
Report of the Head of Planning and Development**DISTRICT-WIDE PLANNING COMMITTEE****Date: 09-Oct-2025**

Subject: Planning Application 2025/90439 Conversion of existing listed church to 2 dwellings, forming new residents car park, external amenity spaces and associated works Church of the Holy Innocents, Vicarage Road, Dewsbury, WF12 9PD

APPLICANT

C Nicol

DATE VALID

25-Mar-2025

TARGET DATE

20-May-2025

EXTENSION EXPIRY DATE

24-Jul-2025

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: YES

Public or private: Public

1.0 RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matter:

1.Church Structure – to ensure management between both properties in regards to maintenance of the structure including the spire (this could include Quinquennial surveys).

2.0 INTRODUCTION:

2.1 This application for planning permission is brought to the District-Wide Planning Sub-Committee due to the significant number of representations contrary to the officer recommendation, as per the Council's Scheme of Delegation. Through the publicity process, 49 representations were received, all in objection.

3.0 SITE AND SURROUNDINGS

3.1 This Grade II listed church, designed by Mallinson and Healey and constructed in 1858–1859, is a prominent historic building featuring a spire, stone pulpit, and listed gate piers. The church sits within a large cemetery that includes access paths running through the churchyard.

3.2 The church and its surrounding curtilage is accessed via Vicarage Road. It consists of the church building and a graveyard. Several protected trees (reference 24/94/T) are located within the curtilage. Residential properties lie to the east along Selbourne Road, while to the west is Savile Road, a category B road.

3.3 The site is designated as Urban Green Space in the Kirklees Local Plan. The site also forms part of the Kirklees Wildlife Habitat Network.

4.0 PROPOSAL:

- 4.1 The application is seeking planning permission to convert the church into two residential dwellings, along with the creation of a car park and other associated works.
- 4.2 An associate Listed Building Consent application, 2025/90441, has been received of which is pending consideration.
- 4.3 The proposed dwellings would be created through the installation of internal subdivision of the existing building, resulting in two properties, each comprising four bedrooms along with living accommodation.
- 4.4 Proposed external alterations to the building include the installation of rooflights on the lower plane of the east aisle and chancel. The original church doors are to be refurbished, while all existing architectural details of the building will be retained and preserved.
- 4.5 Proposed alterations within the curtilage include the creation of a residential car park with capacity for seven vehicles. The existing access will be widened to facilitate vehicle entry and exit. A new public footpath will be provided, linking the graveyard to Vicarage Road. Soft landscaping will be introduced between the parking area and the graveyard to create a visual buffer. In addition, private residential amenity space will be established adjacent to the church through a planting scheme.

5.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 5.1 Aligned Listed Building Consent application - 2025/90441 - Listed Building Consent for conversion of existing listed church to 2 dwellings, forming new residents car park, external amenity spaces and associated works – Pending decision

2024 - The applicant has previously engaged with the Council's pre-application advice service, submitting a proposal for the conversion of the church into two dwellings and the creation of a car park. The current proposal, which is the subject of this application, represents a modified version of that earlier scheme, incorporating feedback provided by Officers through the pre-application process.

2023/92127 - Alterations to convert church to 2 dwellings, formation of residents car park, external amenity spaces and associated works (Listed Building) – Refused

2023/92128 - Listed Building Consent for alterations to convert church to 2 dwellings, formation of residents car park, external amenity spaces and associated works – Refused

6.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

6.1 Following receipt of the original plans, Officers entered into negotiations with the applicant to secure a number of improvements to the scheme. These included the following:

- The introduction of a pedestrian access to provide public access to the graveyard;
- Amendments to the parking layout to ensure safe manoeuvring and allow vehicles to exit the site in a forward gear, and
- Changes to the proposed boundary treatments within the curtilage.

Subsequently, amended plans were submitted incorporating these changes.

6.2 Following the receipt of amended plans, it was not considered necessary to readvertise the application, as the changes are minor revisions to the initial proposal.

7.0 PLANNING POLICY & LEGISLATION:

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 7.2
- LP 1 – Presumption in favour of sustainable development
 - LP 2 – Place shaping
 - LP 7 – Efficient and Effective Use of Land and Buildings
 - LP 21– Highway safety
 - LP 22 – Parking
 - LP 24 – Design
 - LP 30 – Biodiversity and geodiversity
 - LP 31 – Strategic Green Infrastructure Network
 - LP 33 – Trees
 - LP 35 – Historic Environment
 - LP 48 – Community Facilities and Services
 - LP 52 – Protection and Improvement of Environmental Quality
 - LP 61 – Urban Green Space

National Planning Guidance:

7.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

- 7.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision-making

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Other materials considerations:

- 7.5 Kirklees Highways Design Guide Supplementary Planning Document (2019)
Kirklees Waste Management Design Guide, Version 5 (amended)

Relevant Legislation

- 7.6 The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

8.0 PUBLIC/LOCAL RESPONSE:

- 8.1 The application was advertised by way of site notice and press advertisement. Final publicity expired on 10 May 2025.

