

PLANNING STATEMENT AND DESIGN / ACCESS SUPPORTING STATEMENT

WOODLAND ADJACENT TO THE REAR OF 46 THE FAIRWAY, FIXBY, HUDDERSFIELD HD2 2HU

Proposed Vehicular Crossing / Dropped Kerb and Associated Highway Works

IMPORTANT STATUS AND SCOPE

Revised planning supporting document – 29 August 2026 (Rev A). This statement supports a fresh planning application for the formation of a vehicular crossing from Jilley Royd Lane, together with associated footway, drainage and highway works, connecting to the existing gated woodland maintenance access. The application expressly discloses the previous planning application, the 2018 refusal, the 2019 dismissed appeal and the previous Section 184 application VX7576 / H&T/SS/RCT749521, including the initial highway approval dated 18 February 2025 and its subsequent revocation/refusal in May 2025. No reliance is placed on the revoked Section 184 approval. No works within the adopted highway are proposed to proceed unless and until the necessary current approval is obtained from Kirklees Council as Highway Authority. The proposal is not an application for a new change of use of the protected woodland to domestic garden. The existing woodland and existing gated woodland maintenance access remain retained, and the application is directed to the vehicular crossing/highway function and associated works shown on the submitted drawings.

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1. EXECUTIVE SUMMARY

Planning permission is sought for the proposed vehicular crossing/dropped kerb and associated highway works at Jilley Royd Lane, connecting to the existing gated woodland maintenance access. The existing timber gates were installed to facilitate maintenance of the adjoining woodland and would benefit from being repositioned approximately 5 metres back from the rear edge of the public footway to provide appropriate vehicle clearance and improve highway safety, subject to the requirements and approval of the Highway Authority. No tree removal or works to construct, widen or alter an access route through the woodland are proposed.

The site has a material planning and highway history. In 2017 an application was made for change of use of land to domestic garden with formation of a driveway. That application was refused on 21 May 2018 and the subsequent appeal was dismissed on 24 May 2019. Those decisions are fully acknowledged and are not minimised. A subsequent Section 184 vehicular crossing application was made under Reference VX7576 / H&T/SS/RCT749521. Kirklees initially issued approval on 18 February 2025, but after later review identified the earlier planning history, revoked that approval and refused the crossing application in May 2025. The current application therefore proceeds through the planning process first, with the full history before the decision-maker.

2. SUBMISSION STRATEGY AND SCOPE

The strategy is to present a clear, narrow and evidence-led proposal. It is not an attempt to revive the revoked Section 184 consent or reproduce the wider 2017 proposal.

- The previous planning and appeal history is expressly disclosed.
- The previous Section 184 approval and its revocation/refusal are expressly disclosed.
- No reliance is placed upon VX7576 as an extant consent.
- No new change of use of protected woodland to domestic garden is sought.
- The proposal is confined to the vehicular crossing/highway connection and directly associated frontage works, together with repositioning of the existing timber gates approximately 5 metres back from the rear edge of the public footway. The existing gates are associated with maintenance of the woodland. The repositioning is intended to provide vehicle clearance from the public footway and improve highway safety, subject to Highway Authority requirements. No works to construct, widen or alter an access route through the woodland are proposed.
- Detailed highway construction remains subject to current Highway Authority approval and specification.
- Drainage, levels, tree protection and construction controls are to be coordinated with the final approved development.

3. PROPOSED DEVELOPMENT

Proposed vehicular crossing/dropped kerb and associated highway works from Jilley Royd Lane, connecting to the existing gated woodland maintenance access, together with repositioning of the existing timber gates approximately 5 metres back from the rear edge of the public footway and associated drainage and tree-protection measures.

Element	Treatment in application
Existing entrance gates	Existing site feature and context; not proposed as new works, except for the repositioning expressly shown on the submitted plans.
The proposal does	Existing physical feature shown as site context and historic evidence; retained and

not include construction, widening or alteration of an access route through the woodland. The existing woodland maintenance gates are retained and would be repositioned approximately 5 metres back from the rear edge of the public footway, subject to Highway Authority requirements.	not proposed as a new domestic garden driveway.
Jilley Royd Lane crossing	Proposed dropped kerb/vehicular crossing, subject to planning permission and separate current Highway Authority approval.
Footway	Affected section to be reconstructed or strengthened as required by the final approved highway detail.
Drainage	Private surface water retained within the site; no uncontrolled discharge onto the public footway or carriageway.
Trees/TPO	Retained and protected; historic arboricultural information submitted as supporting evidence, with any current assessment required for the final proposal taking precedence.
Domestic garden change of use	Not sought by this application.

