FORMAL PLANNING REPRESENTATION

Objection to Section 73 application

Variation of Condition 2 (approved plans): altered dwelling footprint, relocated and enlarged garage, disputed boundary/access assumptions and associated site works

Application	2026/70/92498/W (public reference 2026/92498)
Proposal	Variation of Condition 2 on permission 2024/62/92647/W
Site	Land at Occupation Lane, off Birkby Road, Huddersfield, HD2 2ES
Applicant	Longwood Property Management (UK) Ltd
Case officer	Ellen Gilbert
Representation date	22 September 2026

Requested decision: REFUSE the application in its present form. The proposal should not be approved on assumptions or by using conditions to postpone evidence needed to decide whether it is acceptable. The only proper alternative to refusal is deferral before determination, so that a corrected and up-to-date red-line plan, verified measured boundary/site survey, dimensioned comparison with the approved scheme, updated arboricultural and drainage evidence, contextual amenity drawings and an enforcement site inspection can resolve the material uncertainties and be subject to proper consultation.

This representation does not ask the Local Planning Authority to determine the disputed legal boundary or private property rights. It identifies the planning consequences of an unresolved boundary/access position which is the applicant's stated reason for the redesign and which affects the accuracy, safety, deliverability, amenity, drainage, trees and character of the proposal.

Executive summary

The application is not a minor drafting exercise. The applicant says that, after construction began, the legal boundary was found to be farther east than previously thought; the dwelling has therefore been narrowed by 800mm and the garage moved towards the northern end of the site. Those changes affect the entire site arrangement and interact directly with the access drive, dry-stone wall, drainage, protected trees, neighbouring amenity and live conditions on the original permission.

Priority	Finding	Planning consequence
1	**The boundary premise is not demonstrated in the public submission.**	The applicant relies on a privately commissioned opinion that is absent from the public bundle, expressly qualified and not an agreed or legally determined boundary; no verified overlay connects it to the amended plans.
2	**The red-line / ownership material is internally inconsistent.**	Drawing 1156792 is an unamended July 2024 plan, encloses the full drive and warns it is based on third-party information; Certificate B records notice to Woodview Farm.
3	**Access, drainage and bin arrangements rely on the disputed drive corridor.**	No evidence establishes the applicant's authority to widen, excavate, drain, alter, store bins on or obstruct the drive; safe emergency/refuse access is not demonstrated.
4	**The enlarged and relocated garage and changed levels are not properly assessed.**	The approved garage was 6.5m x 6.5m; the proposal is 6.5m x 8.5m - a 13m² / 30.8% footprint increase. No sections, verified clearances, comparative levels, privacy/daylight assessment or vehicle tracking address its new position and raised relationship beside the access corridor.
5	**Character and landscape safeguards are at risk.**	The traditional dry-stone wall, farm approach, gate, trees and vegetated lane are defining local features; wall material has already been damaged and removed.
6	**Live condition-compliance concerns remain unresolved.**	The pre-commencement tree condition was applied for after works began and was discharged only on 18 September 2026; that later decision does not determine the alleged earlier timing breach. External-material approval remained pending while photographs show continuing above-foundation activity.

The objection rests on planning grounds

- accuracy and completeness of the plans;
- safe and effective access, including emergency and refuse access;
- residential amenity and privacy;
- local character, landscape and traditional boundary features;
- trees, root protection and biodiversity;
- surface water drainage, stability and construction impacts; and
- the need for a Section 73 decision to restate and preserve all necessary conditions.

The Council should not use a Section 73 approval to regularise an uncertain as-built position by assumption. It should first establish exactly what has been built, where it sits against the approved plans and verified site boundary, and whether the amended scheme can be implemented without relying on unauthorised third-party works.

Scope of the Section 73 decision

Section 73 of the Town and Country Planning Act 1990 permits conditions to be varied or removed, but it does not change the operative description of development. A grant would create a new and independent permission sitting alongside the 2024 permission. Government guidance says the new decision must set out all conditions and restate earlier conditions that continue to have effect. The Council must therefore assess the planning effects of the amendments sought, read with the operative permission and continuing conditions, and must not accidentally lose safeguards tied to superseded drawings.

This representation stays within that Section 73 scope. Boundary, access, garage, privacy, wall, tree and drainage matters are relied on only where the substituted plans change those relationships or where they show whether the amended layout can be safely and lawfully implemented. Alleged historic condition breaches are identified separately for enforcement investigation; they are not presented as automatic proof that this application must be refused.

What the application contains

Document	Reference / observation
Application form	PP-15175887 / file 1156791; gives boundary change as the reason for the application and uses Certificate B.
Existing site / block layout	24.002/(EX)01 / file 1156792; dated July 2024, no revision, based on third-party information, full drive within red line.
Proposed site / block layout	24.002/(AL)100 Rev A / file 1156789; house footprint amended, garage repositioned/resized; access widening, drainage and bin point shown.
Proposed floor plans	24.002/(AL)101 Rev A / file 1156793; labelled BUILDING REGULATIONS; setting-out adjusted to new boundary information.
Proposed elevations	24.002/(AL)102 Rev A / file 1156788; labelled BUILDING REGULATIONS; west elevation contains multiple openings towards the drive and the north elevation contains openings facing the relocated garage.
Garage plans/elevations	24.002/(AL)03 Rev C / file 1156790; garage resized/repositioned; 6.5m by 8.5m overall.

The public record was checked on 22 September 2026. It listed the application form and five plan files shown above; the boundary expert report was not among those six documents.

Material omissions

- No verified measured boundary/site survey or dimensioned plan agreed by the affected owners.
- No dimensioned comparison showing approved versus proposed footprint, garage, wall, drive, trees and drainage.
- No dimension from the verified boundary to foundations, finished wall, roof/parapet edges, eaves, fascia, soffits, guttering, downpipes or any other projection; no proof that construction, future maintenance and every building element remain wholly within the applicant's land and do not overhang or discharge onto the adjacent drive.
- No contextual cross-sections or complete existing/proposed spot-level survey showing dwelling and garage finished levels, the raised site/parking area, drive level, boundary treatments, windows, Woodview Farm's garden or its lower-floor windows.
- No updated Arboricultural Impact Assessment / Method Statement addressing the relocated garage, current as-built work, access widening and drainage routes.
- No coherent drainage strategy or measured as-built drainage plan establishing that all works are within land lawfully available to the applicant.
- No planning statement explaining design, character, amenity, access and condition consequences of the cumulative changes.

