

Formal objection to the discharge of tree-protection details

Application 2026/44/92074/W • Condition 9: Arboricultural Method Statement and Tree Protection Plan

Application	2026/44/92074/W
Site	Land at Occupation Lane, off Birkby Road, Huddersfield, HD2 2ES
Applicant	Longwood Property Management (UK) Ltd
Agent	Northlight Architectural Consultants
Case officer	Ellen Gilbert
Objector	
Date	10 September 2026

Requested outcome: do not discharge condition 9 on the present evidence. Require a current Council Tree Officer inspection, verified tree measurements and positions, and a revised Arboricultural Method Statement and Tree Protection Plan that retain and protect all third-party trees.

Key grounds

- T9 is labelled “dead” and proposed for removal using an assessment originating in January 2024, but current photographs show live foliage and fruiting growth in the identified location and justify an urgent reinspection.
- T9 appears to stand inside the historic boundary features on my land. I do not consent to its removal or to access onto my land for tree works.
- The field measurement shown for T6 is materially inconsistent with the report’s estimated stem diameter, undermining confidence in the plan’s root-protection calculations.
- T3 is expressly recorded as being on adjacent land, yet third-party pruning is proposed without evidence of authority or consent.
- Further loss would compound previous tree and hedge clearance reported to the Council, together with the severe recent cutting shown at Appendix A6, and would harm the site’s greenery, screening, visual amenity and wildlife value. The documented inconsistencies require independent verification rather than acceptance without corroboration.

Formal objection

To: Kirklees Council Planning Services
For the attention of: Ellen Gilbert, Case Officer

Dear Ms Gilbert,

Please record this document as my formal objection to application **2026/44/92074/W**, seeking discharge of condition 9 attached to permission 2024/62/92647/W. I object to approval of the submitted Arboricultural Method Statement (“AMS”) and Tree Protection Plan (“TPP”) because the evidence is stale or uncertain in material respects, tree ownership and control are unresolved, and the proposed works risk further loss of established greenery and wildlife habitat.

1. T9 has not been reliably shown to be dead

The JCA tree schedule describes T9, an early-mature elder, as an “Ivy clad dead tree”, assigns it category U and recommends removal. The July 2026 AMS relies on survey information dated 29 January 2024. That is an interval of about two and a half years, during which the site and vegetation may have changed.

The photographs at Appendix A, taken on 10 September 2026, show substantial live foliage and fruiting growth in and around the tree position identified as T9. The photographs do not replace a competent arboricultural inspection, but they directly challenge the confidence with which T9 is presented as dead. They also show why the precise identity of each stem must be checked on site rather than inferred from an old schedule or plan.

No approval should therefore be given for T9’s removal unless the Council’s Tree Officer first identifies T9 on the ground and records a current, reasoned assessment of its species, vitality, structural condition and amenity value.

2. T9 appears to be on my land and I withhold consent

The physical features visible on site, including the historic boundary wall/fence alignment, place the tree within my side of the boundary as I understand it. The submitted TPP itself shows the T9 removal symbol on or immediately adjacent to the red application boundary. That drawing does not resolve legal ownership and, in this location, highlights the uncertainty rather than removing it.

I expressly withhold consent for the applicant, its contractors or agents to enter my land, fell or prune T9, remove its stump, disturb its roots, or undertake associated access or protection works on my land. Planning approval would not itself confer any right to carry out works on third-party land. The Council should require an accurately surveyed plan and evidence of the applicant’s authority before accepting any method that depends upon such work.

3. T6: material discrepancy in the recorded stem size

The JCA schedule records T6, a mature whitebeam, with an estimated stem diameter of **46 cm**. The photographic field measurement at Appendix B appears to record a circumference of approximately **197 cm**, equivalent to a diameter of about **63 cm** (circumference ÷ π). This is around 17 cm, or approximately 37%, larger than the report’s estimate.

Because stem diameter is a central input to the Root Protection Area calculation under BS 5837, the Council should not rely on the estimated figure. T6 should be measured independently at the correct point and the TPP, construction exclusion zone and all associated working methods recalculated and revised if necessary.

4. T3 is a third-party tree

The applicant’s own schedule records T3, a Norway maple, as “Situated on adjacent land”, yet proposes pruning the western canopy by 1.5 m to facilitate the development. The discharge submission does not establish ownership, consent or practical control over this work. A condition cannot be treated as satisfactorily discharged by a method that depends on uncertain or unauthorised works to a third-party tree.

