

HOLME PLANNING

Partnership

Planning Statement

Rose and Crown Public House

Cop Hill Side

Slaithwaite

HD7 5XA

**Erection of Extensions to Existing Building and
Conversion of Building to Residential Use**

December 2024

CONTENTS		Page
1.0	Introduction	3
2.0	Application Site Context	4
3.0	Planning History	6
4.0	Relevant Planning Policy and Legislation – National Planning Policy Framework	8
5.0	Relevant Planning Policy – Kirklees Development Plan	17
6.0	Other Material Considerations	22
7.0	Site Marketing	24
8.0	Conclusions	25

Appendices

1.0	Pre-Application Advice
2.0	Sales Particulars from 2016
3.0	Sales Particulars from 2017
4.0	Accountants Report and Evidence on Viability

1.0 Introduction

Background

- 1.1 Holme Planning Partnership Ltd have been instructed by Mr Steve Kerr, to prepare a detailed planning statement to support a formal planning application for the following development, namely:

“Erection of two storey side extension and conversion of building to create 6no. residential units with access, parking and associated works.”

- 1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Planning History

Section 4 - Relevant Planning Policy – National Planning Policy Framework

Section 5 - Relevant Planning Policy – Kirklees Development Plan

Section 6 - Other Material Considerations

Section 7 – Site Marketing

Section 8 - Conclusions

Principle of Development

- 1.3 The National Planning Policy Framework is supportive as a matter of principle of the efficient use of land and buildings, and the delivery of new homes to meet identified needs.
- 1.4 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

- 1.5 This application is supported by the following documents and drawings:

- Existing and Proposed Elevations and Floor Plans;
- Site Layout Plan (Existing and Proposed);
- Location Plan;
- Design and Access Statement;
- Ecology Reports including Preliminary Appraisal and Bat Surveys; and
- Planning Statement.

2.0 Application Site Context

- 2.1 The application site is located within the Green Belt on the outskirts of the settlement of Slaithwaite.
- 2.2 The site currently comprises of a two storey structure in use as a public house with on site owners accommodation, and large area of car parking and grassed areas to the site frontage. The site is located within a rural location, but there are a number of residential properties located adjacent to the application site and in the wider locality along Holme Lane. The proposed use is therefore deemed to be compatible with the character of the wider local area.
- 2.3 Whilst located within the Green Belt and outside of the defined settlement boundary for Slaithwaite, the site is in reality well located for access to the village centre for key local services including shops, eating establishments, supermarkets, recreation spaces, employment opportunities and education establishments. The development and use proposed is therefore deemed to be compatible with the local area.
- 2.4 The property is well related to the main highway network, with sufficient space on site to secure the required level of off street car parking to service the development. The site is accepted not to be well served by public transport, but is close enough to the settlement of Slaithwaite to secure access by alternative modes of travel, including bus services and overground rail services. The traffic associated with the existing and recently alternative proposed uses of the site, are in our view also material to the assessment of this further scheme and support the case in favour in relation to highway matters and accessibility. The site is also understood to be adjacent to the public footpath network for ease of access on foot.
- 2.5 From a review of the Historic England mapping service, the site subject of this application is not understood to be listed. The site is also not understood to be located within a defined Conservation Area. There are however noted to be a number of heritage assets located within close proximity of the site, however the distance from the application site to these properties is deemed sufficient to ensure that there is no harm on the buildings themselves or their settings.
- 2.6 From a review of the Environment Agency Flood Map, it is noted that the application site is not located within an area at risk from flooding.
- 2.7 We are not aware of any Tree Preservation Orders on site or that will be affected by the proposed development.
- 2.8 The public house is not understood to be included within the lists of community assets.