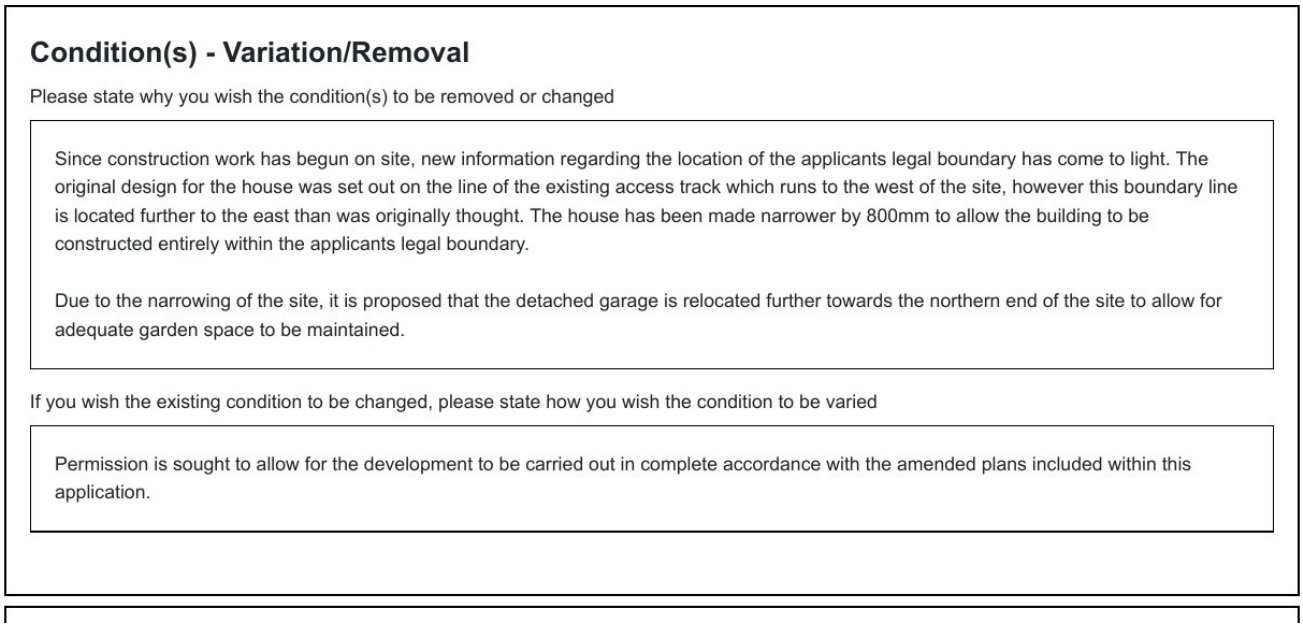
Legal and policy framework used

Source	Relevant requirement
TCPA 1990, s.73 / PPG	A new independent permission; operative description unchanged; all continuing conditions must be restated.
NPPF August 2026	DP3 context, identity, built form and natural features; DP4 clear/accurate plans and no later diminution in design quality; TR4 access/parking; TR6 highway safety during construction and occupation; F8 drainage; N2/N3 natural features and trees.
Kirklees Local Plan	LP21 access; LP24 design and neighbouring amenity; LP28 drainage; LP30 biodiversity; LP32 landscape; LP33 trees; LP52 environmental quality.
Housebuilders Design Guide SPD	Site constraints, neighbour relationships, trees, drainage and access; paragraph 7.34 supports retention/repair of characterful dry-stone walls and hedges.
HMLR PG40	Registered title plans usually show general boundaries and do not determine the exact legal line or ownership of a boundary feature.

The applicant's own submission makes boundary accuracy central

The application form states that construction began on 2 March 2026. It then explains that, after work began, new information indicated the boundary beside the access was farther east than originally thought. The dwelling is said to have been narrowed by 800mm to fit within the applicant's boundary, and the garage moved north. This is not background noise: it is the stated justification for changing Condition 2.

The short extract below is included to make the evidential point transparent. It should be read with the unamended 'existing' drawing and the Certificate B entry on the following page.



Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Since construction work has begun on site, new information regarding the location of the applicants legal boundary has come to light. The original design for the house was set out on the line of the existing access track which runs to the west of the site, however this boundary line is located further to the east than was originally thought. The house has been made narrower by 800mm to allow the building to be constructed entirely within the applicants legal boundary.

Due to the narrowing of the site, it is proposed that the detached garage is relocated further towards the northern end of the site to allow for adequate garden space to be maintained.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

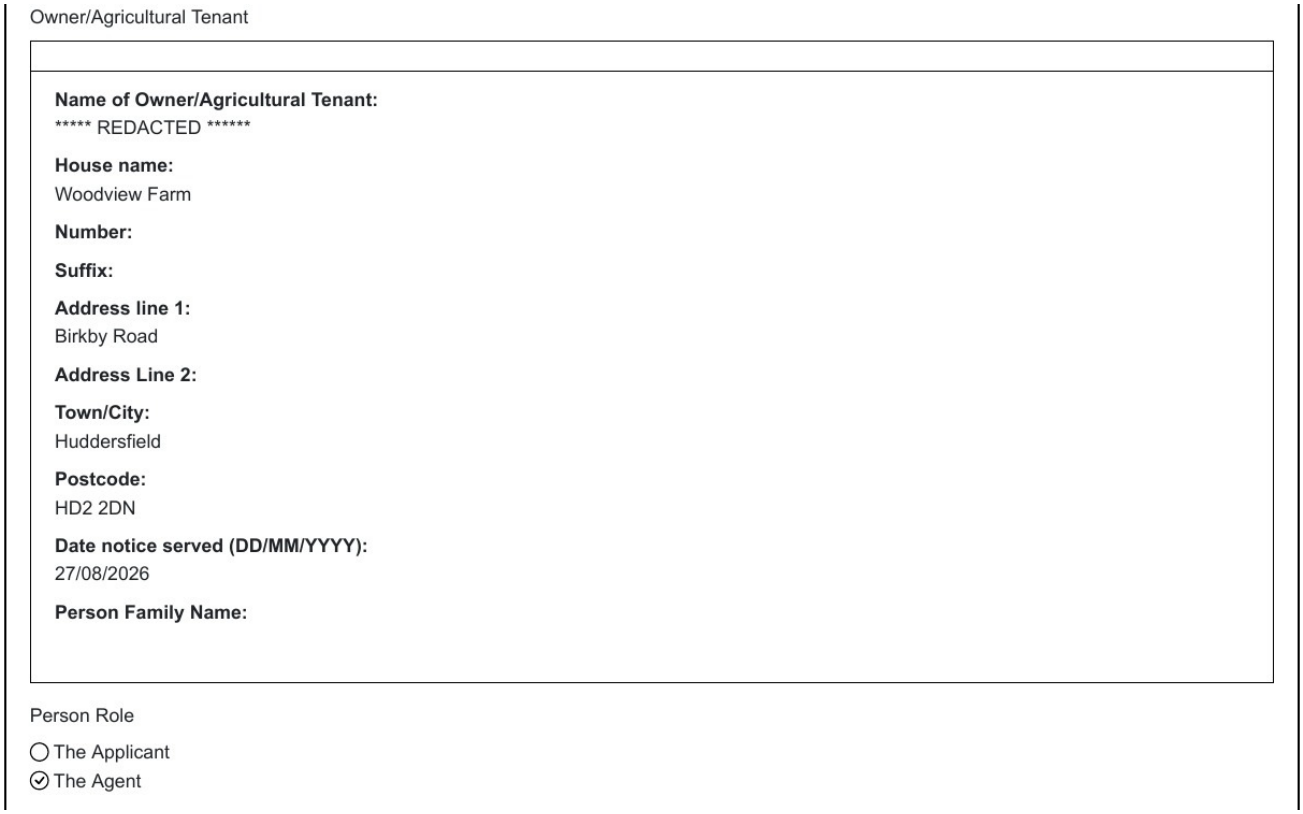
Permission is sought to allow for the development to be carried out in complete accordance with the amended plans included within this application.

Document P2. Application form, file 1156791, page 5. The form says the house is 800mm narrower and the garage relocated because of post-commencement boundary information. It does not identify the survey, deed or agreed boundary plan said to confirm that line.

Because boundary information is the entire reason for the amendment, the Council should require the evidence itself — not accept the word 'confirmed' in a drawing revision note as a substitute for a verified and properly referenced survey.

Certificate B confirms third-party interests — not consent or an exact boundary

The current application uses Certificate B and records notice to Woodview Farm on 27 August 2026. This is important because it confirms that the application land is not treated as wholly within the applicant's sole ownership. It does not prove where the legal boundary lies, establish consent to works, or create a right to use or alter the drive.



Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant:
***** REDACTED ******

House name:
Woodview Farm

Number:

Suffix:

Address line 1:
Birkby Road

Address Line 2:

Town/City:
Huddersfield

Postcode:
HD2 2DN

Date notice served (DD/MM/YYYY):
27/08/2026

Person Family Name:

Person Role

◯ The Applicant
⊘ The Agent

Document P3. Application form, file 1156791, page 7. Woodview Farm is identified as the address of an owner/agricultural tenant served under Certificate B.

Procedural history and fairness

The original 2024 application used Certificate D and newspaper notice rather than personal notice. The Council's Stage 1 complaint response of 25 March 2026 says that process was accepted in good faith. That history is not advanced here as an automatic invalidation of the present application. It is relevant because the current Certificate B now acknowledges another ownership interest and because the disputed access/boundary is fundamental to implementation. The Council should ensure that the current red line and ownership information are correct, accept representations through the published consultation period ending 29 September 2026, and avoid any premature decision.

1 The application is not fit for determination on its present plans

NPPF policy DP4 expects conditions to refer to clear and accurate plans which provide visual clarity, and says design quality should not be materially diminished by later changes. The present bundle does not meet that standard because the central facts cannot be checked from the drawings supplied.

- The 'existing' drawing is dated July 2024 and has no revision despite substantial construction, excavation, wall removal and later boundary information.
- That drawing expressly says it is produced from third-party information, must not be scaled and requires all dimensions to be checked on site.
- No single drawing overlays the approved and proposed positions or dimensions the shift relative to the drive, wall, boundary features, trees and neighbouring land.
- The floor and elevation drawings are marked 'BUILDING REGULATIONS', not prepared as contextual planning drawings; they omit neighbouring relationships and verified separation distances.
- The Council cannot confidently test amenity, access, drainage, tree/root protection, wall alignment or the as-built position from this information.