- 8.2 49 representations were received, all in objection. The following points have been raised:

- The conversion of residential dwellings would lead to a conflict between the residents and people observing graves.
- Some of the gravestones are in close proximity to the church that is set to be converted.
- Residents in outdoor areas would create noise that can be heard within the graveyard.
- The outlook from residential properties would lead to an overlooking impact to the people observing the graves.
- There will be an increase in traffic within the surrounding area due to the conversion of the church to residential homes.
- Gravestones may be damaged and public access restricted during the construction phase of development.
- The development will affect access to the graveyard.
- The graveyard is not at full capacity.

- Screening should be provided between the residential properties and graveyard.
- Graves have previously been vandalised and this may occur in the future.
- Soil will be contaminated from burials and is not safe for occupancy.
- The changes risk disturbing the graves and would permanently alter the sanctity of the site.
- An area of the graveyard will be converted into a space for private parking
- Cars will be visible from the adjacent properties.
- The retaining wall between the car park and adjacent building will not structurally withstand the number of parking cars.
- The replanted trees will be too close to residential properties
- The conversion of the church is not sympathetic to the character of the listed building.
- The conversion of the church is not financially viable.
- There are no public benefits from the proposal.
- The church should be converted into a place of worship or offices.
- Development would lead to the removal of trees and disturbance of wildlife habitats.
- A historical building with a grave site should not be demolished to make way for a small dwelling.
- Have the people of Dewsbury been consulted.
- What will happen to the graves that are there.
- The gravestones should not be removed.
- The church and churchyard should be preserved.
- Questions were raised in respect to who would be responsible for the upkeep of the church structure.
- Questions were raised in respect of who would be responsible for the graveyard post-development.

8.3 These comments will be addressed in section **12.0** of the report.

9.0 CONSULTATION RESPONSES:

9.1 KC Highways Development Management – No objection, subject to conditions.

KC Conservation & Design – No objection, subject to conditions.

KC Trees – Objection from an arboricultural perspective on the basis that the proposals seek to remove protected trees.

KC Ecology – No objection, subject to conditions.

KC Environmental Health – No objection, subject to conditions.

West Yorkshire Archaeological Advisory Service – No objection, subject to conditions.

The Victorian Society – Objection. Due to marketing and viability information and internal works.

Historic Buildings and Place (Formerly Ancient Buildings Society) – No objection.

Environmental Agency – No comment.

10.0 MAIN ISSUES

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety
- Environmental Matters
- Representations
- Conclusion

11.0 APPRAISAL

Principle of Development

- 11.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 11.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 11.3 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.
- 11.4 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

- 11.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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.

Urban Green Space

- 11.6 The site is allocated as Urban Green Space within the Kirklees Local Plan.
- 11.7 The development as outlined would result in the loss of part of Urban Green Space (UGS). An area within the curtilage of the church will be converted into a parking area and residential gardens. National and Local Policy generally seeks to retain such spaces unless it meets the criteria set out under NPPF paragraph 104. Following discussions at pre-application stage, the applicant has submitted a graveyard assessment, reference A101 B to meet the requirements of criterion a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.*
- 11.8 The graveyard assessment identifies the location of existing gravestones and monuments within the northern section of the churchyard. The submitted plans illustrate the position of the proposed residential car park and gardens in relation to these features. The assessment confirms that the development will not encroach upon areas containing gravestones, and therefore, no relocation or disturbance of existing gravestones will be required.
- 11.9 In addition, the applicant has submitted a letter authored by the Church Commissioners, stating their commitment to future burials and access within other sections of the churchyard, continuing the function of the remaining open space. A public footpath will be creating linking the graveyard with Vicarage Road.
- 11.10 Whilst these documents cannot be taken in isolation to warrant a departure from the development plan of allocated space, they indicate the area of development can support a proposal, provided that the rationale for the application is reasonable and necessary when assessed against all relevant material considerations.

- 11.11 Local Plan Policy LP61 states that the open space should not be considered as making a significant contribution to visual amenity, landscape, or biodiversity value. The area in question lies adjacent to the public entrance of the heritage asset and contains no.4 protected trees and soft landscaping. In assessing the proposed loss of Green Space, all relevant material considerations must be weighed to form a balanced judgment.