4. SITE AND PLANNING CONTEXT

The application relates to land adjacent to rear of 46 The Fairway, Fixby, Huddersfield HD2 2HU and the proposed connection to Jilley Royd Lane. The site context includes residential development, the public highway and a protected woodland setting. Woodland TPO 08/77/W1 is a significant constraint.

The previous planning and appeal history demonstrates that the visual relationship between the woodland, Jilley Royd Lane and surrounding residential development is a central planning consideration. The proposal therefore adopts a restrained access-led approach and avoids presenting the land as a new domestic garden extension.

5. PLANNING AND HIGHWAY HISTORY

Date	Event	Significance
2017	Application 2017/62/91286/W submitted for change of use of land to domestic garden with formation of driveway.	Original wider proposal.

21 May 2018	Planning permission refused.	Decision concerned the proposed domestic use/driveway and effects on woodland character and the green corridor.
24 May 2019	Appeal dismissed by the Planning Inspectorate.	Character and appearance of the woodland/green corridor remained the principal planning issue.
21 Aug 2024	Relevant TPO/tree decision issued.	Background evidence of continuing tree-management engagement; not planning permission for access.
18 Feb 2025	Section 184 approval initially issued under VX7576 / H&T/SS/RCT749521.	Historic highway approval only; subsequently revoked.
20 May 2025	Earlier Section 184 approval revoked and application refused.	Council stated that planning permission had not been obtained for the earlier development and the relevant planning history had not been disclosed in the Section 184 process.
2026	Fresh planning submission prepared.	Full planning and highway history disclosed; no reliance on revoked consent.

6. PREVIOUS SECTION 184 APPROVAL AND REVOCATION

The previous vehicular crossing application was made under Section 184 of the Highways Act 1980 using Reference VX7576 / H&T/SS/RCT749521. Kirklees Council initially issued approval in correspondence dated 18 February 2025.

In subsequent correspondence, Kirklees explained that the application form had requested details of planning consent and that the relevant planning information had not been provided. On further consideration, the Council identified the earlier planning application for change of use of land to domestic garden with formation of a driveway, Application No. 2017/62/91286/W.

The Council subsequently advised that the permissions set out in the Section 184 correspondence dated 18 February 2025 were revoked and that the application to construct the vehicular crossing was refused. The current application therefore proceeds on the clear basis that VX7576 is not an extant consent and cannot be relied upon for construction.

7. SIGNIFICANCE OF THE PREVIOUS HIGHWAY DECISION

The revocation is a material part of the site's history and is disclosed in full. The current application does not contend that the revoked approval remains valid. Equally, the revocation should not be treated as a substitute planning determination of the current proposal.

The correct course is for the current planning application to be determined with the full relevant history before the Local Planning Authority. If planning permission is granted, a separate current application for the necessary Highway Authority approval will still be required before works within the adopted highway commence.

8. RELATIONSHIP OF THE CURRENT PROPOSAL TO THE EARLIER SCHEME

The earlier proposal combined a change of use of land to domestic garden with the formation of a driveway. The current submission must be assessed against its own description, plans and supporting evidence. The current application does not seek a new change of use of protected woodland to domestic garden. Existing gates and internal access features are described as existing site context and historic evidence. The planning permission now sought is directed to the proposed vehicular crossing/access connection and associated works.

The earlier refusal and appeal remain material considerations, particularly in relation to woodland character, visual amenity and the risk of domestic activity or parking eroding the verdant character of the green corridor. The present submission addresses those matters through the limited scope of development, retention of vegetation, drainage controls, tree-protection measures and avoidance of unnecessary domesticising features.

9. HIGHWAY AND ENGINEERING STATEMENT

The proposed crossing is intended to provide a properly formed connection between Jilley Royd Lane and the existing gated woodland maintenance access. MA_PL-04 is the principal technical/highway drawing and shows the existing carriageway and footway, proposed dropped kerb/vehicular crossing, transition kerbs, crossing width, gate arrangement, drainage location and relevant tree/fence context.

The detailed engineering design is not intended to be fixed by this statement. Final kerb types, footway construction, levels, drainage interface, utility requirements, traffic management and inspection procedures remain subject to the requirements of Kirklees Council as Highway Authority.