Required before determination

- A current topographical and measured as-built survey tied to identifiable permanent points and coordinates.
- A dimensioned approved-versus-proposed overlay, including house, garage, wall, gate, drive, drainage, trees/RPAs and finished levels.
- Dimensions from the verified legal/site line to the outermost foundations, walls, roof/parapet edges, eaves, fascia, soffits, gutters/downpipes and any projecting feature, together with a method showing construction and future maintenance without entering or overhanging the drive. The drawings must also prove that all rainwater is collected and discharged wholly within land lawfully available to the applicant.
- Corrected existing and proposed site/location plans clearly distinguishing the application red line, applicant-owned land, third-party land and access corridor.
- Contextual sections from Woodview Farm's garden and lower-floor windows across the drive, raised parking/garage area and dwelling, with every relevant opening, standing eye level, boundary treatment and existing/proposed level clearly dimensioned.

Until that information is supplied, approval would attach Condition 2 to plans which do not provide a reliable or auditable basis for construction or enforcement.

2 The privately commissioned boundary opinion is qualified and not determinative

The Expert Witness Report by Christopher Lee BSc (Hons) MRICS of Lucas Lee Ltd (reference 26-2175/CDL/DH, dated 5 May 2026 following inspection on 27 April) was commissioned by the proprietors of the development plot. Although prepared under expert-witness duties, it remains one party's evidence: it has not been agreed by me and was not included in the six-document public application bundle when checked on 22 September 2026. Its evidence list refers generically to a conveyance plan for Woodview Farm, but the report does not identify it as, or explain the coloured references on, the plan attached to the 2 June 1930 conveyance which remains material to the historic arrangement.

The report's own terms are important. Paragraph 2.3 says the site indication was intended so that the exact boundary could be agreed with any relevant party. Paragraph 2.14 says the report provides only the surveyor's expert opinion and that, if disputed, the exact position can be determined only by a court or the Land Registration Division of the Property Chamber, First-tier Tribunal. On 2 June 2026, the surveyor also wrote that no document had been seen which specifically addressed ownership of the wall. Those express limitations are incompatible with treating the applicant's boundary position as finally 'confirmed'.

There is also a document-control discrepancy which should be clarified before the Council relies on the report: the main report and survey drawings use reference 26-2175/CDL/DH, while the glossary and several appendix divider/footer pages display 25-2069/CDL/DH. This may be administrative, but the applicant should confirm the complete, correct version and explain the differing references for the public record.

The report's 5m access premise is not demonstrated

> **Christopher Lee of Lucas Lee Ltd, paragraph 4.1: "The width of 5m generally accords through the full length of this portion of the unregistered track."**

That wording is qualified. The report uses a historic gatepost as a benchmark and says that 5m 'generally accords'; it does not say the route is exactly 5m at every point, nor does it provide a current planning/as-built width schedule demonstrating a continuous 5m clear and usable vehicle route following the present excavation, wall removal and construction works.

By contrast, Proposed Site / Block Layout 24.002/(AL)100 Rev A, file 1156789, labels only 'access drive widened to 4.5m to site entrance'. It gives no dimensions for the remainder of the route and does not reconcile that 4.5m entrance note with the report's 5m premise. The photographs record current conditions but are not a substitute for measurements. Before determination, the Council should require a current topographical/as-built survey showing the clear usable width at regular intervals between identified permanent features, together with a site inspection.

HM Land Registry guidance

HM Land Registry Practice Guide 40 explains that title-plan red edging normally shows only the general position of boundaries. It cannot be scaled up to identify the exact legal boundary or establish who owns a wall. An exact line may be recorded by agreement or determined-boundary procedure supported by suitable evidence. Neither is evidenced here.

Planning consequence

- The Council should not determine private property rights or the exact legal boundary, but it must not describe a disputed line as settled or approve inaccurate drawings on that premise.
- A red line may include third-party land needed for a development, but it does not itself confer ownership, consent or access rights.
- Any condition requiring works outside the applicant's control would be vulnerable on enforceability and reasonableness grounds unless there is a real prospect of implementation.
- The public record should include the boundary evidence relied on, the qualifications to it, and a plan showing exactly which line the designer used.

The fair planning response is to require a verified measured plan and transparent evidence, expressly reserve private rights, and determine the scheme only on a layout that can be implemented wholly within the land and rights actually available.

3 The red line, access drive and operational arrangements are unresolved

Planning Practice Guidance says the red line must include all land necessary to carry out the development, including access from the highway, visibility splays, parking and landscaping. It is an application-site line, not an ownership line. Here, drawing 1156792 encloses the full access corridor from Birkby Road while the applicant has used Certificate B. That makes it essential to identify which access, widening, wall, drainage, bin and construction activities are proposed on third-party land and on what basis they can be delivered.

No demonstrated authority for works or obstruction

The applicant has submitted no deed, easement plan, licence or landowner agreement evidencing authority to widen, excavate, drain, reconstruct boundaries, position bins on, alter the farm gate or obstruct the drive. I do not consent to those activities on my land or to interference with the established vehicular and pedestrian access serving Woodview Farm. Private rights are reserved; the planning question is whether the amended development can function without unsafe or unauthorised reliance on this corridor.

Safety and servicing

- LP21 requires safe and effective access for all users, including emergency, service and refuse vehicles, and requires levels/topography to be considered.
- On 6 March 2026 Building Control confirmed that fire-appliance access had not yet been considered, although it should have been fully addressed at planning stage; swept-path compliance had not been determined.
- The proposed site plan labels access widening to 4.5m at the site entrance, whereas the applicant-commissioned Expert Witness Report by Christopher Lee says a width of 5m 'generally accords' through that portion of the track. No dimensioned plan reconciles those statements or demonstrates a continuous minimum clear usable width after the wall, drainage and building works.
- The plan also shows a bin collection point serving the proposed dwelling and Woodview Farm, but no rights, swept path, construction logistics plan or access-maintenance protocol is provided.
- Earlier works, deliveries, excavations and materials have obstructed or narrowed the sole drive. Construction impacts are material under current NPPF transport policy and require active control.

Missing vehicle tracking and turning space

The proposed layout places the vehicle approach and labelled parking/manoeuvring area between the narrowed dwelling/garden and the relocated garage. The garage drawing provides a 6.0m-wide door and the site plan marks a 7.6m parking dimension, but the bundle contains no swept-path analysis, turning template or dimensioned turning head. The retained garden and narrow plot further constrain the space. A static parking label does not demonstrate that vehicles can actually enter, turn and leave safely.

- Provide tracking for a representative domestic car entering the garage and parking spaces and leaving in forward gear, including simultaneous occupancy of other spaces.
- Provide tracking for delivery, refuse and emergency vehicles where the proposal expects them to use the route, together with any passing/waiting arrangements.
- Tracking must demonstrate that vehicles can enter, park, turn and leave without blocking or materially interfering with Woodview Farm's established access. Any manoeuvre relying on third-party land or access rights must be identified and shown to be lawfully available; the red line itself does not create that right.
- A vehicle manoeuvring or waiting on the shared/third-party drive would prevent or delay my cars entering or leaving my home and would materially interfere with the vehicular and pedestrian access serving Woodview Farm.
- Planning permission does not create, vary or remove private access rights. A layout that cannot operate without obstruction must be redesigned; private enforcement rights are reserved.

Building projections, construction and future maintenance

The house was altered only after the boundary position was challenged and the application says it has been narrowed by 800mm. Even so, no drawing gives a verified clearance from the boundary to the foundations, finished wall, roof/parapet edge, eaves, fascia, soffits, guttering, downpipes or other projections. Nor is there evidence that scaffolding, wall finishing, rainwater maintenance and future repairs can occur without occupying or overhanging the drive. For the avoidance of doubt, I do not consent to any roof, eaves, fascia, soffit, gutter, downpipe, rainwater outlet or other part of the building overhanging, projecting over, being fixed to, or discharging water onto the adjacent drive. Every part of the development and its rainwater system must remain wholly within land lawfully available to the applicant. The Council should not approve a nominal wall position while leaving roofs, foundations, services and construction access unverified.

Required outcome

Refuse the application on the present evidence. The only proper alternative is deferral before determination until the access basis, precise works, vehicle tracking and outermost building projections are demonstrated. A Construction and Access Management Plan must also be settled before further work, requiring: no obstruction of the drive; continuous emergency and residential access; on-site worker/delivery parking; banksman arrangements; wheel cleaning; timed deliveries; protection of the drive edge; and prompt reinstatement of damage.