Historic Environment

- 11.12 As a starting point, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.13 Special interest of the heritage asset derives from its Gothic Revival features, visual prominence of the site due to the impressive church spire and setting due to the graveyard.
- 11.14 NPPF paragraph 212 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 11.15 NPPF paragraph 215 states, *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 11.16 LP35 of the Kirklees Local Plan reiterates national policy in respect of the Historic Environment. LP7 supports the reuse of vacant and underused properties, so long as development regards the significance of heritage assets.
- 11.17 As a baseline for the assessment, KC Conservation & Design requested viability and marketing information over the course of applications 2023/92127-2023/92128 and under negotiations throughout the pre-application advice period. Relevant information has been provided within Appendix 10 of the Cover Letter and within a Viability Report submitted through this application.
- 11.18 The church building is in the process of being relinquished by the relevant pastoral authorities. Under the Mission and Pastoral Measure Act (2011), there are only three potential outcomes for consecrated buildings: reuse for a new purpose, vesting in the Churches Conservation Trust, or demolition. The Church Buildings Council has determined that Holy Innocents is ineligible for vesting, meaning that a new use must be found to avoid demolition.

- 11.19 The applicant has provided marketing evidence (Appendix 10) within the Cover Letter. This shows that the church has been marketed extensively, in order to fully expose the opportunity to the market. During the marketing period – which ran from April 2020 and, to some degree, is still live – more than 50 enquiries have been received. A significant proportion of these parties either viewed in person, whether that be externally or internally, or viewed virtually, courtesy of a virtual tour we offered on-line. Many of these parties were private individuals, seeking to convert the property to some form of residential dwelling. In terms of feedback from interested parties considering the property, the sheer scale of the building has deterred many. In addition, the lack of available car parking, both within the site and in the immediate vicinity, has proved to be a significant drawback.
- 11.20 The exercise resulted in limited enquiries for uses other than residential conversion proposals and none that were ‘economically viable or had the necessary funds or wherewithal to take on the huge challenges posed by this large, resource-hungry, Grade II Listed building’. All interest for uses other than residential ‘faded away once questions around funding and viability were asked’. This information has been considered as part of the assessment in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).
- 11.21 In the case of the proposal under consideration, the internal alterations are sympathetic to the church’s aesthetic, involving minimal external changes while preserving key decorative features. These include the bells and clock, stained glass, tiled dados and wainscoting, heating grilles, memorial plaques, the font, baptistery tiles, pulpit, organ casing, and external doors. The proposal also retains part of the church’s large, full-height interior in each dwelling, allowing the scale and character of the building to be appreciated.
- 11.22 The proposed residential conversion will require internal subdivision, which will alter the church’s visual character. The West Yorkshire Archaeological Advisory Service recommended a written scheme of archaeological investigation is submitted to understand the significance and impact of the proposed changes to the building and churchyard. KC Conservation & Design requested additional details of layout and extent of structural framework, fixings, extent of demolitions alongside a watching brief to be undertaken during works for excavation and alteration. Details will also be requested for the submission of retained internal features and their reuse and details of the treatment of stained-glass windows. These details are recommended to be secured via condition alongside an accompanying Section 106 legal agreement to ensure the management between both properties to ensure maintenance of the church structure including the spire. These measures are appropriate to ensure the sensitive conversion of the heritage asset.

- 11.23 Constructing the car park will require removing no.4 protected trees and soft landscaping. The church's curtilage is constrained by graves, and this area is the most optimal location for parking. Plans illustrate it would be separated from headstones by a low retaining wall and new soft landscaping providing a sympathetic separation from the churchyard. Taking into consideration a viable use of Holy Innocents, the loss of soft landscaping features would be supported to secure the long-term conservation of the heritage asset when considering the minimal resultant impact of the wider site. To protect the gravestones from damage during the construction phase of development a Construction Management Plan is recommended to be secured via condition. In addition, a further landscaping scheme and materials samples of the new surfacing will be conditioned.
- 11.24 Relevant external consultation responses have been taken into consideration in arriving at the recommendation to approve the application. Historic Building and Places (Formerly Ancient Buildings Society) have stated the following – *'the scheme is almost certainly the best hope for the future of this fine building... although the internal volume is divided the scheme retains nearly everything, apart from the spatial integrity, which renders the building special'*
- 11.25 The Victorian Society raised an objection to the proposal on the basis of what they deem limited marketing and viability information submitted under this application and internal alterations. In light of the comments raised by The Victorian Society, weighing up the applicable factors in this case, the support from KC Conservation & Design and other consultees in relation to the listed building, the proposal would preserve the special interest of the designated heritage asset and it is considered that sufficient marketing and viability information has been submitted as noted in the preceding paragraphs.
- 11.26 Public comments have been raised regarding the future status of land within the church curtilage that lies outside the redline boundary of this application. It should be noted that the proposal does not directly affect this portion of the graveyard, and its future management is not a matter for consideration under this application.
- 11.27 The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. The church curtilage is currently owned by the Church of England, and any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets, outside the planning system. Importantly, this application ensures that public access to the churchyard will be maintained for visitors and those tending graves.
- 11.28 On the basis of the submitted information, Officers consider the development would lead to less than substantial harm to the heritage asset and its setting. The proposed alterations are minimalist retaining many of the internal features and preserving the impressive Gothic Revival architecture. The creation of the