5. The submitted TPP and AMS are not sufficiently reliable

- T9’s condition is stated categorically despite reliance on an older survey and current photographic evidence that warrants reinspection.

- T9 is shown at the disputed edge of the red-line boundary, without a precise surveyed relationship to the historic boundary features.
- T6's estimated diameter is materially lower than the field measurement shown in Appendix B, putting the stated protection geometry in doubt.
- The method depends on work to T3 on adjacent land without evidence that the applicant can lawfully deliver it.
- The report states that service routes were not specified. The Council therefore lacks a complete basis for assessing excavation and root damage from drainage, utilities and associated construction activity.

These matters are not minor presentational points. Together they affect which trees are retained, what work is proposed, where protective fencing must be placed, and whether the protection measures are deliverable.

6. Cumulative loss of greenery, wildlife habitat and screening

The established tree and hedge line forms part of the green character of this access corridor. It provides visual screening and potential habitat, shelter, nesting and foraging opportunities for birds, invertebrates and other wildlife. Further removal should not be considered in isolation from the clearance that has already occurred on the site.

There is a documented history of these concerns. On **22 January 2021**, in my representation to the Council at **dc.admin@kirklees.gov.uk** regarding application **2020/94292**, I reported: "There were trees on site which have now been cut down by the landowner a couple of months ago." I sent a follow-up the same day with the omitted plan attachment. On **9 March 2026**, I again supplied the Council with photographs and reported that sections of the existing historic hedge line had been removed. On **26 March 2026**, Planning Enforcement's response expressly referred to condition 9 and stated that no other trees should be affected within the site.

I confirm, from my own knowledge and observation as the adjoining resident, that the landowner/developer responsible for the clearance I reported in January 2021 was the same developer now pursuing this application. Those records do not, by themselves, determine whether the earlier work was legally authorised, but they establish that tree and hedge loss associated with the same developer and development site has been raised with the Council over several years. The cumulative reduction in the green corridor, rather than T9 viewed as an isolated stem, must therefore inform the assessment.

The further photograph at Appendix A6, taken on 10 September 2026, shows that a substantial length of neighbouring hedge has recently been cut back to exposed upright stems, with little foliage remaining across the cut face. I have observed that this hedge/tree vegetation has died or suffered serious decline following the developer's cutting. The photograph corroborates the extent of the cutting, although present viability and the precise cause of decline should be inspected by the Council's Tree Officer. This is additional evidence of ongoing cumulative harm to screening, green character and potential wildlife habitat while the Council is being asked to approve a scheme involving further tree work.

The mature greenery and wildlife setting were important reasons for choosing my home. While that personal circumstance is contextual, the related effects on landscape character, visual amenity, screening, habitat value and ecological connectivity are material planning considerations. Kirklees Local Plan policies LP30 and LP33 seek to avoid harm to biodiversity, safeguard habitat connectivity and retain important trees contributing to amenity, distinctiveness and green infrastructure.

Before any further removal is accepted, the Council should require a current assessment of ecological constraints, appropriate checks immediately before works (including nesting-bird checks where seasonally relevant), and a clear avoidance-first approach. If any loss is ultimately demonstrated to be necessary and acceptable, a detailed replacement and long-term maintenance scheme should be secured, using appropriate native planting and sufficient replacement value to address the cumulative loss.

7. Documented reliability concerns require heightened scrutiny

I have repeatedly had to raise concerns about the accuracy or completeness of material information affecting this site. In the present submission alone, T9 is categorically described as dead despite reliance on a January 2024 survey and current photographs warranting reinspection; T6's estimated diameter is materially inconsistent with the field measurement; work is proposed to T3 even though the schedule records it as being on adjacent land; T9 is shown at a disputed boundary; and service routes have not been specified.

These matters sit alongside my earlier representations about the application boundary, ownership certification and the removal of established vegetation by the same developer. Taken together, they provide a reasonable and evidence-based basis for heightened scrutiny. I ask the Council not to accept unsupported statements from the applicant, agent or their consultants at face value, but to verify the critical facts independently before deciding whether condition 9 has been satisfied.

This objection relies on the specific inconsistencies and records identified above. It does not ask the Council to make a general finding about anyone's character or honesty; the relevant planning question is whether the submitted evidence is accurate, current, complete and capable of being delivered lawfully.

