



Planning (Listed Buildings and Conservation Areas) Act 1990

REFUSAL OF LISTED BUILDING CONSENT

Application Number: 2023/65/92128/E

To: R Jones,
SC1 Property Limited
Flockton Chapel, 11, Barnsley Road
Flockton
Huddersfield
WF4 4DP

For: C Nicol

The KIRKLEES COUNCIL hereby give notice that LISTED BUILDING CONSENT has been refused for the execution of the works referred to:-

LISTED BUILDING CONSENT FOR ALTERATIONS TO CONVERT CHURCH TO 2 DWELLINGS, FORMATION OF RESIDENTS CAR PARK, EXTERNAL AMENITY SPACES AND ASSOCIATED WORKS

At: CHURCH OF THE HOLY INNOCENTS, VICARAGE ROAD, DEWSBURY, WF12 9PD

In accordance with the plan(s) and applications submitted to the Council on 21-Jul-2023. The reasons for the Council's decision to refuse consent for the development are:

The applicant has failed to demonstrate that the proposed works are wholly necessary, nor is it demonstrated that public benefits exist which outweigh the less than substantial harm caused to the listed building through the subdivision of the church nave and external alterations. As such, the proposal fails to comply with paragraph 202 of the National Planning Policy Framework which requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It has not been evidenced that the special architectural and historical interest which the building possesses will be preserved as required by Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act and Policy LP35 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing site / block layout	22-111-A01	1	18/07/2023
Existing floor plan – ground floor	22-111-A02	1	18/07/2023
Existing floor plan – 1st floor to roof	22-111-A03	1	18/07/2023
Existing elevations	22-111-A04	1	18/07/2023
Existing elevations	22-111-A05	1	18/07/2023
Plan general – sht1	22-111-A06	1	18/07/2023
Plan general – sht2	22-111-A07	1	18/07/2023
Plan general – sht3	22-111-A08	1	18/07/2023
Plan general – sht4	22-111-A09	1	18/07/2023
Plan general – sht5	22-111-A10	1	18/07/2023
Plan general – prop demo st1	22-111-A11	1	18/07/2023
Proposed site / block layout	22-111-A12	1	18/07/2023
Proposed floor plans – ground floor	22-111-A13	1	18/07/2023
Plan general – 1st floor to roof	22-111-A14	1	18/07/2023
Proposed elevations – sht1	22-111-A15	1	18/07/2023
Proposed elevations – sht2	22-111-A16	1	18/07/2023
Plan general – prop sec 1	22-111-A17	1	18/07/2023
Plan general – prop sec 2	22-111-A18	1	18/07/2023
Location plan	LP	1	18/07/2023
Conservation and heritage statement	CHS	1	21/07/2023
Climate Change statement	CCS	1	21/07/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions have not led to the submission of additional information, therefore given the harm to the listed building has not been evidenced the proposal will result in less than substantial harm which cannot be supported.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area.

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he/she may, by notice served within six months of the date of issue of this notice, appeal to the Secretary of State for the Environment in accordance with Sections 20-21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [the Planning Inspectorate website](#). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#). You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Authority in regard to the proposed works are in progress.

Please note, only the applicant possesses the right of appeal.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 23-Nov-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on [the Planning and Building Control web site](#)

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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