Proposed Development

- 2.9 The development subject of this application comprises the erection of a part two storey side extension in the same form, scale and height as that previously approved on an earlier grant of consent (as addressed at section 3), and the conversion of the entire building into residential use, with the schedule of proposed accommodation as laid out below:
- 2 no. two bedroom dwellings;
 - 3 no. four bedroom dwellings; and
 - 1 no. three bed dwelling
- 2.10 The scheme secures a mix of house types on site to assist in maximising opportunities for social integration and interaction, and the creation of a community, to the benefit of social well being. The site will maintain the existing access arrangements, with car parking and garden areas located to the site frontage.
- 2.11 The scheme will result in the loss of the existing public house, but as shown at section 7 of this report, the site has been marketed for sale for in excess of 2 years, is no longer viable and the owners therefore have no other choice than to seek to redevelop the site. The details included at section 7 set out the justification of the proposed loss of the existing public house, and why such a proposal would be deemed to be compliant with the provisions of the development plan.
- 2.12 Given the nature of the proposed use and the justification set out within this report, the scheme as submitted is deemed to be acceptable as a matter of principle.

3.0 Planning History

3.1 Having reviewed the planning history for the site, it is noted that there have been a number of historic applications, including the following:

Application Ref: 75/4340

Description of Development: Change of Use and Extension to convert barn to formed enlarged public house

Decision: Approved and implemented

Application Ref: 77/02464

Description of Development: A single storey double garage to the northern end of the property

Decision: Approved but not understood to have been implemented

Application Ref: 84/00674

Description of Development: A single storey entrance porch to the front elevation

Decision: Approved but not understood to have been implemented

Application Ref: 92/00694

Description of Development: Change of use of part of first floor to form hotel accommodation in association with existing public house

Decision: Approved

Application Ref: 2012/92657

Description of Development: Siting of storage unit and erection of fencing

Decision: Approved on a temporary basis on 5th November 2014 and implemented

Application Ref: 2015/91518

Description of Development: Erection of storage unit and associated fencing

Decision: Temporary approval until 14th July 2017 - implemented

Application Ref: 2019/90153

Description of Development: Change of Use of part of public house to 7 holiday let and external alterations

Decision: Approved

Application Ref: 2023/62/91708/W

Description of Development: Change of Use of part of public house to 7 holiday let and external alterations

Decision: Approved

Date of Decision: 2nd October 2023

3.2 This further proposal seeks to replicate the scale, form and height of development as approved under two previous applications on site, and most recently under the provisions of

application reference 2023/91708, as approved on the 2nd October 2023. This proposal remains pertinent and material to the determination of this further application, and sets a clear fall back for the proposed footprint and scale of additional development. The scale of development is therefore deemed to be acceptable as a matter of principle.

- 3.3 Having had regard to the justification behind the approval of application 2023/91708, attention is drawn to the following extracts of the officer's report, which in our view once again support the scheme now subject of this revised proposal:

"In conclusion, the proposed extensions and alterations to the building are considered to be acceptable in terms of design and scale. Conditions will ensure that the materials of construction match the host property. Subject to the stated conditions the proposal would accord with the requirements of Policy LP24 and LP57 of the Kirklees Local Plan and Policies in Chapters 12 and 13 of the NPPF."

"With respect to adjacent properties, the closest dwellings to the site are No.'s 1-6 Cop Hill End 25 metres to the south east. To the north, the closest dwelling is The Cop which is 85 metres away. Given the separation distances to these properties, the proposed development is not considered to lead any detrimental impacts of overlooking, overbearing or overshadowing. In addition, as the pub is existing, it is not considered that the proposed works would lead to any detrimental intensification of the site in amenity terms."

Pre-Application Engagement

- 3.4 In advance of the preparation and submission of this detailed application, the Applicant sought to undertake meaningful pre-application dialogue with the Council regarding the scale and principle of the development. We can confirm that a pre-application proposal was presented to the Council in the spring of 2024, with formal written feedback received on the 12th August 2024.

- 3.5 Having had regard to the advice received (and included at Appendix 1 of this report for completeness), it is noted that the Case Officer draws attention to nearby listed buildings and states:

"...nearest listed building to the Rose and Crown is 4 Cop Hill End. Given that the Rose and Crown is located over 20 metres away from this listed building, it is not considered that any further assessment of impacts to heritage are necessary in this instance."

- 3.6 We can confirm that on the above basis no more detailed assessment of the impact of the development on the historic environment will be included within this application.

- 3.7 With regard to consultee replies, it is noted that the council highways department did not reply in advance of the issuing of the pre-application advice. However, given that the

proposed use is deemed to be less intense than the current lawful use, as well as the provision of extensive on site car parking to service the needs of the development and retained site access, would indicate that the scheme is likely to be found to be acceptable in highway terms.