4 The amended design threatens local character and the historic farm approach

Woodview Farm and its approach are read as a traditional farmhouse setting: a narrow green lane, mature vegetation, dry-stone walls and a farm gate. Those features are not simply personal preferences. They form the visible landscape structure and local identity of the site. NPPF DP3, Local Plan LP24 and LP32, and the Housebuilders Design Guide all require development to respond to history, character, landscape and local materials. The SPD specifically identifies dry-stone walls and hedges as existing edges which should be retained or repaired where they contribute to historic or landscape character.

Dry-stone wall

Condition 7 requires the 900mm wall to reuse reclaimed natural stone from the existing boundary wall where possible, with any additional stone matching the existing dry-stone wall. Photographs show substantial dismantling, damage and displacement; material has been removed from site and the remaining wall has been left without adequate support. The applicant cannot now rely on a generic statement that the wall will be rebuilt without accounting for the material the condition required to be reclaimed.

- Require a photographic and measured inventory of all wall stone removed, retained, stored and lost, with secure on-site storage.
- Require a detailed dry-stone reconstruction method, coursing sample, stone source and a continuous wall plan tied to verified boundaries.
- Do not approve materially different cast or uniform walling where the condition requires natural stone matching the surviving wall.
- Require repair and structural support to the remaining wall and drive edge before further adjacent loading or excavation.

Farm gate and drive

The developer has indicated an intention to alter the drive and farm gate, but no such intervention is clearly and fully assessed in this application. I do not consent to their alteration. Any change necessary to the proposal must be shown, justified and assessed for landscape character, access, safety and ownership. The existing gate, green central strip and wall-lined approach should remain unless a separately explicit and acceptable proposal is approved.

The applicant cannot first damage or remove the traditional feature and then rely on its diminished condition to justify a lower-quality replacement. NPPF DP4 expressly resists material diminution in design quality between permission and completion.

5 Raised levels, garage enclosure and neighbouring privacy have not been assessed

Local Plan LP24 requires a high standard of amenity for neighbouring occupiers and appropriate relationships between buildings. The privacy issue is not confined to the west-facing openings beside the drive. The west elevation contains multiple tall windows and glazed doors, while the north elevation contains openings facing the relocated garage and raised parking/manoeuvring area. Those openings may provide direct or oblique views towards Woodview Farm. The objector identifies particular risks to the bathroom window, the private garden and lower-floor windows. The submitted material does not show verified separation distances, eye-level sight lines, comparative finished levels or effective boundary screening, so the degree of overlooking cannot be reliably assessed.

- The drive is part of the everyday private approach to Woodview Farm; increased overlooking of the route and adjoining private areas is a legitimate amenity concern.
- Direct views towards a bathroom affect one of the most private rooms in the home. The applicant should provide a dimensioned eye-level sight-line study from every opening capable of facing or looking obliquely towards Woodview Farm, including the west elevation and the north elevation facing the garage.
- The objector reports that the site and garage/parking level have been raised to align more closely with the drive. Raising external ground and standing eye level can materially increase overlooking over a wall or planting and into Woodview Farm's garden and lower-floor windows. No existing-versus-proposed level survey or section tests that effect.
- The relocated garage and its forecourt must be assessed as an elevated activity area as well as built form. The plans do not establish the garage slab, threshold or forecourt level relative to the drive, Woodview garden, or the sills and internal floor levels of Woodview Farm's lower storey.
- The earlier permission imposed obscure glazing to east-elevation windows to protect neighbours, demonstrating that privacy was already a live issue. The revised west and north elevations, altered ground levels and relocated garage/parking area now require a complete new assessment.
- Contextual sections and a window schedule should identify existing and proposed spot levels, finished-floor and garage-slab levels, standing eye level, sill heights, glazing type, opening method and all direct or oblique views before a conclusion is reached.
- The design should first avoid harmful views by lowering or reconfiguring levels and repositioning openings. Where appropriate and compatible with the room's function, permanent fixed obscure glazing and/or a robust, character-compatible screen should be considered. Informal planting alone is not reliable privacy mitigation.

Garage scale and neighbouring effect

The approved garage drawing, file 1066813 / drawing 24.002/(AL)03 Rev B, shows a 6.5m by 6.5m footprint (42.25m²). The current proposal, file 1156790 / Rev C, is 6.5m by 8.5m (55.25m²). One overall dimension therefore increases by 2.0m and the footprint increases by 13.0m², or approximately 30.8%. Revision C itself records that the garage was 're-sized and repositioned'. This is a substantial spatial change, not a neutral relocation of the building previously approved.

Garage comparison	Approved 2024	Proposed 2026	Change
Overall dimensions	6.5m x 6.5m	6.5m x 8.5m	+2.0m in one direction
Approx. footprint	42.25m²	55.25m²	+13.0m² / +30.8%
Position	Approved position	Moved towards northern boundary/access corridor	New relationship to access, trees and neighbours

Enclosure, daylight and loss of openness

The enlarged garage is moved towards the northern end of the site and closer to the boundary/access corridor, Woodview Farm's private areas and the tree/hedge edge. Its additional 2.0m length would create a longer continuous built edge beside a route which is presently read as a narrow, green and open farm approach. The reported raising of the garage/parking platform may further increase its apparent height, dominance and the eye level of people using that area. In combination with the dwelling already being constructed very close to the drive-side edge, the garage risks producing a hemmed-in, tunnel-like corridor, reducing perceived openness and daylight and replacing a soft landscape edge with built mass. The submitted material contains no longitudinal or cross-section through Woodview Farm, the drive, dwelling and garage, no verified boundary clearance, no complete comparative level information, and no privacy, daylight, shadow or enclosure assessment. The Council therefore has no reliable basis to conclude that the enlarged and relocated garage would preserve the character or amenity of this approach.

Access width, visibility and safety

The garage must also be assessed as part of the operational access arrangement, not as an isolated outbuilding. A longer building beside the access can reduce visibility, remove informal refuge/passing space, intensify pedestrian-vehicle conflict and leave insufficient space for construction, drainage, guttering and future maintenance without encroaching on the drive. Manoeuvring to the 6.0m garage door may cause vehicles to wait, reverse or swing across the route serving Woodview Farm. No swept-path plan, verified usable-width plan, emergency-access assessment or maintenance strategy demonstrates otherwise. The physical narrowing, obstruction and safety effects are material planning matters under LP21 and LP24.

Boundary construction and private restrictions

The dwelling works already show construction brought extremely close to the disputed drive-side boundary, after the applicant says the house had to be narrowed by 800mm. I have also notified the Council that, on my reading, provisions affecting the applicant's registered land restrict construction on or immediately against this boundary. The exact legal effect of any private restriction is not advanced as a standalone planning ground and is not for the Local Planning Authority to determine or enforce. It is, however, a serious deliverability warning: planning permission must not be treated as authority to build on, project over, drain onto or obtain maintenance access across land or rights not available to the applicant. A verified measured survey must show the garage's foundations, finished walls, roof edges, gutters, downpipes and maintenance zone wholly within land and rights lawfully available to the applicant.

The amended arrangement also moves parking, vehicle manoeuvring, headlights, EV-charging and associated activity closer to Woodview Farm. The submitted plans do not include an external-lighting strategy or demonstrate how headlights and security lighting associated with the relocated garage/parking would avoid nuisance. The garage's visual mass, activity, vehicle lighting/noise, boundary relationship and effect on outlook/privacy cannot be assessed without levels, sections and verified distances. These matters should be assessed under LP24 and LP52 before determination.

I am concerned that these changes would diminish the enjoyment and desirability of Woodview Farm. I do not rely on an unquantified claim of reduced market value, which is not itself a planning test. The objection is instead founded on the underlying material harms: loss of openness and daylight, enclosure and dominance, interference with safe access, vehicle conflict, noise and lighting, damage to landscape character and uncertain deliverability.

The present information does not demonstrate acceptable access, daylight, openness, privacy, outlook or freedom from dominance. Complete the garage comparison, verified boundary survey, existing/proposed level survey, sight-line assessment from all relevant openings and raised external areas, contextual sections, vehicle tracking and amenity assessment before determination; without evidence resolving these effects, refuse the amended layout. Conditions should not be used to postpone that assessment.

6 Trees, roots, biodiversity and landscape evidence are out of date

The moved garage, revised dwelling footprint, access widening and drainage routes interact with mature trees, hedges and root-protection areas. Current NPPF policies N2 and N3, Local Plan LP30/LP33 and BS 5837 require existing natural features to be conserved where possible and development to be informed by suitable arboricultural advice. The original Condition 9 specifically required an Arboricultural Method Statement and Tree Protection Plan before development commenced, including entrance-widening methods which minimise root damage.

