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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 15-Jan-2026**

**Subject: Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury**

**APPLICANT**

C C Projects

**DATE VALID**

22-Jul-2020

**TARGET DATE**

21-Oct-2020

**EXTENSION EXPIRY DATE**

24-Dec-2025

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[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Batley East**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION**

DELEGATE refusal of the application for the reason contained within this report.

### **1.0 INTRODUCTION**

1.1 This application relates to land at Heybeck Lane, the smaller of the two Chidswell sites within site allocation MXS7.

1.2 At its meeting of 04/12/2025, the Strategic Planning Committee considered this application and resolved to refuse outline planning permission for the proposed development. The following reason for refusal was drafted and voted on at that meeting:

*The proposed development, due to its size and proximity to Dum Wood, due to the hydrological impacts that would be caused, due the increased residential population that the development would introduce, and due to the insufficient depth of the proposed buffer, would result in changes to local hydrology, significant intensification in the use of Dum Wood, and resultant unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.*

1.3 Authority was delegated to officers to review and make minor amendments to the precise wording of the reason for refusal, if necessary.

1.4 Officers now recommend changes to the reason for refusal. One of these changes necessitates further consideration by Members.

### **2.0 AMENDED REASON FOR REFUSAL**

2.1 Having considered the wording and implications of the above reason for refusal, officers now recommend changes be made to it, as follows:

*The proposed development, due to its size and proximity to Dum Wood, ~~due to the hydrological impacts that would be caused~~, and due to the increased residential population that the development would introduce nearby, and ~~due to~~ the insufficient depth of the proposed buffer, together would result in ~~changes to local hydrology~~, significant intensification in the use of Dum Wood, and ~~resultant~~ unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.*

2.2 The recommended changes in red are considered to be minor. As set out above, superfluous words can be deleted, and words can be added, to ensure the reason for refusal reads better. Adding “nearby” and “together” clarifies the concerns and would enable the council to make an argument at appeal regarding cumulative effects.

- 2.3 Officers are also of the view that a further change (in blue above) is advisable. However, this relates to an element Members had understood would be included in the reason for refusal, hence why this matter has been brought to committee for Members to consider.
- 2.4 The recommended change relates to hydrological impacts, and the suggestion (made in several representations) that much of the developed application site would be covered with impermeable surfaces, so less surface water would soak into the ground, recharge of groundwater would be slowed/reduced, the adjacent ground would become dryer, and the ancient woodland (and its biodiversity) would be harmed.
- 2.5 Officers are of the view that a refusal on this ground (regarding hydrological impacts) is not sustainable, and would expose the council to significant risk at appeal, having regard to:
- The lack of evidence (of note, although objections were raised regarding this matter, no modelling or other clear evidence was submitted to demonstrate that such impacts *would* occur);
  - At this outline stage, the extent of impermeable surfaces is not yet finalised, however permeable green spaces would need to be provided on-site, and the development (up to 181 dwellings in 7 hectares) would be less densely built-up than other developments recently approved and completed in Kirklees;
  - In addition, a permeable 20m wide buffer is proposed between the site and Dum Wood;
  - The applicant's technical response (Lucion, received 17/11/2025) convincingly argues (at pages 4 and 5) that the development is unlikely to alter the current regime for groundwater recharge and groundwater flows;
  - The Woodland Trust confirmed (on 03/12/2025) that the applicant's technical response addressed their concerns relating to hydrology; and
  - Relevant Government and Woodland Trust guidance notes that changes to hydrology *can* harm ancient woodland, but does not illustrate harmful scenarios that are directly comparable with the relationship between the Heybeck Lane site and Dum Wood.
- 2.6 Having regard to the need for consistency in planning decisions, it is also noted that the application for the other, larger Chidswell site (application 2020/92331) was not refused on hydrological impact grounds. That application similarly includes development within the vicinity of Dum Wood (and, additionally, in the vicinity of Dogloitch Wood, which is also an ancient woodland), beyond a 20m-wide buffer.
- 2.7 Given the above concerns, while other elements of the reason for refusal would be retained (regarding the insufficient depth of the proposed ancient woodland buffer, the significant intensification in the use of Dum Wood, and the resultant unacceptable harm to and deterioration of the ancient woodland), it is recommended that the element regarding hydrological impacts be omitted.

- 2.8 Should Members accept the recommended wording changes, the reason for refusal would read as follows:

*The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.*

### **3.0 CONCLUSION**

- 3.1 The application is to be refused in accordance with the Strategic Planning Committee's resolution of 04/12/2025, except (if accepted by Members) in respect of the wording of the reason for refusal.
- 3.2 It is recommended that permission be refused for the reason set out at paragraph 2.8 above.

#### **Background Papers:**

Previous committee report (and appendices):

[https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application\\_number=2020/92350&file\\_reference=1115388](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92350&file_reference=1115388)

Previous committee update:

[https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application\\_number=2020/92350&file\\_reference=1116521](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92350&file_reference=1116521)

Application file:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92350>

Planning history files