parking area is justified in supporting a conversion to secure a viable use of the heritage asset. The proposal would therefore be supportable under paragraph 212 & 215 of the NPPF, and LP7 & LP35 due to the benefits of securing a viable use and the preservation of the heritage asset's special interest.

- 11.29 In accordance with the NPPF's emphasis on the protection and enhancement of heritage assets, the proposal to secure the long-term conservation of the building through its sensitive reuse is considered a significant benefit. This approach will ensure the historic and architectural value of the church is preserved while providing a sustainable and viable future use. These heritage benefits weigh strongly in favour of the development, subject to the detailed assessment of other material considerations set out within this report.

Wildlife Habitat Network

- 11.30 Local Plan Policy LP31 calls for the safeguarding and enhancement of green infrastructure networks which this site is a part of.
- 11.31 The redline boundary defining the development area has been kept to a minimum, encompassing only the land necessary to facilitate the proposed residential conversion.
- 11.32 Given the limited extent of habitat loss and the scale of external works proposed, it is not considered that the development would conflict with the objectives of the Kirklees Wildlife Habitat Network. This is subject to a separate and detailed assessment of ecological matters, which will be addressed elsewhere in this report. In addition, an off-site Biodiversity Uplift will be provided through condition.

Trees

- 11.33 Policy LP33 of the Kirklees Local Plan calls for the protection from development which directly or indirectly threaten trees or woodlands of significant amenity.
- 11.34 In this case, due to the considerations of the landscape outlined under LP61, LP35 & LP31 development will impact upon the principle of development when considering loss of protected trees on site.
- 11.35 The proposal as it stands requires the removal of 4 category B trees in order to facilitate the parking area. Category B trees would typically be desirable to be retained. It was considered if the location of the car parking area could be altered to limit the loss of protected trees over the course of the pre-application submission. Appendix 12 of the Cover Letter demonstrates potential parking option to avoid the removal of protected trees. When taking into consideration the public use of the wider site, and the location of gravestones, alongside a suitable location for vehicles access, the proposed parking area is positioned in an optimal location.

- 11.36 The applicant has submitted relevant Arboricultural assessments under Appendix 4 of the Cover Letter.
- 11.37 KC Trees, acting as consultee, objected to the removal of four protected trees. Such a response relates to Trees matters only and should not be read as a matter of interpreting policy of all material considerations within the planning balance. Considering the proposal in its entirety, whilst it is acknowledged development will result in the loss of protected trees, on balance, the impact is considered to be proportionate and necessary to facilitate the reuse of the heritage asset.
- 11.38 When considering the wider site, a replanting scheme would not be considered appropriate as the roots of large trees may disrupt areas of gravestones. In addition, a Biodiversity Uplift will be provided through condition.

Loss of a Community Facility

- 11.39 The proposed development involves changing the use of the site from a church, currently serving as a community facility, to two residential dwellings. This change would result in the loss of a community facility. In accordance with Policy LP48 of the Kirklees Local Plan, it must be demonstrated that this loss can be justified and supported.
- 11.40 Appendix 10 of the Cover Letter and the Viability Report serves as evidence to demonstrate the building's current use is no longer viable, as outlined in paragraphs 11.19 and 11.20 above. The church formally closed its doors in 2019 following a decision by the Parochial Church Council due in part to the significant maintenance needs and dwindling congregation numbers. The applicant has submitted a letter from the Church Buildings Council (appendix 10) detailing the extent of necessary repairs from quinquennial inspection reports.
- 11.41 The collection of letters serves as evidence the church's use is no longer viable, therefore meeting criterion b of LP48. As it has been demonstrated, through evidence, the use of the building is no longer sustainable Officers consider the proposal accords with LP48 of the Kirklees Local Plan.

