

DC Admin

From:
Sent: 22 September 2026 07:31
To: DC Admin
Subject: FW: Application number 2026/62/92432/w

Categories:

From:
Sent: 20 September 2026 19:37
To: Laura Yeadon <Laura.Yeadon@kirklees.gov.uk>
Subject: Application number 2026/62/92432/w

20th September 2026

Kirklees Council Planning and Development
PO Box 1720,
Huddersfield,
HD1 9EL

Dear Sirs,

Planning Application: 2026/92432
Site: Land adjacent to 46 The Fairway, Fixby, Huddersfield, HD2 2HU
Proposal: Formation of a vehicular access and relocation of existing gates

I wish to formally object to planning application 2026/92432 and request that the application is carefully assessed against the relevant Kirklees Local Plan policies, particularly LP21 – Highway Safety and Access, LP22 – Parking, LP30 – Biodiversity and Geodiversity, LP33 – Trees, LP51 – Protection and Improvement of Local Air Quality and LP52 – Protection and Improvement of Environmental Quality.

My objections are set out below.

1. Highway safety and creation of a new vehicular access

I have significant concerns about the safety implications of the proposed vehicular access.

The creation of an additional vehicular access has the potential to introduce conflict between vehicles entering and leaving the site and pedestrians, cyclists and existing road users.

The Council should be satisfied, based on appropriate technical evidence, that the access can operate safely and that it will not create an unacceptable risk to highway users.

I ask that the Council's Highways Development Management team specifically assesses:

The location of the proposed access in relation to the existing highway.

Forward visibility for vehicles approaching the access.

Visibility for vehicles emerging from the site.

The required visibility splay and whether it can actually be achieved.

Whether the required visibility can be maintained permanently.

The speed, volume and character of traffic using the road.

Pedestrian movements along the highway.

The proximity of neighbouring accesses.

Whether vehicles can enter and leave the site safely without obstructing the highway.

Whether larger vehicles associated with any potential business use could safely manoeuvre into and out of the site.

This is particularly important given that the proposal is not merely relocating a gate but involves the formation of a vehicular access.

2. Visibility splay – ability to achieve and maintain it

I have particular concerns regarding the proposed visibility splay.

It is not sufficient for a visibility splay to be shown diagrammatically on a plan. The Council must be satisfied that the necessary visibility can physically be achieved on the ground and retained permanently.

Any trees, hedges, fencing, walls, gates or other obstructions within the visibility envelope could compromise highway safety.

The Council should therefore establish precisely:

What visibility distances are required by the applicable highway standards.

Whether those distances can be achieved from the proposed access.

Whether achieving them would require the removal, pruning or alteration of established vegetation or trees.

Whether any part of the visibility splay falls outside the applicant's ownership or control.

Whether the visibility can be guaranteed and maintained in perpetuity.

This is particularly relevant because Kirklees has previously identified the inability to guarantee a visibility splay as a material highway safety concern in planning decisions. The Council has also previously considered the need to remove mature TPO-protected trees to achieve a visibility splay to be a significant planning issue.

3. Tree Preservation Order – TPO 08/77

There is a significant established history of Tree Preservation Order activity in the immediate vicinity.

The planning history records works to trees subject to TPO 08/77 at 46 The Fairway and further applications for works to trees subject to the same TPO in the immediate area. There was also a 2024 application relating to a tree to the highway under TPO/08/77.

I therefore request that the Council specifically establishes whether any trees affected directly or indirectly by the proposed access, visibility splay, construction works or gate relocation are protected by TPO 08/77 or any other tree protection designation.

This should include consideration of:

Root protection areas.

Excavation required to construct the access.

Construction traffic.

New hardstanding.

Damage to roots or soil structure.

Pruning or removal required to achieve visibility.

Long-term maintenance of the visibility splay.

The effect of the proposal upon the health and amenity value of protected trees.

The application should not be determined without appropriate arboricultural advice where protected trees may be affected.

4. Previous planning history relating to driveway/access

I also ask the Council to take account of the planning history of the site.

The planning history records previous applications relating to the formation of a driveway at this location, including application 2016/91597, which was withdrawn, and application 2017/91286, which was refused.

Although those applications are not determinative of the current proposal, they are relevant contextual information and demonstrate that access/driveway development at this location has previously raised planning issues.