- The proposed crossing position and dimensions are to be read with the final submitted drawings and any subsequent Highway Authority approval.
- Appropriate transition kerbs will be provided at each end of the crossing in accordance with the approved detail.
- The affected footway will be reconstructed or strengthened as required for vehicular loading.
- The layout provides for a clear internal vehicle standing area so that vehicles can clear the highway before the gates are operated, as shown on MA_PL-04.
- Existing underground services and highway apparatus will be identified before construction.
- All highway works will be undertaken only after the necessary current approval, licence and contractor requirements have been satisfied.
- Pedestrian safety, temporary works and traffic management will be addressed through the approved construction arrangements.

10. DRAINAGE AND SURFACE WATER

The proposal is designed so that private surface water does not discharge uncontrolled onto the public footway or carriageway.

- Final levels will have direct runoff away from the public highway.
- Any linear/channel drainage is to be located within private land, behind the highway interface, and connected to an appropriate private drainage arrangement.
- No uncontrolled surface-water discharge will be directed onto the highway.
- Drainage and levels will be coordinated with tree and root constraints.
- Existing drainage infrastructure and utilities will be checked before construction.

The proposal has been designed around retention of the existing woodland and trees. The existing timber gates are retained and would be repositioned approximately 5 metres back from the rear edge of the public footway. No works to construct, widen or alter an access route through the woodland are proposed.

11.1 Historic arboricultural information

The site is affected by Woodland TPO 08/77/W1 and the protection of retained trees and woodland is an important consideration in the assessment and implementation of the proposal.

The application is accompanied by historic arboricultural information comprising a Tree Constraints Plan and Tree Protection Plan prepared in November 2017. These documents are submitted as historic supporting evidence and background information. They identify the trees, canopy extents, root protection considerations and protection measures previously considered in connection with the site and earlier proposals.

The historic information is relevant in demonstrating that arboricultural constraints at the site have previously been identified and assessed and that protective construction measures were previously developed. It provides useful background regarding avoidance of unnecessary tree removal and the use of protective/no-dig construction principles where appropriate.

However, because these documents were prepared in 2017, they are not relied upon as a current tree survey, current BS5837 assessment or current Tree Protection Plan for the precise development now proposed. They are submitted as historic evidence only and not as a substitute for any current arboricultural information required by the Local Planning Authority or necessary to assess the final construction footprint.

11.2 Current proposal and arboricultural safeguards

The current proposal has been deliberately limited to the vehicular access/highway connection and associated works. It does not seek a change of use of the protected woodland to domestic garden and does not propose unnecessary development within the wider woodland.

- Retention of the existing woodland and significant trees.
- Minimisation of the extent of new hard construction.
- Keeping intervention focused on the access/highway connection.
- Coordination of drainage and levels with tree and root constraints.
- Avoidance of unnecessary excavation within root protection areas.
- Use of appropriate protective or no-dig construction methodology where required by any final arboricultural assessment.
- Arboricultural protection and supervision during construction where required.

The current proposal does not require a new full arboricultural survey solely because it involves a limited vehicular crossing and repositioning of existing woodland maintenance gates. If additional tree-sensitive works are introduced, proportionate current arboricultural advice should then be obtained.

Any current BS5837-compliant arboricultural assessment required in relation to the final proposal and construction footprint should take precedence over the historic 2017 plans insofar as there is any difference between historic information and present site conditions. Where required, the current package should include as appropriate:

- Current tree survey and Tree Constraints Plan.
- Arboricultural Impact Assessment.
- Arboricultural Method Statement.
- Current Tree Protection Plan.
- Details of any necessary tree works.
- Existing and proposed levels coordinated with the engineering drawings.
- Construction methodology for works within or close to root protection areas.
- Arboricultural supervision and monitoring arrangements.

11.4 HISTORIC GATE EVIDENCE

Applicant-supplied photographs showing historic protective measures within the existing gated woodland maintenance access may be included as historic physical evidence of the existing access arrangement and historic context. Where no verifiable capture date is available, those photographs are treated as undated photographic evidence and are not assigned a specific date. Such evidence is not presented, by itself, as proof that the existing gated woodland maintenance access complies with current BS5837 requirements. Any historic account of construction methodology is likewise distinguished from current specialist confirmation unless supported by the original specification or verified by an appropriately qualified arboricultural consultant.

12. LANDSCAPE AND VISUAL CONSIDERATIONS

Landscape character was the central issue in the previous refusal and dismissed appeal. The current submission therefore relies on a restrained design response rather than seeking to recreate the earlier domestic garden proposal.