Summary

- 11.42 In conclusion, the proposed development represents an appropriate and sustainable solution for securing the long-term, viable use of a vacant listed church building. The scheme has been designed to deliver a sensitive conversion that preserves the historic and architectural significance of the heritage asset. In accordance with the National Planning Policy Framework (NPPF), substantial weight has been afforded to the conservation of the designated heritage assets.

- 11.43 While it is acknowledged that the development will result in the partial loss of Urban Green Space, the removal of four protected trees, and some reduction of the existing grassed landscape, these impacts are considered to be limited and, on balance, outweighed by the benefits of the proposal. These benefits include securing the reuse of an important local heritage asset, preventing the further deterioration of a vacant building, and contributing to the provision housing.
- 11.44 When assessed against the relevant policies of the Kirklees Local Plan, including LP35 (Heritage), LP47 (Urban Green Space), and LP48 (Community Facilities), the proposal is considered to accord with the overall aims of the development plan. Furthermore, the scheme aligns with the NPPF's objective of conserving and enhancing the historic environment while making effective use of vacant building. Accordingly, the proposal represents sustainable development, providing clear benefits that justify the identified impacts.

Impact on Visual Amenity

- 11.45 Policy LP24 & LP35 of Kirklees Local Plan and Chapter 12 & 16 of the NPPF set out that development should be of an acceptable design.
- 11.46 Holy Innocents is a large church built in a gothic revival style, with impressive decorative stone details and features. Alterations to the external fabric of the building include the installation of 6 conservation style skylights on the lower roof plane of the east aisle and chancel positioned to avoid impacting sensitive external features. No extensions are proposed as part of this scheme.
- 11.47 Private residential space will be formed within the existing churchyard between projections of the building. It will be separated from the public areas by columnar garden trees planted adjacent to the public footpath providing a soft boundary separation between private and public space.
- 11.48 A new public entrance will be constructed with access leading from Vicarage Road. The path will be built with tegular block paving to a width of 1.80metres with stepped access. The proposal will connect to existing footpath routes, providing public access to the churchyard, with certain sections being resized to a width of 1.80 metres.
- 11.49 The parking area will be surfaced in tegular stone paving blocks to match the new footpath. It will be conditioned the surfacing materials are submitted by a condition. The listed gate piers will be repositioned to allow vehicular access. Adjacent to which a bin collection point will be installed with a wooden enclosure.
- 11.50 New boundary treatments are proposed along the northern edge of the private car parking area, comprising a low stone wall combined with soft landscaping to provide a sympathetic separation. A boundary is also proposed along the eastern edge of the car park, with detailed design to be secured by condition to ensure it is appropriate to the setting of the listed building and preserves the privacy of the occupant at 24 Selbourne Road.

- 11.51 To conclude, the visual changes to the building will involve minimal intervention to the external fabric of the church preserving the architectural details and stonework. Landscaping changes are sympathetic to the setting of the church, and include the formation of a new public footpath, with details reserved by condition to ensure their appearance is suitable in consideration of the heritage asset.
- 11.52 It is therefore considered that the proposed works would accord with Policy LP24 & LP35 and advice within Chapter 12 & 16 of the NPPF.

Impact on Residential Amenity

- 11.53 Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Local Plan Policy LP24b reiterates the wording of NPPF paragraph 135.
- 11.54 Elevation plans indicate internal accommodation will be retained as existing with no enlargements to the building itself. As such, the change of use will not result in impacts of overshadowing, a loss of outlook or from being overbearing.
- 11.55 Floor plans indicate the building will be partitioned to provide 3 separate floors providing 4 bedrooms, living areas, kitchen and bathrooms/ensuites. The existing church building includes windows on the aisle and nave. New conservation skylights will be installed on the roof plane of the east aisle and chancel. All outlooks will be over 21.00m away from residential properties along Selbourne Road. Views from the ground-floor windows are obscured by the retained stained-glass features, and these outlooks are 19.5m from residential gardens. Skylights are angled upward and are high level. Outlooks from the nave are at first-floor level, 18.5m from residential gardens. Given the angle and distance of these views, they are not considered to impact the privacy of neighbouring occupants, and their gardens will remain private.
- 11.56 Nationally Described Space Standards (NDSS) provide minimum internal floorspace standards for new dwellings at a defined level of occupancy. NDSS outlines a 4 bedroom dwelling set over 3 floors should have an internal floor space of 103m².
- 11.57 Dwelling 001 has an internal floor space of 264m², Dwelling 02 has an internal floorspace of 315m² meeting the requirement threshold for internal floor space.
- 11.58 NDSS states a double bedroom must have a floor area of at least 11.50m² and be at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- 11.59 Officers have measured the floor space of all bedrooms within the dwellings. The smallest bedroom in Dwelling 01 has an internal floor space of 13.40m² with a width of 2.95m. The smallest bedroom in Dwelling 02 has an internal floor space of 11.75m² with a 3.80m. Bedrooms are therefore suitably sized meeting the requirement thresholds of Nationally Described Space Standards.