Why the current bundle is inadequate

- The garage has been relocated and resized after the original arboricultural assessment and is now nearer the northern tree/hedge corridor.
- The proposed plan depicts RPAs and drainage lines, but no updated impact assessment explains excavation depths, foundation type, no-dig construction, service runs or construction exclusion zones.
- Condition-discharge application 2026/92074 was submitted only after works had visibly commenced and was approved on 18 September 2026. That later approval establishes the scheme to be followed but does not itself determine whether commencement before approval breached the pre-commencement condition; that timing issue requires a separate enforcement finding.
- Dry-stone walls, hedges and mature vegetation also provide habitat structure. Their piecemeal removal can erode ecological connectivity even where no protected species is claimed.

Required evidence

An updated AIA/AMS/Tree Protection Plan by a competent arboriculturist must address the revised garage and house, access widening, drainage, wall reconstruction, storage/parking and the as-built construction. It should include tree categories, measured RPAs, incursions, foundation methods, service routes, supervision and long-term protection. The application should not be approved on a drawing-only assertion of compliance.

7 Drainage, excavation and land stability remain materially unresolved

Local Plan LP28 requires a sustainable drainage solution for the lifetime of the development, no adverse water-quality effect and no increase in risk elsewhere. NPPF policy F8 is the direct national policy for sustainable drainage, while DP3 requires design to integrate green infrastructure and cross-refers to F8. The amended plan contains schematic foul and surface-water lines but no drainage design note, levels, calculations, ownership/control evidence, construction detail or as-built survey.

Reported drainage outside the development boundary

On 29 July 2026 I reported a black corrugated land drain installed on the access-drive side of the outer blockwork and asked Planning Enforcement and Building Control to inspect it before concealment. Building Control later identified it as an additional land drain discharging to a soakaway within the property, but did not determine its surveyed position against the planning boundary or land rights. The pipe photograph is included at D1. No planning drawing submitted with this Section 73 application reconciles that as-built work. No drain, chamber, footing or service may be installed beneath or across the drive without lawful authority; all development infrastructure must remain inside land lawfully available to the applicant unless an express right or agreement is proved.

Drive excavation and inadequate reinstatement

The developer excavated the drive/edge while the boundary and authority were disputed. After challenge, the work was simply backfilled with coarse rubble rather than restoring the lane to its previous safe, stable, permeable and visually coherent condition. The photographs and the July enforcement evidence show this altered edge. That is unacceptable as a permanent outcome: it affects the use, support and character of the access and cannot be treated as completed reinstatement.

Wall support and drive-edge safety

Photographs record excavation immediately beside the drive and remaining wall, removal of supporting ground and only limited temporary timber arrangements. Those matters were reported in March and July. The applicant/developer is responsible for land stability and safe construction, but the planning authority must still be satisfied that the revised layout and drainage do not create unacceptable effects on adjacent land, access or environmental quality.

- Require a measured as-built drainage plan, hydraulic design, outfall/soakaway location and maintenance regime.
- Require proof that every drain, chamber, excavation and outfall is within land lawfully available to the applicant, or an express owner agreement.
- Inspect the excavated/backfilled drive edge and require full reinstatement to its pre-works alignment, structural support, levels, drainage performance, surface character and safe usable width — not loose rubble infill.
- Require a competent engineer's retaining/stability assessment for the wall and drive edge, including construction loading and permanent support.
- Do not treat original Condition 3 as resolving these matters: that condition concerns surfacing/drainage of parking before use and is not a substitute for a complete site drainage and boundary assessment.

8 Existing condition breaches require investigation and make premature approval unsafe

A Section 73 application can be considered while enforcement issues exist, but it should not be used to obscure them. The Council needs an accurate as-built baseline. The following are evidenced concerns requiring a separate site inspection and written findings.

Condition	Requirement	Evidence / issue requiring determination
2 — approved plans	Build only in accordance with the approved schedule.	Applicant admits an 800mm narrower dwelling and moved/resized garage. NMA 2026/92032 was refused. A measured as-built survey is needed before any regularising decision.
6 — external stone	No development above foundation levels until walling-stone samples are approved in writing.	Application 2026/92497 was received 7 September 2026. Photographs show treated timber sole-plate/DPC work on 17 September and wall-height timber framing and sheathed panels erected by 22 September. The objector reports frame erection began on 21 September. The live Council record checked on 22 September still showed no decision date or decision. This apparent progression above foundation level requires an urgent site inspection and written compliance finding.
7 — 900mm wall	Reuse existing natural stone where possible; any additional stone must match the existing dry-stone wall.	Substantial wall damage, displacement and removal of material are photographed. An auditable stone inventory and reconstruction method are absent.
9 — trees	AMS and Tree Protection Plan required before development commenced, including root-safe entrance widening.	Works were underway months before condition application 2026/92074 was submitted on 24 July 2026. The condition was discharged on 18 September 2026, but that later decision did not determine compliance with its pre-commencement timing requirement. The alleged earlier breach still requires a formal enforcement finding.

Other conditions which must not be lost

- Condition 3 — parking surfacing and drainage before use;
- Condition 4 — grade 4 obscure glazing to the east elevation;
- Condition 5 — bat box;
- Condition 8 — walls in front of the garage no higher than 1m;
- Condition 10 — 2.4m x 43m sightlines;
- Condition 11 — garage not converted to residential accommodation; and
- Condition 12 — removal of specified permitted-development rights.

Requested enforcement action: inspect urgently while timber-frame erection is continuing; photograph and measure the as-built dwelling, including wall height and boundary clearances, garage position, wall, access edge and drainage; record that application 2026/92074 was approved on 18 September 2026 and determine the alleged earlier timing breach; record the current undecided status of 2026/92497; issue written conclusions on Conditions 2, 6, 7 and 9; and consider promptly whether a temporary stop notice, enforcement notice or other proportionate action is necessary to prevent further progression or concealment while the apparent breaches are assessed.

Requested decision and required action

Refusal is the requested outcome

Refuse the Section 73 application in its present form. The submission is not supported by sufficiently clear and accurate information to establish the amended scheme's boundary, access, drainage, tree, character and amenity effects. Those are material matters bearing on acceptability and deliverability, not minor details suitable for postponement by condition. The only proper alternative to refusal is deferral before determination so the missing evidence can be supplied, published and considered through fair consultation. Approval should not be granted on the current bundle.

Matters that must be resolved before determination

No.	Required evidence or protection
1	Restate Conditions 1–12 of 2024/62/92647/W in full, updating drawing references only where necessary and preserving the original protections.
2	Require a corrected, verified and dimensioned site plan and a measured as-built survey before determination and before further construction, including boundary clearances to foundations, walls, roof/parapet edges, eaves, fascia, soffits, guttering, downpipes, services and every projection. No part of the roof or rainwater system may overhang, project over or discharge onto the adjacent drive.
3	No development, drainage, widening, storage, bin placement or boundary work outside the verified application site or on third-party land without the necessary owner authority; private rights expressly reserved.
4	A current measured/as-built access survey with clear usable widths at regular intervals, reconciling Christopher Lee's qualified 5m opinion with the drawing's 4.5m entrance note; a vehicle-tracking plan and Construction/Access Management Plan proving that parking and turning do not block or materially interfere with uninterrupted residential, emergency, service and refuse access. Any reliance on third-party land or access rights must be identified and evidenced; no parking, storage or obstruction on the Woodview access.
5	Updated AIA/AMS/TPP covering the relocated garage, revised house, all drainage, access widening, wall works and as-built conditions; arboricultural supervision and no-dig methods where required.
6	Comprehensive drainage condition requiring design, calculations, levels, as-built route, outfall/soakaway, ownership/control and lifetime maintenance, with all components within lawfully available land; survey and remediate any installation under the drive without authority.
7	Wall-stone inventory, secure storage, repair/support of remaining wall and detailed dry-stone reconstruction using recovered natural stone; additional stone to match surviving wall exactly.
8	Retain the traditional farm-gate/drive character and existing green approach. No alteration should be accepted without a separate, explicit, lawful and fully assessed proposal. Reinstate all excavated drive/edge areas to the pre-works structural, drainage and visual condition, not rubble backfill.
9	Provide existing/proposed spot levels and contextual sections from Woodview Farm's garden, bathroom and lower-floor windows across the drive and raised garage/parking area to the dwelling. Submit a dimensioned eye-level study from every opening capable of direct or oblique views towards Woodview, including west-facing openings and the north elevation facing the garage. Remove harmful views by redesigning levels/openings and, only where appropriate, fixed obscure glazing or robust character-compatible screening.
10	Require an approved-versus-proposed garage comparison, garage slab/threshold/forecourt levels, verified boundary clearances, usable-access widths and vehicle tracking. Demonstrate that the 30.8% larger, relocated and potentially raised garage/parking area causes no unacceptable overlooking, enclosure, darkening, obstruction or safety conflict and needs no projection or maintenance access over the drive. Retain it only for domestic parking/storage incidental to the dwelling; no residential/commercial use, and retain the permitted-development restriction.

