessle Cottage. The Council's concerns in this regard appear to rely on comments made by the Environmental Health (EH) team.

21. In response to concerns raised by EH, the Appellant submitted a Noise Management Plan and a Noise Impact Assessment during the determination period. The latter was subsequently updated on two occasions following further feedback and included specific noise monitoring adjacent to sensitive receptors in the 07.00-09.00 period on weekdays and weekends. The Council EH team



Appendix 3 – Accident Report

crashmap.co.uk

Validated Data

Crash Date:	Saturday, July 6, 2024	**Time of Crash:**	22:25:00	**Crash Reference:**	2024131464865
Highest Injury Severity:	Slight	**Road Number:**	A640	**Casualties:**	1
Highway Authority:	Kirklees			**Vehicles:**	2
Local Authority:	Kirklees			**OS Grid Reference:**	411783 417503
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	30				
Light Conditions:	Darkness: street lights present and lit				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	Unknown				
Road Type:	Single carriageway				
Junction Control:	Unknown				



For more information about the data please visit: www.crashmap.co.uk/home/faq

To subscribe to unlimited reports using CrashMap Pro visit: www.crashmap.co.uk/home/premium_services

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Validated Data

Crash Date: Saturday, July 6, 2024 **Time of Crash:** 22:25:00 **Crash Reference:** 2024131464865

Vehicles Involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Maneouvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
2	Pedal cycle	-1	Male	26 - 35	Unknown	Front	Commuting to/from work	None	None
1	Car (excluding private hire cars 2005 onwards)	16	Unknown	Unknown	Vehicle is parked in the carriageway	Offside	Unknown	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
2	1	Slight	Driver or rider	Male	26 - 35	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/faq

To subscribe to unlimited reports using CrashMap Pro visit: www.crashmap.co.uk/home/premium_services

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Appendix 4 – Probability calculations from Microsoft 365 Copilot

if an event lasting 10 seconds occurs 62 times in 12 hours, what is the probability of it happening twice at the same time?

Copilot

We can answer this cleanly by **making the standard stochastic assumption** and then computing the overlap probability.

Assumptions (explicit)

- Event **start times** follow a **Poisson process** (random, independent, uniform on the timeline).
- Each event lasts a **fixed 10 seconds**.
- We want the probability that **two events overlap in time** (i.e., are happening simultaneously).

This is a classic **overlapping-interval / queueing** problem.

Step 1: Event rate

12 hours = 43,200 seconds

$$\lambda = \frac{62}{43200} \approx 0.001435 \text{ events per second}$$



Step 2: Traffic intensity (expected number active at once)

Each event occupies 10 seconds, so the average number of concurrent events is

$$\rho = \lambda \times \text{duration} = 0.001435 \times 10 = 0.01435$$

This is the key quantity.

Step 3: Probability of overlap

For a Poisson arrival process with fixed-duration events, the number of simultaneous active events at any instant is Poisson distributed with mean ρ.

So:

$$P(N = k) = \frac{\rho^k e^{-\rho}}{k!}$$

We want the probability that **2 or more events** are happening at the same time:

$$P(N \geq 2) = 1 - P(0) - P(1)$$

$$= 1 - e^{-\rho}(1 + \rho)$$

Step 4: Plug in the value

$$P(N \geq 2) = 1 - e^{-0.01435}(1 + 0.01435)$$

$$\approx 1 - (0.98575)(1.01435)$$

$$\boxed{\approx 0.00010}$$

✅ Final Answer

$$\boxed{\text{Probability of two events happening at the same time } \approx \ 0.01\%}$$

That is roughly:

- **1 in 10,000** at any randomly chosen moment, or
- Very rare, but not impossible, over a 12-hour period.



Appendix 5 – HMO Licence

Kirklees COUNCIL

House in Multiple Occupation (HMO) Licence

Housing Act 2004, Part 2

LICENCE NUMBER LN/000000579

The Premises:

1 Sparks Road, Oakes, Huddersfield, HD3 4BX

The Licence Holder:

Mr Peter O'kane

Licence Duration:

The licence is valid until and including **8th June 2024**

Maximum Permitted Occupancy:

The licence is granted for **occupancy** of the premises by 2 or more households totalling **no more than 11 (eleven) persons.**

The Manager

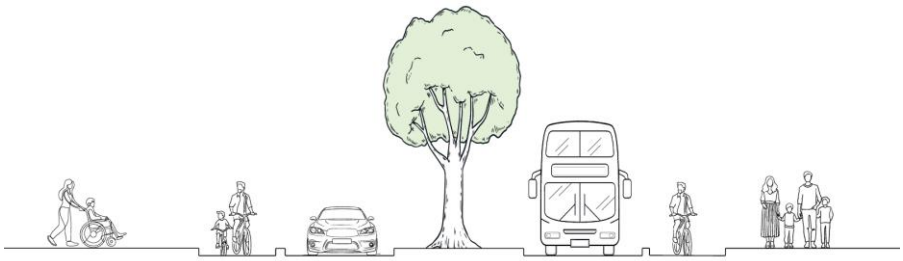
Mr Peter O'kane

The licence is granted subject to the conditions specified within the attached Schedule of Conditions.

Signed: **Name:** Helen Fell

Designation: (Acting) Team Manager **Dated:** 19th August 2019

A copy of this licence is to be displayed in a prominent position at the property at all times



Appendix 6 – Suggested amended conditions

2) The development hereby permitted shall be carried out in general accordance with drawing nos: (Architect in insert new plan no. here plus any other plans that are relevant from the original permission)

3) Prior to first occupation of the dwellings, the areas indicated on plan no. (insert new access plan here) shall be surfaced and drained in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.