- 11.60 An assessment of the amenity of occupants should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. Living and kitchen areas will have a suitable amount of light due to the existing windows, including the openings within the nave due to the open full height interior of the building. Internal bedrooms will be lit through internal windows that are level with existing openings at the nave. It is considered there will be a suitable amount of natural amount within each unit to provide a satisfactory standard of living. Living quarters are spacious with suitable layouts that provide functionable space for occupants.
- 11.61 Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”
- 11.62 Residential outdoor areas are located around the perimeter of the building. Dwelling 01 will include an outdoor amenity space of 80m², Dwelling 02 will have an outdoor space of 107m². Whilst the garden areas is considered to be moderately sized for the proposed dwellings, it is noted that to increase these spaces would encroach further into the churchyard and therefore the proposed amenity space is considered acceptable on balance.
- 11.63 Public concerns were raised regarding potential overlooking of the churchyard by future occupants. However, this impact is mitigated by the retention of stained-glass windows at ground floor level, which provide natural light while obscuring direct views. In addition, the bedroom windows within the nave are positioned at a height of 7.5 metres above ground level, further preventing any direct overlooking of the graveyard.
- 11.64 Kirklees Local Plan Policy LP52 seeks to protect new development from noise or disturbance from nearby sources and should be considered alongside LP24b, which addresses impacts on the surrounding environment. Public concerns have been raised regarding potential disturbances and the impact on the tranquillity of the graveyard. The site is situated adjacent to residential properties and close to a busy B road, with Headfield C of E School located at a medium distance. Consequently, the existing background noise level is considered moderate. The proposal involves the creation of two new dwellings with associated outdoor amenity space. Given the site's context and that the level of background noise is already established, the development is not expected to introduce noise levels beyond this existing baseline. KC Environmental Health raised no comment in relation to the generation of noise to the wider environment.
- 11.65 Having considered the above, the development will not result in any significant adverse impact upon residential amenity, complying with Policy LP24b of the Kirklees Local Plan and Principle 6 & 17 of the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety

- 11.66 Local Plan Policy LP21 states that “*All proposals shall: A) ensure the safe and efficient flow of traffic within the development and on the surrounding highway network. E) Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;*”. This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs.
- 11.67 As part of the proposal, the existing pedestrian access to the church grounds will be widened to accommodate vehicle access. This will lead to a parking area finished with block paving, providing six designated spaces for residents and one residential visitor space. In addition, a new public pedestrian access will be created from Vicarage Road, linking to the existing footpath network within the churchyard.
- 11.68 There are currently no designated off-street parking facilities within the site. The site is located between Vicarage Road and Savile Road, with existing pedestrian access provided from Vicarage Road. A coach bay is situated directly in front of the entrance gates. Vicarage Road is a two-way, single carriageway that also serves residential properties. Approximately 21 metres to the east of the site are no-stopping road markings associated with Headfield C of E School.
- 11.69 Given the parking restrictions on Vicarage Road, the inclusion of off-street parking is recommended as part of the proposed residential conversion. Officers have worked with the applicant to agree a parking layout that enables vehicles to safely manoeuvre within the site, allowing residents to exit in a forward gear. To improve functionality and safety, the two easternmost bays have been widened to 3.0 metres by removing an additional bay that had been included in earlier design proposals.
- 11.70 Following discussions with Officers, it has been agreed that a new pedestrian access to the graveyard will be created to the west of the existing entrance. This will involve the removal of a section of the boundary wall to form a 1.80-metre-wide path, finished with block paving. While consideration was given to replacing the proposed steps with a ramped access, the gradient of 1:5 would not comply with the Department for Transport's *Inclusive Mobility* standards for accessibility. As such, disabled access will instead be provided through the existing gatepiers, which offer a suitable alternative route.
- 11.71 Bin collection points are located adjacent to the gatepiers, they will not obstruct visibility of vehicles merging onto Vicarage Road.
- 11.72 A further consultation from KC Highways Development Management was received on 10 September 2025, confirming the plans achieve a satisfactory layout and appropriate parking facilities.