Conditions should not be used to postpone information necessary to decide whether the amended development is acceptable. Boundary/site accuracy, core access safety, amenity and the garage/tree relationship must be resolved before determination, not afterwards. The safeguards listed above do not amount to support for approval, are not an alternative recommendation, and must not be treated as withdrawing or qualifying this objection.

Evidence chronology

Date	Event / evidence	Relevance to this application
23 Sep–26 Nov 2024	Original application submitted and permission 2024/62/92647/W granted. Certificate D/newspaper notice used.	Original baseline and conditions 1–12.
2 Mar 2026	Application form now says development commenced.	Start date precedes later boundary information and condition submissions.
5–6 Mar 2026	Urgent reports to Planning/Building Control: removed support, unsafe sole access, suspected encroachment; Building Control said fire-appliance access not yet considered.	Access, safety and site-control risks were put on notice early.
17–26 Mar 2026	Stage 1 and Stage 2 complaints, FS-Case-813773363; wall/support/access concerns escalated.	Contemporaneous evidence, not an objection invented after the Section 73 filing.
21 Apr 2026	Final complaint response states permission grants no access/ownership rights; if inaccurate information prevents approved build, change or enforcement is required.	Council's own distinction between planning permission and private rights.
27 Apr / 5 May 2026	Applicant-commissioned boundary inspection/report by Christopher Lee of Lucas Lee Ltd, ref 26-2175/CDL/DH.	Qualified expert opinion; not agreed or legally determinative.
2 Jun 2026	Surveyor confirms no document seen specifically addressed ownership of the wall.	Material qualification to any claim of a finally confirmed boundary.
3 Jul 2026	Photos show construction and deep excavation; Condition 9 discharge not yet applied for.	Supports pre-commencement condition timing concern.
24 Jul 2026	Condition 9 discharge application 2026/92074 received.	Submitted after development commencement.
29 Jul 2026	Drain outside blockwork/access side reported before concealment; abusive confrontation contemporaneously recorded.	Route, land authority and plan compliance remain unresolved.
21 Aug 2026	NMA 2026/92032 refused; Council required a new or Section 73 application.	Confirms changes were not accepted as non-material.
24 Aug 2026	Photographs show completed floor deck and perimeter/substructure beside drive.	As-built baseline and Condition 6 timing.
27 Aug 2026	Certificate B notice recorded to Woodview Farm.	Acknowledges third-party ownership interest in application land.
7 Sep 2026	Section 73 application and Condition 6 discharge application 2026/92497 received/validated.	Both post-date substantial works.
17 Sep 2026	Photos show continuing DPC/treated timber sole-plate activity; urgent supplementary enforcement evidence sent.	Council asked to intervene while Condition 6 remained unresolved.
18 Sep 2026	Condition 9 application 2026/92074 approved.	The decision sets the arboricultural scheme to be followed; it does not determine the alleged earlier breach of the pre-commencement timing requirement.
21–22 Sep 2026	The objector reports timber-frame erection began on 21 September. A photograph taken at 08:02 on 22 September shows wall-height timber studs and partly sheathed wall panels erected above the completed floor/substructure. The Council record for 2026/92497 was checked the same day and still showed no decision date or decision.	Current visual evidence supporting an urgent Condition 6 inspection before work progresses or is concealed. This objection was updated during consultation ending 29 September.

Plan evidence P1

The unamended July 2024 'existing' plan still encloses the whole drive

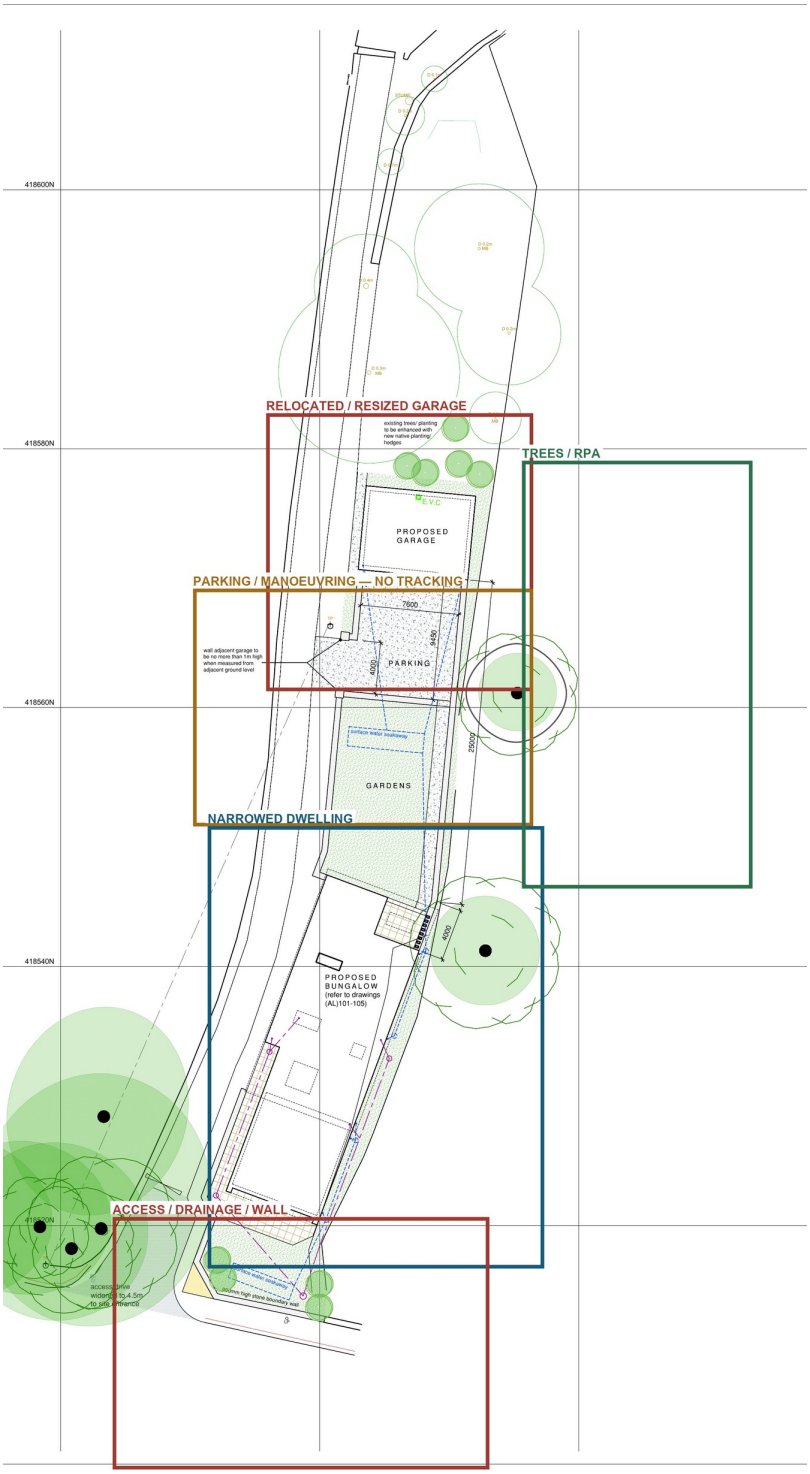


P1 — Existing Site / Block Layout, file 1156792, drawing 24.002/(EX)01. The red application line follows the full access route from Birkby Road and surrounds the development land. The title block dates the drawing July 2024 with no revision. The top-right note says it is produced from third-party information, must not be scaled and requires dimensions to be checked on site. It cannot sensibly evidence the new post-commencement boundary information relied on in 2026.

The Council should require a new existing-site plan based on a current measured survey. Reusing this old drawing disguises, rather than resolves, the central boundary and as-built change.