- Retain the woodland edge and significant trees.
- Avoid unnecessary new built form, ornamental garden features, fencing or domestic paraphernalia.
- Keep the highway intervention visually simple and proportionate.
- Minimise hard-surfaced visual intrusion beyond that required for the access function.
- Coordinate any mitigation or planting with arboricultural and landscape advice where required.

The previous landscape concern remains material and should be considered against the actual current proposal and its limited scope. Any additional landscape information requested by the Local Planning Authority can be provided to address the visual and character effects of the final scheme.

13. ECOLOGY SCREENING

The historic planning record is relevant background but should not be treated as a permanent ecological clearance. The current proposal should be considered against present site conditions.

No tree removal is proposed unless separately justified and authorised. Any vegetation works should be controlled in accordance with current ecological and arboricultural advice. If current screening identifies a need for further survey or assessment, that information should be provided as required by the Local Planning Authority.

14. DESIGN AND ACCESS STATEMENT

14.1 Design principles

The design is driven by safe connection to the public highway, minimum intervention in the protected woodland setting and protection of retained trees.

14.2 Access

The proposal provides a conventional vehicular crossing from Jilley Royd Lane connecting to the existing gated woodland maintenance access. The final geometry and construction remain subject to current Highway Authority approval. The gates are shown recessed within the site to provide internal clearance, with the detailed arrangement coordinated across MA_PL-03 and MA_PL-04.

14.3 Pedestrian considerations

The final crossing detail must maintain a safe and coherent pedestrian route along the footway. Construction traffic and temporary works will be managed to protect pedestrians.

14.4 Appearance

The proposal is intentionally restrained and does not seek to introduce a new building or unnecessary urbanising features into the woodland corridor.

14.5 Tree protection

Tree protection is integral to the scheme. Historic 2017 arboricultural drawings are submitted as supporting background evidence only. Any current arboricultural information required for the final proposal should be coordinated with the final engineering, drainage and levels information.

The repositioning of the existing timber gates approximately 5 metres back from the rear edge of the public footway should be undertaken in accordance with the approved drawings and any Highway Authority requirements. If detailed arrangements change so that additional tree-sensitive works are introduced, those works should first be reviewed with proportionate arboricultural advice.

- Obtain planning permission and discharge or agree any relevant pre-commencement requirements.
- Obtain current Section 184 or other required Highway Authority approval before any works in the adopted highway.
- Confirm utilities, drainage constraints and final crossing setting-out.
- Install tree protection before construction activity where required.
- Implement any approved no-dig or ground-protection methodology.
- Undertake highway works under approved traffic and pedestrian management arrangements.
- Complete drainage works so that no uncontrolled runoff reaches the public highway.
- Obtain any required Highway Authority and arboricultural inspections.
- Remove temporary protection only in accordance with the agreed method statement.

16. PLANNING BALANCE AND RESPONSE TO PREVIOUS DECISIONS

Previous issue	Current response
Use of protected woodland as domestic curtilage	No new change of use to domestic garden is sought by this application.
Domestic paraphernalia and visible	The application is limited to the access/highway function and

parking activity	avoids introducing new domestic structures or garden features.
Erosion of the verdant green corridor	Woodland edge and significant trees are to be retained, with the intervention kept limited and visually restrained.
Potential pressure for tree removal	Historic arboricultural evidence identifies previous constraints and protection measures; any current assessment required for the final proposal will assess present conditions and control construction.
Prominence of the site	Current drawings and photographs provide an updated basis for assessment of the limited access works.
Highway approval history	The previous VX7576 approval and its revocation are fully disclosed; no reliance is placed on the revoked consent and fresh Highway Authority approval will be required before highway works.

The planning balance should focus on the actual current proposal and whether, with the stated safeguards, it would reproduce the harm identified in the 2018 refusal and 2019 appeal. The application does not ask the Council to disregard those decisions; it asks the Council to assess the narrower proposal now submitted, with the full history and current evidence available.

17. MATERIAL CHANGES AND CURRENT EVIDENCE

For clarity, the historic photographic evidence relied upon in this statement comprises a photograph dated 13 September 2018 showing the entrance gates already in place. This date is used as chronology evidence only and is not presented as establishing the planning lawfulness of the gates or any access arrangement.

The current evidence base includes the dated photograph showing that the entrance gates were already in existence on 13 September 2018. It is used cautiously as evidence of the visible gate arrangement at that date and does not establish the date or planning status of any other works.