- 11.73 It is therefore considered that the proposal provides sufficient parking and access to ensure the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Environmental Matters

Biodiversity Net Gain

- 11.74 In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).
- 11.75 The applicant has submitted a Biodiversity Net Gain (BNG) Metric and Assessment, which concludes an off-site uplift will be provided achieving a 56.48% uplift. A planning condition requiring a Biodiversity Gain Plan is submitted to the planning authority will be applied to secure the off-site uplift.

Ecology

- 11.76 Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 11.77 The applicant has submitted an Ecological Impact Assessment, which has been reviewed by KC Ecology. The assessment includes recommendations relating to bats, birds, habitats, and invasive species. A series of bat surveys were undertaken, confirming the presence of a single bat roost located within the church tower and spire. The report concludes that this roost is unlikely to be disturbed by the proposed works, a view supported by KC Ecology. To safeguard onsite habitats and protect the bat roost during construction, conditions will be imposed requiring the submission of a Construction Environmental Management Plan (CEMP), Precautionary Working Method Statement and Sensitive Lighting Strategy.

Land Contamination

- 11.78 Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 11.79 The proposed development site has the potential for contamination due to its historic use as a graveyard, making contaminated land considerations necessary. The Environment Agency, as statutory consultees for works within cemeteries, did not provide comments on the application. However, potential contamination remains a concern. KC Environmental Health has reviewed the proposal and recommended conditions to ensure the site is safe and suitable for future residents. Accordingly, conditions addressing land contamination will be included as part of any permission granted.

12.0 REPRESENTATIONS

- 12.1 The application was advertised by way of site notice and press advertisement. Final publicity expired on 10 May 2025.
- 12.2 49 representations were received, all in objection. A response to the comments received are provided as follows:

Principle of Development

- An area of the graveyard will be converted into a space for private parking.
Officer Comment: The application will result in the loss of a section of allocated Urban Green Space which will be converted into private parking. The area set to be converted is considered to be minimal in supporting the change of use, which in turn will aide in securing a viable use for the listed building.
- The conversion of the church is not financially viable.
Officer Comment: Viability and marketing material has been submitted over the course of the applications. Appendix 10 of the Cover Letter and the Viability Report serves as evidence to demonstrate the building's current use is no longer viable, as outlined in paragraphs 11.19 and 11.20 above. . Officers are satisfied the information submitted is sufficient to support the change of use.
- There are no public benefits from the proposal.
Officer Comments: Securing a long-term viable use of vacant listed building is a public benefit alongside the provision of additional housing. It has been considered the proposal will result in less than substantial harm to the heritage asset which is outweighed by the benefits of the proposal.
- Questions were raised in respect to who would be responsible for the upkeep of the church structure.
Officer Comments: A legal agreement between the planning authority and developer will secure the structural integrity and the maintenance of the structure and church spire.
- Gravestones may be damaged and public access restricted during the construction phase of development. Some of the gravestones are in close proximity to the church that is set to be converted.
Officer Comments: Details will be sought to ensure the gravestone are protected and public access to the churchyard remains by way of a planning condition through the submission of a Construction Management Plan.
- The church and churchyard should be preserved.
- The conversion of the church is not sympathetic to the character of the listed building.
Officer Comments: Officers consider the scheme to be a sensitive conversion preserving the historical and architectural interest of the listed building and its curtilage.

- The graveyard is not at full capacity.

Officer Comments: The future management of the cemetery is not a matter for determination under this application. The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. Any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets.

- The changes risk disturbing the graves and would permanently alter the sanctity of the site.

Officer Comments: The applicant has submitted a graveyard plan indicating the areas of development do not directly affect areas where gravestones are observed. There will be a change of use in a section of the church's curtilage. Plans indicate the parking area would not impede the observation of any of the existing gravestones.

- The church should be converted into a place of worship or offices.

Officer Comments: This application has been assessed on its own merits. The principle of converting the church into two dwellings is acceptable.

- The development will affect access to the graveyard.

Officer Comments: Free and open access to the graveyard will remain and a new pedestrian entrance formed.

- A historical building with a grave site should not be demolished to make way for a small dwelling.

Officer Comments: The listed building will not be demolished as part of the permission.

Visual Amenity

- Cars will be visible from the adjacent properties.

Officer Comments: As part of the planning permission, the ground level of the parking area will be excavated to lower its height. Boundary treatments will be constructed, with detailed plans to be submitted for approval as a condition. These changes in land levels will be sufficient to conceal the parked cars.

Residential Amenity

- The conversion of residential dwellings would lead to a conflict between the residents and people observing graves.
- The outlook from residential properties would lead to an overlooking impact to the people observing the graves.

Officer Comments: Officers considered there will not be an overlooking impact from the residential properties due to the window layout of the building and soft landscaping features. The cemetery is a public space with free and open access to its grounds. The relationship currently observed will not change as a result of the proposal.