Plan evidence P4

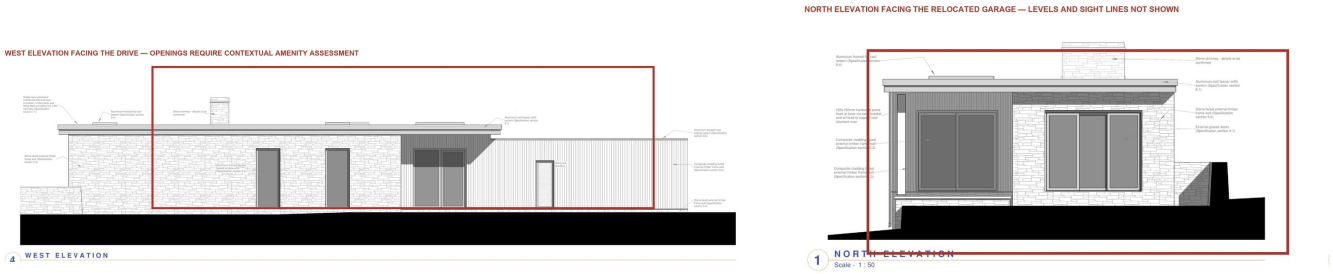
The proposed layout changes several interdependent site relationships



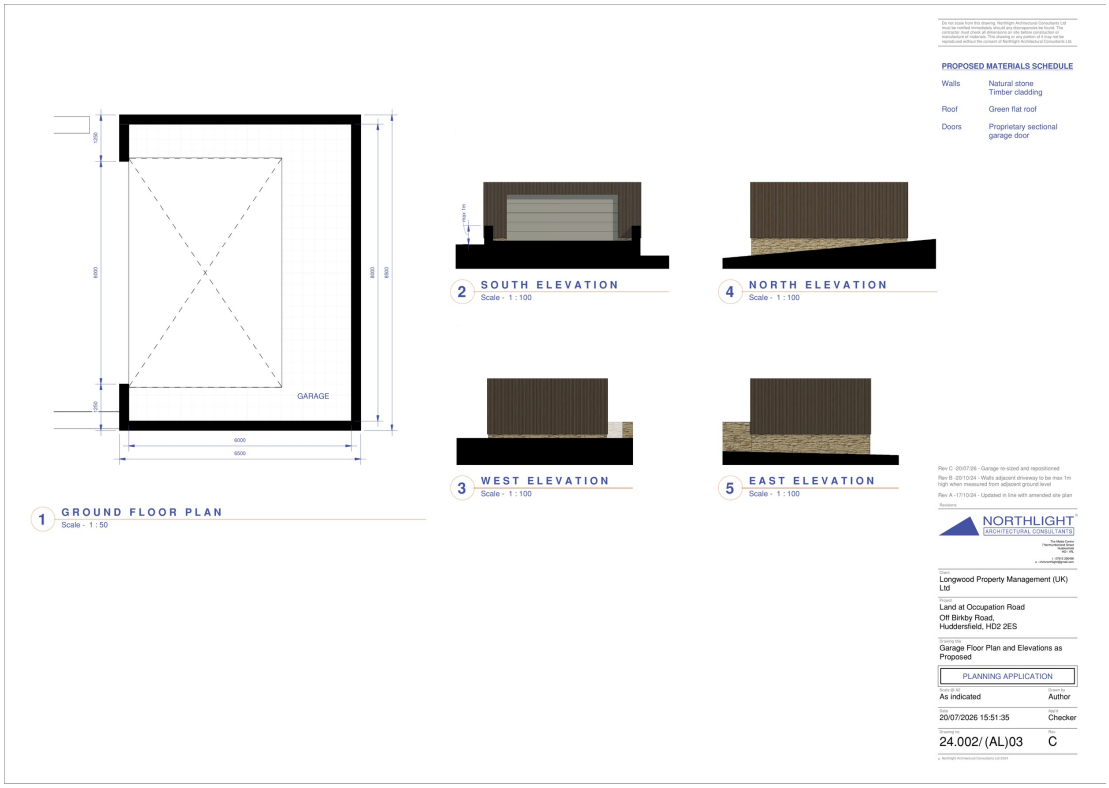
P4 — Proposed Site / Block Layout, file 1156789, drawing 24.002/(AL)100 Rev A. Mark-up identifies the relocated/resized garage, labelled parking/manoeuvring area, narrowed dwelling, trees/RPAs and the access/drainage/wall corridor. The source drawing labels access widened to 4.5m at the site entrance, a bin collection point for the new dwelling and Woodview Farm, and foul/surface-water routes. It does not dimension a continuous 5m clear width along the route or reconcile the applicant-commissioned boundary report's 5m premise. It also supplies no swept paths or turning template and no dimension proving that vehicles can manoeuvre without using or blocking the Woodview drive. The cumulative effects need assessment, not isolated plan substitution.

Plan evidence P5–P6

Privacy openings, changed levels and the enlarged, relocated 6.5m x 8.5m garage



P5 — West and north elevations, file 1156788, drawing 24.002/(AL)102 Rev A. The west elevation facing the drive contains several tall openings and glazed doors; the north elevation contains openings facing the relocated garage. The objector identifies potential direct and oblique views towards Woodview Farm's bathroom, private garden and lower-floor windows, worsened by the reported raising of external levels. No comparative level survey, contextual section, verified separation distance or eye-level sight-line assessment accompanies the proposal. The sheet is labelled BUILDING REGULATIONS.



P6 — Garage, file 1156790, drawing 24.002/(AL)03 Rev C. Overall dimensions are 6.5m x 8.5m with a 6.0m-wide door; revision C records that it was resized and repositioned. The approved Rev B drawing, file 1066813, was 6.5m x 6.5m. The proposal therefore adds 2.0m and 13.0m² of footprint - approximately 30.8%. Its new northern/boundary relationship requires verified clearance, vehicle tracking, contextual sections and fresh access, daylight/enclosure, tree, landscape and neighbouring-impact assessment.

Photographic evidence H1–H2

Traditional drive and dry-stone boundary character



H1 — Green, wall-lined farm approach
Historic street-view image showing the narrow green access, dry-stone edge and mature vegetation which create the farmhouse approach and local landscape identity.
Image metadata: capture saved 9 March 2026; source image marked Google/2020.



H2 — Surviving dry-stone wall at the site edge
Irregular natural stone, traditional coursing and the direct continuation of the lane-side wall beside Woodview Farm. This is the character Condition 7 requires replacement stone to match.
Image metadata: 6 March 2026, 12:22.

These photographs support a planning case based on objective character, not private taste: mature vegetation, walling, green surfacing and the farm-gate approach form a coherent local edge. LP24, LP32, NPPF DP3 and the Housebuilders Design Guide require this context to be understood and respected.

Photographic evidence W1–W2

Progressive dismantling and damage to the conditioned wall material



W1 — Substantial dismantling and displaced stone
Long damaged section, loose stone and displaced wall material beside the drive. Condition 7 required this natural stone to be reclaimed where possible.
Image metadata: 16 March 2026, 10:40.



W2 — Reduced wall remains after continuing works
Later view records surviving wall lengths in a reduced and disordered condition. An inventory is needed to show what remains available for compliant rebuilding.
Image metadata: 26 March 2026, 17:10.

The applicant should account for the stone before any discharge or amended permission relies on its reuse. Removed material cannot be treated as an unlimited or hypothetical resource.

Photographic evidence S1–S2

Excavation beside the sole access and remaining wall



S1 — Open excavation immediately beside drive edge
Exposed face and surviving wall beside the sole access. The arrangement supports the contemporaneous warning that supporting ground had been removed.
Image metadata: 9 March 2026, 11:16.



S2 — Limited temporary timber arrangement
Temporary boards and barrier tape are visible beside the excavation. They do not demonstrate a permanent or engineered support solution for the drive and wall.
Image metadata: 10 March 2026, 15:51.

These images do not themselves prove structural failure. They justify the requested competent-person stability assessment, temporary-works records, measured levels and Council inspection before further adjacent work or loading.

Photographic evidence D1–D2

Drainage route and continuing excavation require an as-built survey



D1 — Additional land drain on access side of blockwork
Photograph sent to the Council while the black corrugated pipe was exposed. Its physical route is visible; its exact surveyed position, authority and compliance with the approved plan remain unresolved.
Image metadata: 28 July 2026, 20:02; Council email described the report on 29 July.



D2 — Deep later excavation close to bank/access
July view records the continuing depth and proximity of foundation excavation to the retained bank/access, reinforcing the need for engineered support and drainage coordination.
Image metadata: 3 July 2026, 13:58.