- 3.8 It is noted that the policy team were satisfied in principle, but did seek additional information to support the application in relation to site marketing and viability. We can confirm that this has been provided at Section 7, and we trust this is sufficient to justify approval of this application.
- 3.9 The Case Officer is also noted to have corresponded with the local ward councillors on the scheme, and whilst they set out that it would be preferable for the premises to be kept as a pub, they have confirmed that they would not object to the proposed conversion if this were the only or best way to maintain the building in a viable use. As detailed within this application, the reality is that the pub is no longer viable, and alternative more suitable uses of the site need to be secured.
- 3.10 In relation to the loss of the public house, the Case Officer is noted to have stated:

“The submitted supporting statement says that the Rose and Crown has been the subject of extensive marketing for a period of no less than 12 months, the property being listed for sale on 21/10/2022 as a freehold opportunity with an original purchase price of £749,950, later reduced to £695,000. It was listed across several major business sales platforms including Sovereign Business Transfer, Daltons, Rightbiz, and Business For Sale, and extensive marketing was undertaken including via social media and articles in the local press. Interest in the property, it is claimed, was limited owing to rising interest rates, the various economic challenges, and increased energy prices. Appendix 1 of the submitted document is a scan of a marketing brochure by Blacks Business Brokers, dated 01/06/2017, offering the premises and business for sale.

This means that the only objective evidence for the non-viability of the business is from 2017. No substantial weight can be placed on this. It is acknowledged that there may have been changes in market conditions since June 2023, when the business (albeit downsized) was still judged to be viable. The evidence submitted with this enquiry does not, however, indicate that the business is unviable. This is a deficiency that will have to be clearly addressed in any future application.

A potential point in favour of conversion is that the building is isolated and that there are other pubs in Marsden and Slaithwaite that would serve potentially serve the same customer base. It is also not listed on the local Community Asset Register. In the circumstances, evidence of 12 months marketing in a period covering 2023-2024 without any interest would, it is considered, be sufficient to fulfil the requirements of policy LP48.”

3.11 It is noted that the Case Officer has sought additional detail regarding the unviable nature of the existing operation in order to support the application, and demonstrate compliance with policy LP48, as well as some additional more recent marketing information. It can be confirmed that a statement setting out the same has been received and supplied by the applicant's Accountant, with further detail included at Section 7 of this report. This additional information and the Case Officer's recognition of the fact that there are other pubs within the local area to meet needs, in our view support the principle of the proposed development.

3.12 In relation to the impact of the development on the openness of the Green Belt, the Case Officer is noted to outline that:

"Chapter 9 of the NPPF states that the change of use of buildings and their extension (if it does not amount to a disproportionate addition) are in principle appropriate forms of development. The aggregate extension would be greater than that which was approved under the previous application for part-conversion. It is considered, however, that it would not amount to a disproportionate addition and would allow the original building to remain the dominant element, thereby complying with the principal aims of paragraph 154 of the NPPF and Local Plan policy LP57.

Under Local Plan policy LP57, the reuse or conversion of buildings should avoid introducing incongruous domestic or urban characteristics into the landscape and must ensure that the design and materials are of high quality and appropriate to their setting. This also applies to the treatment of external areas."

3.13 The Council therefore appear supportive of the scale of additional development on site as a matter of principle. In relation to the domestication of the site, would draw attention to the fact that outside of the areas of existing hardstanding, the land is to be retained as is in order to limit impact on the openness of the Green Belt from fencing etc.

3.14 In relation to traffic and transport matters, the Case Officer confirms that there are no recent records of injury accidents involving the access junction. Furthermore, the officer accepts that there is a judgment to be made against the traffic associated with the use as proposed and the extant use of the site, with the case officer therefore determining that 'it is considered probable that the additional traffic generated by the proposal would have no significant impact on the operation of the highway network. No highway-related objections to the previous conversion scheme (2023/91708) were raised.'

3.15 In relation to the proposed layout of the development, the Council are understood to be broadly supportive, with some minor comments on compliance with NDSS which has now been addressed in full within the scheme subject of this application.

