

**Consultation Response from KC,
 Policy**
2022/93731 Woolpack Inn, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Partial demolition and alterations to convert public house to 5 residential units
Date Responded:
Responding Officer: Amy Woodhead
Responding Ref:

This application is seeking planning permission for the partial demolition and alterations to convert a public house to 5 residential units at, Woolpack Inn, Whitley Road, Whitley, Dewsbury, WF12 0LZ. The application site is in the Green Belt, so Green Belt policies in the National Planning Policy Framework (NPPF), and Kirklees Local Plan (KLP) will apply.

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

National Planning Policy Framework and Kirklees Local Plan.

Paragraph 93 of the NPPF states that, to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. This is supported by Local Plan policy LP48 (community facilities and services) which outlines that, proposals which involve the loss of valued community facilities such as shops, **public houses** and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
- b. its current use is no longer viable; or
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

In the case of this application, it is criteria a or b of policy LP48 that must be satisfied to permit development – as, there is not an adequate provision of public houses in the locality to serve the community that would allow criterion c to be met, and there is nothing to suggest that an alternative facility of equivalent or better standard will be provided, meaning it will also not be possible to satisfy criterion d. In terms of criteria e – it must be noted that a nomination was received for the Woolpack Inn to be listed as an Asset of Community Value (ACV) on the 14th December 2022. However, on the 31st January 2023, the ACV panel concluded that the evidence presented by the nominating group to outline why the pub deserved such recognition was unable to demonstrate that the facility furthered the social wellbeing and social interest of the local community – thus was added to the list of

unsuccessful nominations. Asset Strategy will be able to provide more information on this if necessary.

As explained in paragraph 17.17 of the Local Plan, “*where a proposal involves the loss of land or premises presently or last in community use, the applicant will normally be required to provide evidence covering the results of reasonable attempts to actively market the land or premises for sale or lease, at existing use value to demonstrate that there is no longer a need for the facility*”. Has the pub been advertised for sale as a going concern? If so, how long for and who with? Has the pub been offered at a competitive price? What interest has there been, how many offers?

In addition to this, paragraph 17.18 states that “***the following additional information will be required for licensed premises:***

- *the last 3 years trading accounts with a breakdown of the percentages of income from food and drink;*
- *where a dining facility is provided, details of the market aimed at and the number of covers available;*
- *who the licence is currently held with and when it is due for renewal;*
- *the opening times for the premise.”*

At this point in time, the applicant has provided a document disclosing the sales averages ‘per week’ from April 2019, 2020, 2021 and 2022, in attempt to provide evidence of low sales that they state have caused ‘trading losses’. However, in order to fully satisfy criterion b of Policy LP48, more supporting evidence is required to prove the facility, in its current use, is no longer viable. As stated above, the last three 3 years trading accounts with a breakdown of the percentages of income from food and drink must be provided. It would also be beneficial to know, how many covers does the pub provide for food and what is the target market? How many times a day is food served – and how many times a week? What are the opening hours of the pub, are they regular and convenient? Who is the licence currently held with and when is it due for renewal? Has the pub management engaged with the local community? Has the focus of the pub changed recently? Does the pub offer an attractive range of drinks, e.g., real ales?

As outlined in paragraph 17.19, “*an established facility may become economically un-viable, particularly where this involves a commercially run facility, for example a post office or **pub**. In some instances, multiple use or investigation of assistance (e.g. new technologies, grants) may significantly improve economic viability, particularly where there is active community support to retain the facility*”. With this in mind, further evidence is required to show that multiple use has been explored. For example, is there scope for the pub to combine its function with that of a shop or other community use, bed and breakfast?

Green Belt

Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including criterion d – the re-use of buildings provided that the buildings are of permanent and substantial construction. This is supported by criterion (a) of Local Plan policy LP60

(the re-use and conversion of buildings), which states proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where the building to be re-used or converted is of a permanent and substantial construction. In this case, the Woolpack Inn is of permanent and substantial construction, therefore the principle of converting the building to allow for re-use is acceptable.

Criterion b of LP60 states that proposals concerning the conversion or re-use of buildings should not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings. It is important to note that in this case, the application site is not in the open countryside, it is within the Whitley Lower settlement – and the curtilage of the Woolpack Inn currently comprises the pub, a car park and a small section of amenity space. The plans illustrate that a section of the existing structure to the rear is to be demolished as part of this scheme, to allow for a greater provision of green space and additional car-parking. Timber panel fencing, of a 'domestic' nature, will also be introduced to the rear of the structure, to separate the plot boundaries of the residential units. Due to the position of the Woolpack being within a settlement and **not** open countryside, development of this type would not constitute urban encroachment, therefore does not conflict with the purpose of including land within the Green Belt. There will also be no material difference in the level of openness of the Green Belt through implementing the proposed scheme, as the proposed arrangement and operation of the site will not differ too greatly to how it appears and functions at present. However, dividing the site into individual plots, through positioning timber panel fencing across the space will result in the fragmentation of land. While not material, it would be preferable if alternative arrangements for the private amenity space could be considered.

In addition to this, in terms of criterion (c) of LP60, using timber panel fencing as a boundary treatment in these circumstances may fail to be in keeping with the wider setting. As such, it might be appropriate to consider whether a less 'suburban' boundary treatment would be available to use, that would better suit the context – for example a low wall, or hedging. Another factor to note regarding criterion (c) of policy LP60 is, while it is not clear from the plans, it appears as though the scheme is designed in such a way it will result in the loss of a dwarf wall that currently stands on Scopsley Lane, to separate the Woolpack curtilage from the road frontage. Four parking spaces are proposed to be provided along the road frontage of Scopsley Lane where the dwarf wall currently stands. The low boundary wall is a feature of Scopsley Lane and is characteristic of the area, therefore it would be preferable if the dwarf wall could be retained. Principle 12 of the Housebuilders Design Guide states that parking provision should not dominate street frontages through parking arrangements that places cars at the front of dwellings. Where car parking is accommodated at the side of buildings, as it is in this case, creative design solutions should ensure that car parking can be accommodated to avoid dominating the street scene.