I request that the Council examines the reasons for the previous refusal and establishes whether any of the matters previously identified remain relevant to the current proposal.

5. Biodiversity, ecology and loss of vegetation

The proposed access may require disturbance or removal of existing vegetation.

Established vegetation and trees can provide habitat for birds, insects, mammals and other wildlife, and the Council should establish the ecological value of any vegetation affected by the proposal.

I ask that an appropriate ecological assessment is undertaken where required and that the application demonstrates that any biodiversity impacts have been properly considered.

In particular, the Council should establish whether:

- Hedgerow or vegetation will be removed.
- Trees or their root zones will be affected.
- Nesting birds or other wildlife could be disturbed.
- Existing habitat will be fragmented.
- Lighting associated with the access could affect wildlife.
- Appropriate mitigation or replacement planting is required.

This should be assessed against Kirklees Local Plan Policy LP30 and the relevant national planning requirements relating to biodiversity.

6. Environmental quality, noise and pollution

I am also concerned about the potential environmental consequences of the proposal.

If the proposed access is intended to facilitate increased vehicle movements, particularly in connection with business activity, this could increase:

- Vehicle emissions.
- Noise.
- Disturbance.
- Engine idling.
- Deliveries and servicing activity.
- Vehicle movements at different times of day.
- Pressure for parking.
- General activity associated with the site.

The Council should therefore establish the actual intended use of the land and consider whether the access would facilitate an intensification of use.

This is particularly important because the planning application concerns the physical access but the consequences of that access may extend considerably beyond the gate itself.

7. Potential business/commercial use

I understand that there are existing covenants relating to the use of the land and that business use is intended.

I recognise that private restrictive covenants are generally a civil/legal matter rather than something that Kirklees Planning can enforce.

However, the Council should be satisfied that the application accurately represents the intended planning use of the land.

If the purpose of the proposed access is to facilitate business or commercial activity, I ask the Council to establish whether that use is already lawful and authorised or whether a separate planning application for a change of use is required.

The Council should not assess the access on the assumption of a purely domestic or low-intensity use if the actual intention is to facilitate commercial activity.

Any increase in vehicle movements, parking, deliveries, noise and disturbance should be considered accordingly.

8. Existing highway works / dropped kerbs

I also wish to bring to the Council's attention previous activity relating to access and dropped kerbs at this location.

I personally witnessed an incident in which I saw
after she approached him and questioned what he was doing in connection with attempts to install dropped kerbs/access works.

I am not asking the Planning Department to determine criminal liability or to make a finding regarding that incident.

I am reporting what I personally witnessed because it is relevant to the history of attempts to alter access to the site.

I would ask the Council to establish whether any previous dropped kerb, highway or access works were undertaken without the necessary consent and, if appropriate, refer the matter to the relevant Highways or enforcement team.

I am willing to provide a separate factual witness statement regarding what I personally observed if required.

9. Cumulative impact

I ask the Council to consider the cumulative effect of the proposal rather than considering the access in isolation.

The proposal potentially involves:

- Creation of a new/altered vehicular access.
- Changes to existing gates.
- A requirement for adequate visibility splays.
- Potential impacts upon protected trees.
- Potential removal or alteration of vegetation.
- Potential ecological impacts.
- Additional vehicle movements.
- Potential business/commercial use.
- Noise and pollution implications.
- Highway and pedestrian safety concerns.

Taken together, these matters warrant careful assessment by the relevant Council officers.

Request for specialist consultation

In view of the above, I respectfully request that the application is referred to or considered by:

Kirklees Highways Development Management.

The Council's Tree/Arboricultural Officer.

The Council's Ecology/Biodiversity Officer.

The relevant Environmental Health officer where appropriate.

I also request that any consultation responses are made available on the planning file before the application is determined.

10. Conclusion

For the reasons set out above, I object to planning application 2026/92432.

I ask the Council to give particular consideration to the highway safety and visibility issues, the potential impact upon TPO-protected trees, biodiversity and ecological impacts, environmental consequences and the possibility that the access is intended to facilitate a business use of the site.

I further ask that the Council examines the site's previous planning history relating to driveway/access proposals and establishes whether any previous highway or access works were undertaken without the required permissions.

Please treat this letter as a formal objection and retain it on the planning file.

I would be grateful if the Council could confirm that this objection has been received and recorded against application 2026/92432.

Yours faithfully,