3.16 The advice then goes on to cover a number of other issues such as ecology, drainage etc all of which have been addressed and shown to be acceptable within the application as submitted.

3.17 The Case Officer is however noted to conclude their report as follows:

“As previously stated, the principle of development is likely to be judged acceptable if you can demonstrate that the requirements of Local Plan policy LP48 are satisfied. The site would appear to present no obstacles to designing a scheme that would deliver a good standard of amenity to future residents and ensure that the safety of the highway network is unaffected.”

3.18 Given that the concerns laid out within the pre-application advice have been addressed within the documentation and details submitted with this application, we are therefore of the view that the scheme is acceptable as a matter of principle, and look forward to working with the Council on a timely positive determination of the application.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

4.1 The development subject of this application needs to be assessed against the provisions of the development plan which comprises the Revised National Planning Policy Framework and the adopted Kirklees Development Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 5.

Revised National Planning Policy (NPPF) December 2024

4.2 The Revised National Planning Policy Framework was last updated in December 2024, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the evaluation of this proposed development read as follows:

Section 2 - Achieving Sustainable Development

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

“Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

“Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; “*

“Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Section 4 - Decision Making

“Paragraph 39: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 40: Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

“Paragraph 48: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5 - Delivering a Sufficient Supply of Homes

“Paragraph 61: To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”

“Paragraph 73: Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one

- hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;*
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;*
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*
- d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes;*
- e) work with developers to encourage sub-division of large sites where this could help to speed up the delivery of homes.*

“Paragraph 78: *Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.*

Section 8 – Promoting Healthy and Safe Communities

“Paragraph 96: *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use*

of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lives, through both promoting good health and preventing ill health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

“Paragraph 98: *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- 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;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”*

Section 9 - Promoting Sustainable Transport

“Paragraph 109: *Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:*

- a) making transport considerations an important part of early engagement with local communities;*
- b) insuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, contribute to making high quality places;*
- c) understanding and addressing the potential impacts of development on transport networks;*
- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, – for example in relation to the scale, location or density of development that can be accommodated;*
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and*
- f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.”*

“Paragraph 115: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”*

“Paragraph 116: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

“Paragraph 117: *Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

Section 11 - Making Effective Use of Land

“Paragraph 124: *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*

“Paragraph 125: *Planning policies and decisions should:*

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains –*

such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs - where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple extensions unless there is an exceptional justification”

“Paragraph 126: Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.”

“Paragraph 129: Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.”

Section 12 - Achieving Well-Designed Places

*“**Paragraph 131:** Advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

Section 13 – Protecting Green Belt Land

*“**Paragraph 153:** When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

*“**Paragraph 154:** Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);*
- g) limited infilling or the partial or complete redevelopment of previously developed (including a material change of use to residential or mixed use including residential, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not cause substantial harm to the openness of the Green Belt.**
- h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i) mineral extraction;*
 - ii) engineering operations;*
 - iii) local transport infrastructure which can demonstrate a requirement for a Green Belt location;**

- iv) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

“Paragraph 155: *The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) There is demonstrable unmet need for type of development proposed;*
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

Section 15 – Conserving and Enhancing the Natural Environment

“Paragraph 187: *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Section 16 – Conserving and Enhancing the Historic Environment

“Paragraph 207: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

“Paragraph 208: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

“Paragraph 212: 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.”

“Paragraph 215: 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.”

- 4.3 **Summary:** The scheme as proposed seeks to secure planning consent for the conversion and extension of the existing building, and the delivery of a suitable and sustainable residential scheme. The site will deliver much needed new homes, with good internal and external amenity standards for proposed residents, and of a housing mix which helps to meet varied needs and promotes the creation of a sustainable community. The scheme will deliver on site car parking to service the needs of the development, with site access remaining as per the existing in order to ensure that there is no severe impact on the highway network or highway safety.
- 4.4 Whilst the scheme proposes new development, the element of new building is in reality limited in scale and nature, proportionate to the existing built development context, reflects that previously approved, and has been designed to respect and reflect the character of the existing site, and to ensure that the amenity of neighbouring residents are unaffected. The scheme seeks to secure an effective and efficient use of a previously developed site, and is

of a design, quality, scale, form and use of materials deemed suitable and appropriate in this setting.