The Section 73 plan should reconcile these as-built works. A line drawn schematically on a later proposed plan is not an adequate substitute for surveyed evidence of the installed pipe, outfall and relationship to third-party land.

Photographic evidence C1–C2

Substantial construction preceded the Section 73 and Condition 6 applications



C1 — Completed floor deck beside the access
Wide view shows beam-and-block floor and perimeter/substructure masonry at approximately drive level. It predates the Section 73 and Condition 6 submissions.
Image metadata: 24 August 2026, 15:21.



C2 — Ongoing DPC / treated timber sole-plate work
Treated timber and membrane are installed around the perimeter after the Condition 6 application but before any public decision was identified. Council must determine whether the no-above-foundation trigger was crossed.
Image metadata: 17 September 2026, 08:57.

The photographs are evidence for investigation, not a substitute for the Council's measurement. They justify an urgent site visit and a written finding before further work changes or conceals the as-built position.

Photographic evidence C3

Timber-framed walls have now been erected above the floor and substructure

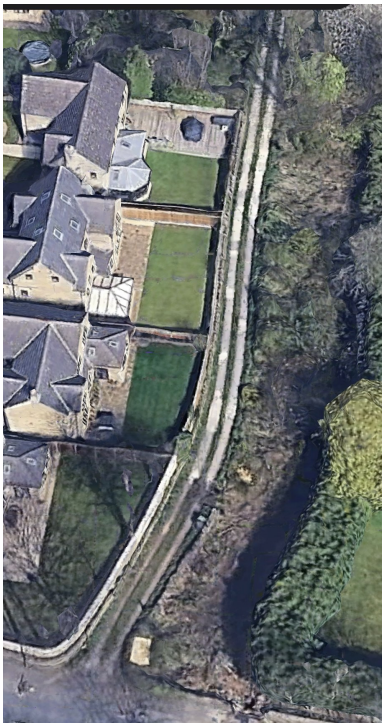


C3 — Timber-frame construction viewed from the access. The photograph metadata records 22 September 2026 at 08:02. It shows wall-height timber studs and several partly sheathed external wall panels erected above the completed floor/substructure. The objector reports that erection began on 21 September. The live Kirklees record for Condition 6 application 2026/92497 was checked on 22 September and still displayed no decision date or decision.

This image appears to show construction progressing materially beyond foundation level while the Condition 6 discharge remained undecided on the public record. It warrants an urgent site inspection and a written enforcement decision before further work progresses or conceals the as-built position.

Photographic evidence C4–C5

Wider relationship of the drive, development plot and neighbouring homes



C4 — Aerial context of farmhouse plots and access
Aerial context shows the long, narrow green access and close relationship to existing houses/gardens. It assists understanding of privacy, character and access impacts.
Image metadata: saved 9 March 2026; aerial imagery date not established.



C5 — Continuing activity across the constructed footprint
Operative and materials on the completed floor/substructure. The image was included in the 17 September supplementary enforcement report.
Image metadata: 17 September 2026, 08:57.

The wider context is why a plan-only approval is insufficient. The amended dwelling and garage need to be read against the historic approach, neighbouring land and real construction already on the ground.

Document and correspondence schedule

Ref	Source	Point established
D1	Decision notice 2024/62/92647/W, 26 November 2024	Approved plans and Conditions 1–12, including Conditions 2, 6, 7 and 9.
D2	Section 73 application form, PP-15175887 / file 1156791	Start date; boundary explanation; 800mm narrowing; garage relocation; Certificate B and notice.
D3	Existing Site / Block Layout, file 1156792	Old July 2024 drawing; full access red line; third-party-information warning.
D4	Proposed Site / Block Layout, file 1156789	Revised house/garage, 4.5m access widening, drainage, trees/RPAs, walls and bin point.
D5	Approved garage drawing 24.002/(AL)03 Rev B, file 1066813	Approved garage measured 6.5m x 6.5m / 42.25m².
D6	Proposed Elevations/Floors/Garage, files 1156788, 1156793 and 1156790	West openings; proposed garage 6.5m x 8.5m / 55.25m²; revision C records resizing and repositioning.
D7	Refusal of NMA 2026/92032, 21 August 2026	Changes required a fresh or Section 73 planning application.
E1	Planning/Building Control emails, 5–6 March 2026	Support/access/encroachment reports; fire-appliance access not yet addressed.
E2	Complaint correspondence FS-Case-813773363, 17 March–21 April 2026	Stage 1, Stage 2 and final response; access/ownership rights distinguished from permission.
E3	Christopher Lee BSc (Hons) MRICS, Lucas Lee Ltd, Expert Witness Report 26-2175/CDL/DH and surveyor email, 5 May / 2 June 2026	Commissioned boundary opinion; paragraph 2.3 anticipates agreement, paragraph 2.14 reserves an exact disputed line to court/First-tier Tribunal, and paragraph 4.1 says 5m only 'generally accords'. The report is absent from the public bundle; the 5m premise is unreconciled with the 4.5m entrance note; appendix footers display a differing 25-2069 reference which requires clarification.
E4	Drainage emails and photo, 29 July–13 August 2026	Additional land drain reported and inspected; surveyed planning/ownership position unresolved.
E5	Urgent supplementary enforcement email, 17 September 2026	Ongoing works and suspected Conditions 2, 6, 7 and 9 breaches.
E6	LGSCO referral, ref 26 012 421	Independent complaint escalation recorded; no Ombudsman finding is asserted here.
E7	Current construction photograph, 22 September 2026 at 08:02	Wall-height timber framing and partly sheathed external panels above the completed floor/substructure; Condition 6 record still displayed no decision when checked that day.

Policy and guidance references

1. Kirklees planning record — application 2026/92498

2. Kirklees Local Plan — adopted 27 February 2019 — policies LP21, LP24, LP28, LP30, LP32, LP33 and LP52.

3. Kirklees Housebuilders Design Guide SPD — site constraints, neighbour relationships, access, trees, drainage and paragraph 7.34 on characterful dry-stone walls/hedges.

4. National Planning Policy Framework — August 2026 — DP3, DP4, TR4, TR6, F8, N2 and N3.

5. Planning Practice Guidance — flexible options for planning permissions — effect and scope of Section 73.

6. Planning Practice Guidance — use of planning conditions — condition tests, enforcement and restatement of conditions.

7. Planning Practice Guidance — making an application — red-line plans, ownership certificates and third-party land.

8. HM Land Registry Practice Guide 40, supplement 3 and supplement 4 — general boundaries, boundary agreements and determined boundaries.

9. British Standard BS 5837:2012, Trees in relation to design, demolition and construction — Recommendations (cited by Condition 9 and Local Plan LP33).

Conclusion

The proposal before the Council is founded on a disputed boundary proposition but is not accompanied by the evidence needed to verify that proposition or assess its consequences. The applicant's own expert, Christopher Lee of Lucas Lee Ltd, treats the line as an opinion, anticipates agreement with affected parties and recognises that a disputed exact boundary is for a court or the Land Registration Division of the First-tier Tribunal. The proposal would change the dwelling footprint and replace the approved 6.5m x 6.5m garage with a relocated 6.5m x 8.5m structure - a 13.0m² / 30.8% footprint increase beside the access and landscape corridor. No full-length measured access survey reconciles the report's qualified 5m premise with the proposed plan's 4.5m entrance note or the current works. No verified clearance, vehicle tracking, contextual section, comparative level survey, privacy/daylight assessment or maintenance strategy demonstrates that this enlarged and reportedly raised built edge can coexist safely and acceptably with Woodview Farm's access and amenity. Openings on both the west elevation and the north elevation facing the garage require assessment for direct and oblique views towards Woodview Farm's bathroom, garden and lower-floor windows. The proposal also continues relying on a historically sensitive, third-party access corridor for widening, drainage, bins and construction. At the same time, material conditions on trees, external stone, wall reuse and approved plans are the subject of live compliance concerns. The 22 September photograph shows timber-framed walls and sheathed panels already erected above the floor/substructure while the public Condition 6 record still displayed no decision.

The sound and proportionate course is to refuse the application in its present form. The only proper alternative is deferral before determination to obtain and consult upon the missing survey and assessment evidence and to complete a prompt enforcement inspection. The current application should not be approved while the material uncertainties remain unresolved.

Please register this document and all exhibits as my formal objection to application 2026/92498, place it before the case officer and relevant consultees, and confirm in writing that it has been received and taken into account before determination.