8. Requested action

1. Do not discharge condition 9 on the basis of the documents presently submitted.
2. Arrange a site inspection by the Council's Tree Officer before any decision or tree work.
3. Require the applicant's arboriculturist to identify T9 physically on site and provide a current dated inspection, with photographs and reasons for any conclusion that it is dead or unsuitable for retention.
4. Require a topographical/tree-location survey showing T9, T6 and the historic wall/fence features against the red-line boundary, with dimensions and coordinates sufficient to remove ambiguity.
5. Record that I do not consent to entry onto my land or to felling, pruning, stump removal or root disturbance affecting T9 or any other tree on my land.
6. Independently verify T6's stem diameter and recalculate its Root Protection Area and construction exclusion zone.
7. Require proof of ownership, authority and consent for all proposed work to T3 and any other third-party tree.
8. Require complete service-route details and methods for drainage and utilities before accepting the AMS/TPP.
9. Assess the cumulative effect of past and proposed tree/hedge loss on wildlife habitat, green-infrastructure continuity, screening, visual amenity and local character.
10. Investigate the recent severe cutting to the neighbouring hedge shown at Appendix A6, including its ownership, the authority for the work, its present viability and what restoration or replacement is required.
11. Require a revised AMS and TPP, together with appropriate ecological safeguards and a detailed replacement-planting and maintenance scheme for any justified loss.

9. Conclusion

Condition 9 is intended to secure effective protection for retained trees before and during construction. The present submission does not provide a sufficiently accurate, current or deliverable basis for that protection. Approving it now could expose trees on or close to third-party land to removal, pruning or root damage without reliable evidence or lawful control.

I therefore ask the Council to refuse or defer the discharge of condition 9 until the matters above have been resolved and revised documents have been published for consideration.

Yours faithfully,

Evidence schedule

A1–A5	Current photographs of the T9 location, 10 September 2026	Condition, identity, live growth, access/boundary and green-corridor context
A6	Recent photograph of neighbouring hedge cutting, 10 September 2026	Extent of cutting, apparent decline, screening loss and cumulative habitat concerns
B1	Field measurement photograph of T6	Challenges the report's estimated 46 cm stem diameter
C1	Applicant's TPP excerpt	Shows T9 removal symbol on/immediately adjacent to the red boundary
C2	Applicant's tree schedule	Shows entries relied upon for T3, T6 and T9
D1	Email-history chronology	Records previous tree/hedge concerns reported to Kirklees Council

Important evidential point: the photographs demonstrate that the “dead” classification and tree identification require current professional verification. They are not presented as a substitute for the Council Tree Officer's inspection.

PHOTOGRAPHIC EVIDENCE • A1

T9 location — live canopy and fruiting growth

A1. General view of the identified T9 area showing extensive current live foliage and fruiting growth around the tree position. This warrants direct on-site identification and a current vitality assessment.

Original file: 14408E1E-63BF-4FA4-AC50-7EFB866313D4.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • A2

T9 location — stem and surrounding live vegetation

A2. Closer context of the stem area and surrounding live vegetation. The mixture of stems and growth makes accurate physical tagging and identification essential before any removal is authorised.

Original file: 5FC87AE4-B32B-4A3C-A56B-612DD05B5F4F.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • A3

Established green corridor beside the access



A3. Wider view showing the established tree and hedge vegetation beside the access. This vegetation contributes screening, local character, green-infrastructure continuity and potential wildlife habitat.

Original file: 57DE50EA-3B9D-46A9-A568-381DA3E403D2.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • A4

Boundary and access context



A4. View showing the tree group in relation to the access and longstanding physical boundary features. The legal boundary remains disputed and should be surveyed accurately before third-party tree work is accepted.

Original file: D382B876-3081-445B-9C47-B64140D56DCF.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • A5

T9 area — further condition and location evidence

A5. Additional current view of the identified location. Read with A1–A4, it shows why the 2024 survey description should not be relied upon without a fresh inspection.

Original file: CA46B808-EB3F-45A4-9C5C-9A0470F9DFDA.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • A6