- 4.5 In addition, it is understood from the Kirklees Interim Housing Position Statement to Boost Supply dated October 2023 that the Council can only demonstrate 3.96 supply of deliverable housing sites. The latest Housing Delivery Test also confirms that the Council has fallen below the required levels of housing delivery over the preceding three year period, and there is therefore a clear presumption in favour of sustainable development. Given that the Council are not therefore understood to be able to demonstrate a five year supply of land indicates that the Council should be seeking to support and promote schemes such as that proposed which will assist in delivering new homes, in suitable locations as a matter of principle.
- 4.6 Given that the scale and form of proposed built development has previously been approved by the local authority, albeit for an alternative use, it is our understanding that the Council remain satisfied that the scheme will not result in harm to nearby heritage assets. Further, for the reasons laid out at sections 5 and 7 there is a robust case to be made to support the change of use of the existing public house, which has also been shown to no longer be viable, and has been unattractive to potential purchasers.
- 4.7 The development has been shown within the reports submitted with the application to result in no harm to priority or protected species or habitats, and given the relationship to the nearest listed building will also not result in harm to the wider historic environment.
- 4.8 It is clear for the reasons set out above that the development proposed following the completion of an effective and positive pre-application process is in accordance with the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of the Framework, we would kindly request that the Council seek to support the development as currently proposed, and to work with us towards a timely and positive determination of this application.

5.0 Relevant Planning Policy – Kirklees Development Plan

5.1 The Development Plan currently comprises of the Kirklees Local Plan (adopted February 2019), and the provisions of a number of Supplementary Planning Documents.

5.2 It is understood from a review of the local authority Proposals Map (extract included below for ease of reference), that the site subject of this detailed application (identified by the pink dot) is located within the Green Belt, with a Green Infrastructure Network, a Biodiversity Opportunity Zone and Mineral Safeguarding area for sandstone.



Figure 1: Proposals Map Extract

5.3 Included below is a list of the adopted key determinative development plan policies of relevance to the determination of this application:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping;
- Policy LP3 – Location of New Development;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP10 – Supporting the Rural Economy;
- Policy LP11 – Housing Mix and Affordable Housing;
- Policy LP20 – Sustainable Travel;
- Policy LP21- Highways and Access;
- Policy LP22 – Parking;
- Policy LP23 – Core Walking and Cycling;
- Policy LP24 – Design;
- Policy LP26 – Renewable and Low Carbon Energy;
- Policy LP28 – Drainage;
- Policy LP30 – Biodiversity and Geodiversity;
- Policy LP31 – Strategic Green Infrastructure Network;
- Policy LP32 – Landscape;

- Policy LP48 – Community Facilities and Services;
- Policy LP51 – Protection and Improvement of Local Air Quality;
- Policy LP52 – Protection and Improvement of Environmental Quality;
- Policy LP57 - The Extension, Alteration or Replacement of Existing Buildings; and
- Policy LP60 – The Re-use and Conversion of Buildings.

5.4 Given the nature of development being proposed within this scheme, particular attention is drawn to the provisions of policy LP7 which is noted to read as follows:

“Policy LP7: To ensure the best use of land and buildings, proposals:

- a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*
- b. should encourage the reuse or adaptation of vacant or underused properties;*
- c. should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;*
- d. will allow for access to adjoining undeveloped land so it may subsequently be developed.*

Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

- a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate;*
- b. higher densities will be sought in principal town centres and in areas close to public transport interchanges*
- c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;*
- d. more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate.”*

5.5 **Comment:** The development subject of this application seeks to secure the effective and efficient use of previously developed land and existing buildings within an area deemed compatible with residential uses. The scheme will deliver much needed new homes given the current under provision within Kirklees, and within a suitable location.

5.6 The proposals will assist in meeting a variety of housing needs with a good mix of units being proposed on site, and whilst it would result in the loss of an existing public house, the site has been shown to no longer be viable, and following an extended marketing period remains unsold. There is therefore no justifiable reason to seek to protect this site from change of use.