- Residents in outdoor areas would create noise that can be heard within the graveyard.
- The changes risk disturbing the graves and would permanently alter the sanctity of the site.

Officer Comments: The background noise level of the site has been assessed to be moderate. Given the site's context, the level of background noise is already established, and the development is not expected to introduce noise levels beyond this existing baseline.

- Screening should be provided between the residential properties and graveyard.

Officer Comments: Soft landscaping will be planted between residential gardens and the churchyard to provide screening

Highway Safety

- There will be an increase in traffic within the surrounding area due to the conversion of the church to residential homes.

Officer Comments: The application has been assessed by KC Highways, due to the provision of off-street parking, they raised no objection to the impact on the existing highway network.

Environmental Matters

- Soil will be contaminated from burials and is not safe for occupancy.

Officer Comments: Land contamination details will be conditioned to ensure the safety of end-users of the site.

- The replanted trees will be too close to residential properties

Officer Comments: Plans indicate soft landscaping will be planted to the north and south of the car park and adjacent to residential gardens. Soft landscaping details will be submitted to ensure they are appropriate in size for the site.

- Development would lead to the removal of trees and disturbance of wildlife habitats.

Officer Comments: Ecological reports have been submitted and assessed by KC Ecology. They accepted the reports. To safeguard onsite habitats and protect the bat roost during construction, conditions will be imposed requiring the submission of a Construction Environmental Management Plan (CEMP), a Precautionary Working Method Statement and Sensitive Lighting Scheme.

Other Matters

- Graves have previously been vandalised and may occur in the future.

Officer Comments: Officers have no concerns there will be a fear of crime and safety from the proposed use.

- The retaining wall between the car park and adjacent building will not structurally withstand the number of parking cars.

Officer Comments: Paragraph 197 of the NPPF states, 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. From a planning perspective the proposal is acceptable.

- Have the people of Dewsbury been consulted.

Officer Comments: The application was advertised by a press notice and a site notice. The application has been advertised as per legislative statutory publicity planning guidelines.

- What will happen to the graves that are there.
- The gravestones should not be removed.
- Questions were raised in respect of who would be responsible for the graveyard post-development.

Officer Comments: This application will not result in the removal or movement of graves. The future management of the cemetery is not a matter for determination under this application. The Church Commissioners have submitted a letter outlining their intention to continue managing the churchyard, including provision for future burials and maintaining public access. Any future decisions regarding the land would be made through processes overseen by the Church Commissioners as administrators of their property assets.

13.0 CONCLUSION

- 13.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 13.2 In conclusion, the proposed development will secure the long-term, viable use of a vacant listed church building. The scheme has been designed to deliver a sensitive conversion that conserves the building's historic and architectural significance. Significant weight has been given to the conservation of the designated heritage asset in this case.
- 13.3 While it is recognised that the proposal will involve the partial loss of Urban Green Space, the removal of four protected trees, and a reduction in the existing grassed landscape, these impacts are considered proportionate. On balance, the benefits of the scheme — including the preservation and reuse of a valued heritage asset, the prevention of further deterioration of a vacant building, and the contribution to housing provision — are judged to outweigh the identified harms.
- 13.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

14.0 CONDITIONS

1. Standard timeframe condition regarding implementation.
2. Development to be in accordance with plans.
3. Archaeological recording condition requiring a full report prior to any works commencing
4. Watching brief to be undertaken during works for excavation and alteration.
5. Further details to be submitted of layout and extent of structural framework, fixings, extent of demolitions.
6. Submit details to retain internal features and their re-use including reredos, some choirstalls, some pews, altar and steps, pulpit, font.
7. Stained glass windows –submit details to ensure treatment will not cause condensation or decay of stained-glass windows.
8. Rooflights shall be Conservation Rooflights, flush with the roof slope, size details to be confirmed.
9. Construction Management Plan for protection of grave heads and to ensure public access.
10. Prior to the commencement of works, the new public entrance must be constructed.
11. Hard and soft landscaping schemes to be submitted.
12. Construction Environment Management Plan for protection of biodiversity
13. Precautionary Working Method Statement in respect of bats
14. Sensitive Lighting Strategy submit details to ensure lighting will not impact upon sensitive ecological networks.
15. Land contamination reports and remediation.
16. Drainage for surfacing of parking area.

Biodiversity Netgain Footnote

Habitat Management and Monitoring Plan to provide non-significant off-site biodiversity netgain.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f90439>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2025%2f90441>

Certificate of Ownership – Certificate B signed, and relevant parties have been notified.