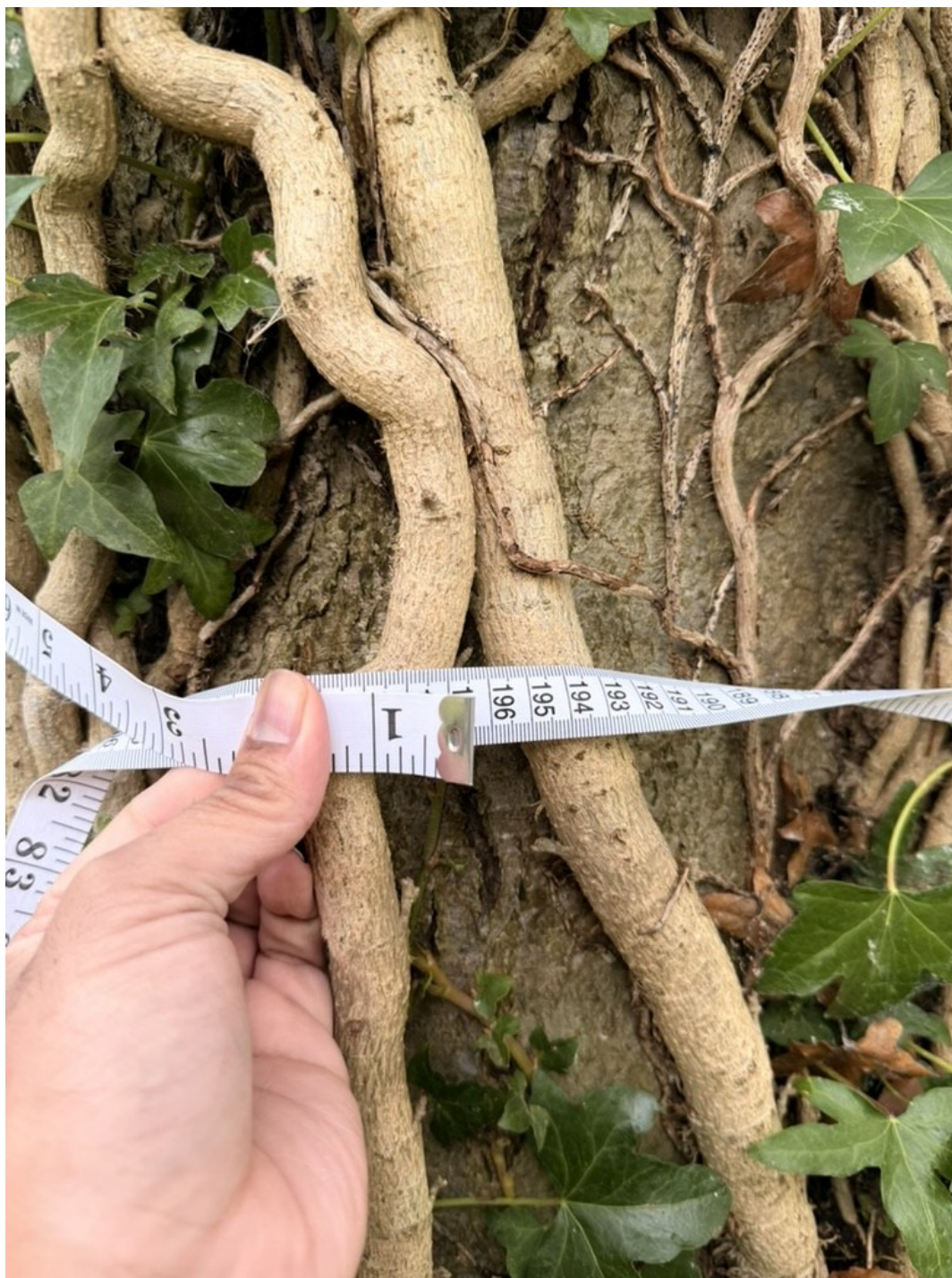
Neighbouring hedge — severe recent cutting and apparent decline



A6. Current view of the development site showing a substantial length of neighbouring hedge cut back to exposed upright stems, with limited foliage remaining across the cut face. I report that the vegetation has died or seriously declined following the developer's cutting. The photograph demonstrates the extent of intervention; the Council's Tree Officer should inspect and determine present viability, causation and the restoration or replacement required.

Original file: 68B50B09-25E7-4349-98A4-86664FBB0CB4.heic • Photograph date: 10 September 2026