5.7 As a residential use, the proposed scheme is not felt to result in harm to the amenities of neighbouring properties. The site benefits from sufficient land to deliver outdoor amenity

space to meet the amenity needs of the proposed residents. The site also benefits from ease of access in the local area to more formal outdoor recreation spaces.

5.8 The site is therefore deemed to be suitable and appropriate for the scale and form of development proposed. The proposal is therefore deemed to be consistent with the provisions and principles of the adopted Development Plan.

5.9 Given that the proposed scheme relates to the loss of an existing public house, due regard is paid to the provisions of Policy LP48 which is noted to read as follows:

“Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres. Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.

Where community facilities are provided as an integral part of a development, they should wherever possible be within adaptable mixed-use buildings.

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.”*

5.10 As shown within the information provided at section 7 of this report, the pub has been on the open market for sale for a prolonged period of time in advance of commencing the exploration of alternative uses of the site. Within that time there has been no serious bids to take control of the public house. The application is now also supported with evidence from the applicant’s Accountant (see Appendix 4) to further confirm that the public house is simply no longer viable, and hasn’t been for a protracted period of time.

5.11 Attempts to create guest accommodation on site to secure an additional income stream, has also proven to be unviable to deliver given the ever increasing build and material costs, meaning the builder appointed to take on the job is no longer able to assist. The difficult decision was therefore taken in January 2024 to close the pub to limit further financial losses, and to seek alternative development options on site. Whilst the pub has been open

intermittently since closing, including on weekends in the summer and with reduced hours over the festive period in order to simply provide the business with some form of an income; the site simply cannot remain open as a viable going concern, and the building has to be put to an alternative and more viable use.

- 5.12 It is also noted from the pre-application advice received from the Council that the Case Officer is satisfied that there is also alternative public house provision within the wider local area, including the various establishments to be found within Slaithwaite centre to meet local needs, and this further supports the case in favour of the scheme as proposed.
- 5.13 The Rose and Crown is not understood to be included on the statutory list of Community Assets.
- 5.14 The scheme is therefore felt to adhere to the policy requirements laid out within Policy LP48 on the grounds of viability and lack of market interest, and the change of use of the property from public house to dwellings is therefore deemed to be acceptable as a matter of principle.
- 5.15 In addition to the policies detailed above, given the sites location within the Green Belt attention is also drawn to the provisions of Policies LP57 and LP60 which read as follows:

“Policy LP57 - Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
- b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”*

“Policy LP60 - Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;

- a. the building to be re-used or converted is of a permanent and substantial construction;*
- b. the resultant scheme does 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;*

c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.”

- 5.16 The requirements of Policy LP57 are noted and the scheme as proposed is deemed to be compliant with the key principles in that the proposed extension will remain subservient to the original building (as evidenced by the recent approval for a structure of the same size and design). The proposal will have no greater impact or result in greater harm on the openness of the Green Belt than the existing arrangement, and the design and proposed use of materials are as per that previously deemed to be acceptable.
- 5.17 In response to the provisions of the policy LP60, it is clear that the existing structure is of a permanent and substantial construction. The scheme secures the existing access and outdoor amenity areas, and the scale and design of the proposed extensions are deemed to be consistent with those recently approved, and therefore acceptable as a matter of principle.

Other Relevant Policy Documents

- 5.18 In addition to the adopted planning policies referred to above, there are noted to be a number of adopted Supplementary Planning Documents in Kirklees. These documents include the Affordable Housing and Housing Mix SPD (March 2023), Quality Space SPD (June 2021), House Extensions and Alterations SPD (June 2021), Open Space SPD (June 2021) and the Highway Design Guide SPD (November 2019).
- 5.19 The scheme is not felt to contradict or undermine the provisions of other supplementary planning documents.

Development Plan Summary

- 5.20 For the reasons set out above, it is our view that the development subject of this application represents an acceptable and appropriate form of development. The scheme will secure the effective and efficient use of an existing building with proposed extensions of a scale, form and design previously deemed to have been found acceptable by the Council. The nature and scale of use will also be commensurate with the wider local area, and with the use and character of adjacent properties.
- 5.21 The proposed use of the proposal site is therefore deemed to be compliant with the provisions of the Development Plan when read as a whole, and there is therefore a legitimate expectation that the Council will remain supportive of the redevelopment of the property as a matter of principle.

