

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

7 SEPTEMBER 2023

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**Application for a Definitive Map Modification Order (DMMO) to record Colders Lane, Meltham, as a Public Bridleway on the Definitive Map and Statement**      **Item 8 – Page 13**

Please note one submission on this PROW agenda item.

Kirklees Council has received a written submission via email on 4<sup>th</sup> September 2023 from a member of the public, referred to as 'Consultee Ref: 2' in the Committee Report.

*"Dear Mr Drydale,*

*Thank you for the email containing the link to your comprehensive report and the details of the scheduled council meeting.*

*I will not be able to attend the meeting due to long standing work commitments which cannot be changed.*

*I do however wish to maintain my full objections to the proposals .*

*As you would expect I do not agree with the conclusions or interpretation of your report.*

*This is not a comprehensive list of contesting issues as my submitted evidence still forms my objections. However If I was in a position to attend the Council meeting I would raise the issues below:*

*The statement 187 to 189 is incorrect with numerous verbal objections to horse riders over the years. None are going to enter into a log book that they were objected to whilst riding on Colders Lane so the chart is irrelevant in that respect.*

*I do have some photographic evidence of objections made to horse riders and emails correspondence to and from counsellors asking for assistance in stopping the illegal horse riding activities that will be made available at appeal if necessary. I made that clear in my initial objections.*

*There is no mention in your evidence regarding the historic footpath connection to my property on Colders Lane. If the DMMO goes through and horses, Mountain bikers can gallop or speed past... with no protection at a principle and historic point of access to the current footpath. How will this loss be dealt with under the law? I raised this at my initial objection.*

*I know that Safety issues are not a material consideration for the DMMO but the fact remains that Colders Lane is too narrow in places to safely accommodate Pedestrians, Mountain Bikers ( with electric Power and moving at great speed) Slow riding Horses, Galloping Horses or spooked Horses . The lane passes close to residential properties where domestic noises will no doubt spook horses into a dangerous stage against pedestrians and dog walkers Not all dogs will tolerate a horse and will bark in a confined space , spooking horses and creating a dangerous scenario. There is no place to move away from horses in the narrow . Again I and others have made this plea in evidence submitted. If this goes through someone in the future is going to be seriously hurt or killed in an accident.*

*Finally, I would like to state at the meeting that I note that in your evidence item 20 you give three options for resolution of the DMMO but in your conclusion it is narrowed down to two options. Why is the third option to keep as a footpath between Popley Butts and Leygards Lane automatically rejected?"*

The Definitive Map Officer responded via email on 5<sup>th</sup> September 2023, stating:

*"Please be assured that I have stated in my committee report and presentation to the Planning Sub-Committee that you maintain your objection and any Definitive Map Modification Order that might be made, will then most likely be submitted to the Planning Inspectorate for determination.*

*The purpose of the consultation conducted in May/June was to gather all available information/evidence to make an informed decision before presenting the case to the Planning Sub-Committee. I would appreciate if you can send me any documents that you believe are relevant, such as evidence of challenges to public use, especially during the relevant period of 1998 to 2018. The Planning Sub-Committee may decide to make a Definitive Map Modification Order solely based on the documentary evidence. Even so, a Planning Inspector will no doubt take all available evidence into account.*

*As you are aware, I cannot take safety into account, only the available evidence, which is why the 'historic footpath connection' is not included in the investigation or committee report. However, I note that the evidence I have available to me is that horse riders have been using Colders Lane for over 20 years and there has been no reported incidents between multi-users, including those accessing adjacent land. However, it is not lawful for any member of the public to cause a nuisance on a highway or to use a route dangerously.*

*In the report, I have presented members of the Planning Sub-Committee three options to determine the application. However, at the end of the report I have provided my recommendations. Essentially, I recommend that a DMMO is made to record either a public bridleway, or a restricted byway, based on the available documentary/user evidence. By deduction, I do not recommend that the application is turned down so that Colders Lane remains recorded as a public footpath on the Definitive Map and Statement. Nevertheless, I have included in the presentation that I will give on Thursday, that it is still open to the Planning Sub-Committee to turn down the application."*

**Officer Note:**

The representation does not introduce further evidence and reiterates issues regarding suitability and safety, which are covered in the Committee Report. However, despite the opportunity to provide evidence during the 28-day consultation period conducted in May/June 2023, the consultee has evidence of challenges to public use that may be made available after the Planning Sub-Committee. Given that Kirklees Council has a deadline of 30<sup>th</sup> November 2023 to make a determination on the bridleway application, members are advised to proceed with making a decision on the case. Any potential challenges to public use do not affect the recommendations and conclusions regarding the historic evidence. Furthermore, there is no available evidence to suggest that challenges to public use occurred during the relevant period between 1998 to 2018 for the assessment of user evidence.

The Definitive Map Officer has requested copies of any evidence and advised the consultee that they may object to any Definitive Map Modification Order ('DMMO'), which would then be submitted to the Planning Inspectorate for determination. It is not unusual for new evidence to become available during the DMMO procedure, and Kirklees Council can adapt their statement of case where necessary, and a Planning Inspector will assess all the available evidence.

The officer recommendations remain.

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## **Planning Applications:**

### **Update on the Kirklees 5 Year Housing Land Supply (5YHLS) position**

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for application, where applicable, will be set out in the officers’ assessment.

Due to the nature of the two planning applications on this agenda, there is no update in relation to either application as a result of the 5YHLS.

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## **Planning Application 2023/92035**

**Item 10 – Page 215**

### **Demolition of four existing agricultural buildings and erection of one replacement agricultural building**

**80, Cliff Road, Holmfirth, HD9 1UZ**

#### **Section 12: Conditions**

Condition 4 – colour of roof covering.

The Agent has confirmed by email that this would be ‘medium or dark grey’.

The wording of condition 4 is recommended to be altered to require the roof to be finished in this colour palette.

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