PHOTOGRAPHIC EVIDENCE • B1

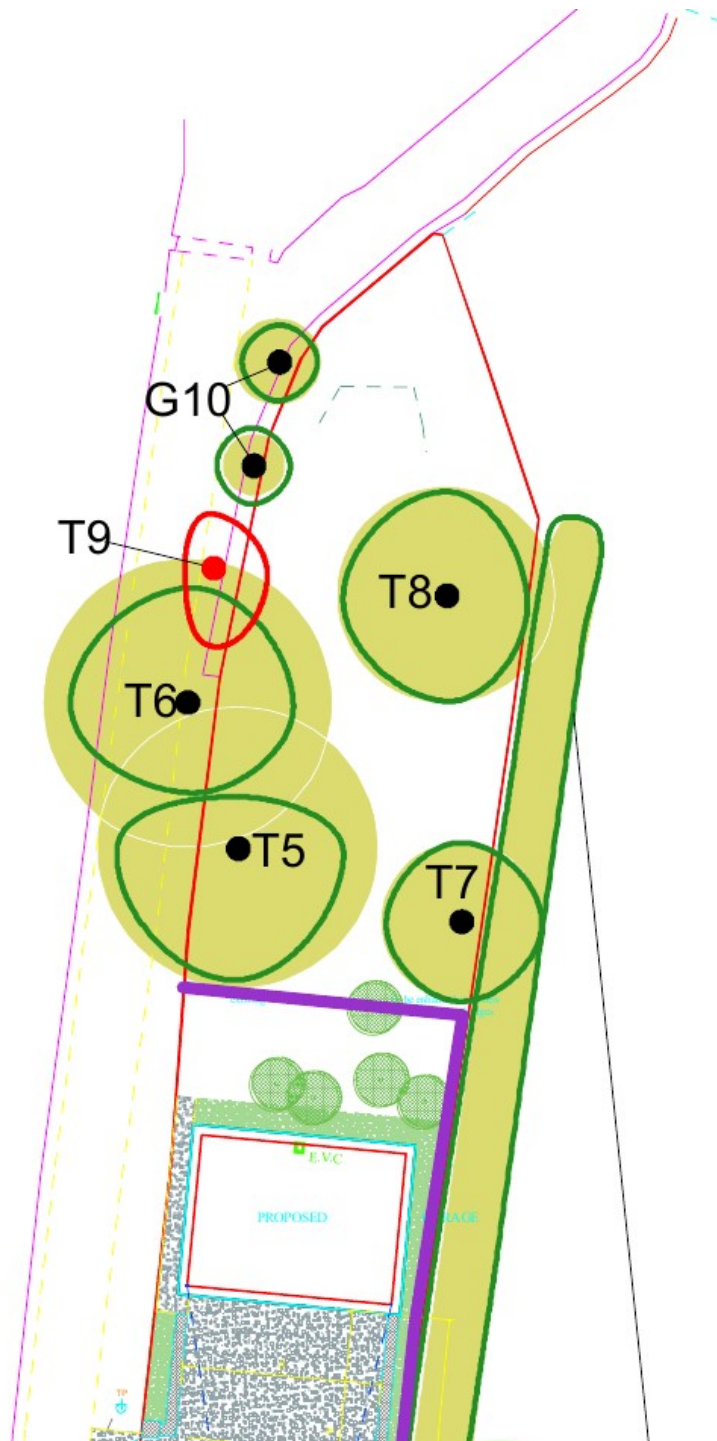
T6 — field measurement discrepancy

B1. The tape appears to record a circumference of approximately 197 cm, equivalent to about 63 cm diameter. The JCA schedule gives an estimated diameter of 46 cm. The Council should require a compliant independent measurement and update all root-protection calculations.

Original file: A400DFEE-5ABE-46CA-99B9-D1E001E7A4B7_1_105_c.jpeg • Photograph date: 10 September 2026

APPLICANT DOCUMENT EVIDENCE • C1

Tree Protection Plan excerpt — T9 and boundary



C1. Extract from the submitted Tree Protection Plan. T9 is marked for removal in red at the edge of the access and on/immediately adjacent to the red application boundary. This placement makes an accurate survey and confirmation of legal control essential.

Source: JCA Limited report 21563-B/AJB, application document file reference 1150588.