6.0 Other Material Considerations

6.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

- **Sustainable Development:** The scheme as submitted represents a sustainable form of development given it comprises of the effective and efficient use of land and an existing building. The proposed design of the scheme has been developed to ensure the protection of the privacy and amenity of the proposed residents, neighbouring residents, the visual amenities of the street scene, and the openness of the Green Belt, and was deemed to be acceptable and appropriate by the Council in the assessment of a previous application on site, which remains extant and represents a viable fall back given it was only approved a little over a year ago. The Council are also noted to have supported the principle of the development at pre-application stage subject to some minor alterations and the submission of additional documentation.
- **Character of the Area:** The application site is located within an area characterised by residential uses. The development is therefore deemed to be consistent with the use and character of the locale, and will not harm the amenities or character of the local area.
- **Housing Provision:** The National Planning Policy Framework sets out a need for local authorities to deliver the homes that people need in the right locations. The Framework further requires the presumption in favour of sustainable new homes. Furthermore, the Council are not understood to be able to demonstrate a viable supply of five years worth of housing land. This scheme can assist in addressing this balance, and these facts therefore weigh heavily in favour of the proposals.
- **Viability:** Despite the Applicants best endeavours, as a result of Covid, the cost of living crisis and other economic challenges, it has simply become unviable and untenable for the public house to remain open. The Applicant has therefore been left with no other choice than to close and to seek alternative development options for the site, especially given the lack of purchasers to come forward through the site marketing over the last two years. The viability of the public house, the marketing for other landlords, the fact that the site will remain closed and vacant regardless of the outcome of this application to the detriment of the building and visual amenities of the local area, etc all support the case in favour of the scheme as submitted.

6.2 As such, whilst we remain of the view that the development proposed is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the development which also tip the balance in favour. We therefore kindly request that the Council seek to support this proposed development as a matter of principle.

7.0 Site Marketing

7.1 As detailed at Section 4 of this statement the adopted Kirklees Local Plan includes a policy which seeks to protect community facilities including public houses from change of use, unless specific criteria can be met. For completeness, we can once again confirm that Policy LP48 reads as follows:

“Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres. Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.

Where community facilities are provided as an integral part of a development, they should wherever possible be within adaptable mixed-use buildings.

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.”*

7.2 As set out within earlier sections of this report, the Rose and Crown has been the subject of extensive marketing for a protracted period of time, and well in advance of the decision to explore alternative uses of the site, and to engage with the Council in relation to consent for change of use. The Applicant’s priority has been to locate a new landlord for the site, who would be willing and able to continue the use of the site. However, disappointingly this marketing exercise has proven to be fruitless.

7.3 In terms of site marketing, we can confirm that the site was originally marketed by Blacks back in June 2017 and was placed up for sale either as a business for a fee of £250,000, or for the business and the property at a fee of £650,000. The details of the same are included at Appendix 2. Sadly, whilst the property was placed up for sale there were no tangible offers or interest, and the site was removed from the market whilst the Applicant reviewed alternative options for the business.

7.4 Sovereign Business Transfer were then instructed to market the property in 2022, and the property was originally listed for sale on 21st October 2022 as a freehold opportunity with an original reasonable purchase price set at £749,950, later reduced in September 2023 to £695,000. A copy of the as published sales particulars for this period has been included at Appendix 3 of this report, as well as a link below to the published sales particulars on the Agent's website in November 2022.

<https://www.sovereignbt.co.uk/new-instruction-public-house-with-living-accommodation-for-sale-near-huddersfield/>

7.5 The sales Agents have confirmed that the property was listed across all the major business sales platforms Sovereign Business Transfer, Daltons, Rightbiz, Business For Sale and extensive marketing was done including social media and articles in the local press (including this one in November 2022 <https://www.examinerlive.co.uk/news/west-yorkshire-news/two-traditional-huddersfield-pubs-up-25510705>). The Agents have confirmed that as a result of rising interest rates, the various economic challenges, and the increased energy prices, interest in the property was limited, and they were sadly unable to sell the property following more than a year on the market.