18. CONCLUSION

The existing gated woodland maintenance access is already constructed and is retained. No new access arrangement is proposed through the woodland, and no widening, excavation or reconstruction of the existing gated woodland maintenance access is envisaged. The only alteration within the site is relocation of the existing timber gates approximately 5 metres back onto the existing gated woodland maintenance access. The principal new construction relates to the proposed vehicular crossing/dropped kerb and associated highway works at the site frontage.

No tree removal is proposed. The historic 2017 arboricultural information remains relevant supporting evidence of the low-impact access approach, and applicant photographs provide supporting evidence of the existing access arrangement and visible historic protective measures. No tree removal is proposed. The historic 2017 arboricultural information remains relevant as supporting background evidence of the tree constraints and protective principles previously considered. Any current arboricultural information required by the Local Planning Authority or necessary to assess the final construction footprint should take precedence over the historic information.

This statement is intended to govern interpretation of the proposal description and arboricultural scope within this document. Historic arboricultural evidence and photographs are relied upon as supporting

context for the existing physical arrangement; they are not presented as a current signed BS5837 survey or as proof of planning lawfulness.

The previous planning refusal, dismissed appeal and revoked Section 184 approval are material matters and have been fully disclosed. The applicant does not contend that the revoked VX7576 approval remains valid. No highway works are proposed to proceed on the basis of that former consent.

The purpose of this fresh planning application is to enable the current, narrower proposal to be considered through the correct planning process with the complete relevant history before the decision-maker. The proposal is directed to the vehicular crossing/highway connection to the existing gated woodland maintenance access and associated works and does not seek a new change of use of the protected woodland to domestic garden.

Historic arboricultural information dated November 2017 is submitted as relevant supporting evidence demonstrating tree constraints and low-impact protective principles previously considered. It is not presented as a current BS5837 survey. The current proposal retains the woodland and existing gate arrangement, with the gates proposed to be repositioned approximately 5 metres back from the rear edge of the public footway for vehicle clearance and highway safety.

Subject to the final coordinated drawings, drainage/levels information, ownership documentation and any further information required through validation or consultation, the application provides a transparent basis on which the current proposal can be determined on its planning merits.

APPENDIX A – HISTORIC CHRONOLOGY

Date / period	Evidence / event	Status
2017	Planning application 2017/62/91286/W submitted for change of use of land to domestic garden with formation of driveway.	Verified planning history.
21 May 2018	Planning permission refused.	Verified decision history.
13 Sept 2018	Applicant-supplied photograph shows entrance gates already in existence.	Dated photographic evidence of physical existence of the gates by this date; not proof of planning status.
24 May 2019	Appeal dismissed.	Verified appeal history.
	Applicant-supplied photograph shows a vehicle within the rear woodland maintenance access area.	Dated photographic evidence of vehicle use/access by this date; not proof of legal status.
21 Aug 2024	TPO/tree decision issued.	Verified tree-management history.
18 Feb 2025	Initial Section 184 approval issued: VX7576 / H&T/SS/RCT749521.	Historic approval; not current consent.
May 2025	Kirklees revoked the earlier highway approval and refused the Section 184 application.	Material highway history; no reliance placed on former approval.
2026	Fresh planning submission prepared.	Current application strategy.

APPENDIX B – EVIDENCE REGISTER

Evidence	Purpose	Caution / status
2018 refusal decision	Explains formal reason for refusal.	Read with full decision context.
2019 appeal decision	Material planning consideration and principal planning issue.	Not selectively quoted or minimised.
18 February 2025 Section 184 approval notice	Establishes initial highway approval history.	No longer extant following revocation.
May 2025 revocation/refusal correspondence	Explains why VX7576 cannot be relied upon.	Material highway history.
2024 TPO/tree correspondence	Relevant tree-management background.	Not planning permission for access.
Dated photograph Evidence that the existing entrance gates were in place by 13		Evidence of the features and visible use at those dates; not proof of legal or planning

September 2018. Contextual evidence only; not proof of planning status.		status.
Historic imagery	Context and continuity.	Supporting evidence only; not a measured survey.
	The proposal does not include construction, widening or alteration of an access route through the woodland. The existing woodland maintenance gates are retained and would be repositioned approximately 5 metres back from the rear edge of the public footway, subject to Highway Authority requirements.	Not proof of BS5837 compliance without supporting specification or current specialist confirmation.
2017 Tree Constraints Plan / Tree Protection Plan	Historic arboricultural constraints and protection background.	Historic supporting evidence only; not current BS5837 documents for the present proposal.