APPLICANT DOCUMENT EVIDENCE • C2

Submitted tree schedule

Appendix 1

Tree Work Schedule

Ref:21563-B/AJB

Tree Ref.	Age Common Name Botanical Name	Height (m)	Crown Height (m)	Direction of the Lowest Branch	Diameter (cm)	Crown Spread N W E S	Observations	Recommendations	Physiological Condition	Structural Condition	Amenity Value	NHBC Water Demand	Life Expectancy (yrs)	Retention Category
G 1	Mature Mixed species <i>Details in observations</i>	To 18	5+	5+	To 65#	See plan	Situated on adjacent land. Four trees of a good form growing in an elevated location. Not fully inspected due to limited access.	No action required.	GOOD	GOOD	MOD	MOD	40+	A 1 2
H 2	Early-mature Leyland Cypress <i>X Cupressocyparis leylandii</i>	To 4.5	0+	0+	To 15#	See plan	Situated on adjacent land. Maintained hedges.	No action required.	GOOD	GOOD	LOW	HIGH	20+	C 2
T 3	Early-mature Norway Maple <i>Acer platanoides</i>	10	3.5	2	35#	5# 5# 5#	Situated on adjacent land. Multi-stemmed at 2m with a balanced crown. Not fully inspected due to limited access.	Prune back the western canopy by 1.5m to allow for construction access and to facilitate the proposed building.	GOOD	GOOD	MOD	MOD	40+	B 1
T 4	Early-mature Common Ash <i>Fraxinus excelsior</i>	7	3	2	25#	3.8# 3.8# 3.8#	Situated on adjacent land. Twin-stemmed at 3m with a balanced crown. Not fully inspected due to limited access.	No action required.	GOOD	GOOD	LOW	MOD	20+	C 1
T 5	Early-mature Sycamore <i>Acer pseudoplatanus</i>	12	0	0.5	20 x 5 Avg.	2 4.5 4 5	Multi-stemmed at ground level with a slightly unbalanced crown. A weak union is present at the base.	No action required due to low public land use.	GOOD	FAIR	LOW	MOD	10+	C 1
T 6	Mature Whitebeam <i>Sorbus aria</i>	9	2.5	3.5	46#	4.2 4.5 4 3.5	Twin-stemmed at 3m with a balanced crown. No evidence of significant pruning. Not fully inspected due to Ivy and vegetation.	No action required.	GOOD	GOOD	MOD	MOD	40+	B 1
T 7	Early-mature Sycamore <i>Acer pseudoplatanus</i>	10	1	1	18 x 2	3 3 3	Twin-stemmed at ground level with a balanced crown. No evidence of significant pruning. A weak union is present at the base.	No action required due to low public land use.	GOOD	FAIR	LOW	MOD	10+	C 1
T 8	Early-mature Wild Cherry <i>Prunus avium</i>	12	0	1	20 x 3	4 4 4	Multi-stemmed at ground level with a balanced crown. A possible weak union is present at the base.	No action required due to low public land use.	GOOD	FAIR	LOW	MOD	10+	C 1
T 9	Early-mature Elder <i>Sambucus nigra</i>	5	2	2	25	2 1 2 3	An Ivy clad dead tree.	Remove for arboricultural reasons as a matter of low priority.	DEAD	DEAD	DEAD	LOW	Dead	U
G 10	Early-mature Rowan <i>Sorbus aucuparia</i>	To 6	1+	1+	To 14	See plan	Two planted trees of a vertical and balanced form. No major visible defects.	No action required.	GOOD	GOOD	LOW	MOD	40+	C 2

JCA Limited 2026

Dimension Estimated

C2. Submitted schedule page recording T6 as 46# cm (estimated) and T9 as a 25 cm “Ivy clad dead tree” proposed for removal. The full report should be read with this extract.

Source: JCA Limited report 21563-B/AJB, application document file reference 1150588.

PRIOR REPORTS TO THE COUNCIL • D1

Verified email chronology

22 Jan 2021	dc.admin@kirklees.gov.uk	Representation on application 2020/94292 reported: "There were trees on site which have now been cut down by the landowner a couple of months ago." I confirm that the landowner/developer responsible was the same developer now pursuing application 2026/44/92074/W. A follow-up with the omitted plan attachment was sent later that day.
9 Mar 2026	Roger Anderson; Katie Chew; Louise Bearcroft. CC: Building Control; DC Admin	Photographic follow-up concerning the site stated that sections of the existing hedge line, historically forming the edge of the access, had been removed.
26 Mar 2026	Planning Enforcement to Mohammed Hamraze	Council response acknowledged that condition 9 had not been formally discharged and stated that, following consultation with Trees, the existing hardstanding would protect TPO root areas and "no other trees should be affected within the site."

The chronology is included to show that tree and hedge loss at this site has been raised with the Council over time. As the adjoining resident who reported the matter at the time, I confirm that the 2020 clearance was carried out by the same developer behind the current application. The chronology is not relied upon as a legal determination that the past clearance was unauthorised; that is a separate matter for the Council to verify.

Policy and document references

- Kirklees Local Plan, Policy LP30 — Biodiversity and geodiversity.
- Kirklees Local Plan, Policy LP33 — Trees.
- BS 5837:2012 — Trees in relation to design, demolition and construction — Recommendations.
- JCA Limited, Arboricultural Method Statement and Tree Protection Plan, reference 21563-B/AJB, dated 21 July 2026.
- Kirklees application page: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2026%2F92074>