7.6 It can be confirmed that the site was actively marketed by Sovereign until the end of 2023 when the Applicant terminated the contract; albeit the property remains on the market, and any notes of interest sent to Sovereign in the interim have still been forwarded to the Applicant.

7.7 In all the time the site has been marketed there has in reality only been one serious potential purchaser, but sadly despite the Applicant and his Agents best endeavours, and despite agreeing a purchase price of £690,000, the Purchaser simply vanished after making an offer and did not progress, despite being chased for a deposit from July 2023, when the offer was agreed in principle, until February/March 2024 when it became obvious the person had no intention of progressing with a sale.

7.8 There was additional interest from a potential purchaser back in March 2023, but sadly in an email to the client's Agent on the 16th March 2023 he advised that 'to be truthful this deal has slightly dropped down on my priorities list as I find this to be the hardest to make the numbers stack out of all that we are currently looking at.' He also indicated that his offer was not seeking to take the site in order to continue its use as a public house, but that his clients were also considering other options and stated:

"However, I am meeting a developer tomorrow and another one on Friday and I will get an up to date idea on potential build costs for our preferred strategy here."

7.9 They came back to ask for flexibility in how the purchase deal be structured in order to make the deal more commercially viable. However, clearly from the Applicant and his sales Agent's perspective, the nature of deferred payments was not a workable, fair or reasonable option. Once again, the issue of the viability of the site directly affected the ability of this sale to progress.

- 7.10 There was interest from another party in April 2023, however sadly they were only willing/able to make an offer to purchase the property of £425,000, significantly below even the reduced price introduced later in 2023. This was a figure clearly unfeasible for a site of this scale. However, the potential purchaser advised that she simply could not go any higher, and clearly the Applicant could not reduce his purchase price to this level.
- 7.11 The Applicant has continued to correspond with Sovereign throughout 2024 to seek to follow up as to whether any previously interested parties could once again be approached, and to see if they would once again reconsider purchasing the site, but sadly this also proved to be unsuccessful. The Applicant has also continued to engage with the Agency to discuss and explore other ideas and options to secure the sale of the site, including more cost effective sales options, but again sadly to no avail.
- 7.12 In recent months we can confirm that there has been potential interest in the site, but once again from a purchaser looking to change the use of the site. Whilst a formal expression of interest was submitted in writing on 29th August 2024, following further due diligence there has been no further contact, and once again a potential site purchase has failed to materialise.
- 7.13 In short, this site has been actively marketed for a protracted period of time and despite the Applicant's best endeavours there have been no reasonable offers forthcoming, nor any real interested parties who were keen to take on the site at a reasonable price and to retain its on going use as a public house, or other community based use. It is therefore our understanding and as evidenced above, that there is no viable market interest in retaining the site as a public house.

Viability

- 7.14 In relation to the viability of the existing business would draw attention to the letter and evidence provided by the Applicant's Accountant (included at Appendix 4) who has confirmed that despite the Applicant's best endeavours, that the pub is simply no longer viable and has been running at extensive losses for a protracted period of time. The financial challenges faced by the business and the Applicant in funding the business to try and keep the doors open was clearly unsustainable, and meets the policy tests on demonstration of lack of viability, and supports the case in favour of the scheme as now proposed.

Summary

- 7.15 Given that the site has been actively marked since at least 2022, and despite offers made on the site, none have progressed as a result of all potential purchasers failing to move forward. In addition, as evidenced by the Applicants own Accountant, the public house is simply no longer viable, and despite exploring alternative options to boost trade, the site is simply no longer commercially viable.
- 7.16 In our view therefore the tests laid out within the Policy LP48 have been met and the justification for the change of use of the site has been robustly demonstrated.

7.17 It is also noted within the pre-application advice referred to at Section 3 and at Appendix 1 that the Council accept that there is also sufficient alternative provision within the wider local area to service the needs of the community in relation to accessing comparable facilities, and that this further supports the case in favour of this application.

8.0 Conclusions

- 8.1 It has been demonstrated throughout this submission that the development subject of this application, accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, other material considerations weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 8.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal in principle, and to work with us on a positive outcome of the application.