Built Heritage Statement.

The Priory Pub, Whitechapel Road, Cleckheaton.

On behalf of Highstone Building Services.

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Document Management.

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1. Introduction

1.1. Pegasus Group have been commissioned by Highstone Building Services to prepare a Built Heritage Statement to support proposed works at the former Priory Public House, Whitechapel Road, Cleckheaton, as shown on the Site Location Plan at Plate 1



Plate 1: Site Location Plan.

1.2. The Site includes the former Priory Public House, originally known as the Brown Cow, constructed in the later 18th to early 19th centuries. The building is not listed and is not located within a Conservation Area, nor is it recorded on the West Yorkshire Historic Environment Record. The Site is also located adjacent to the Grade II Listed Whitechapel Church (NHLE 1184647).

1.3. The proposed application seeks planning permission for the demolition of the existing Priory Public House, and the redevelopment of the Site to provide 8no. apartments with associated external landscaping and car parking.

1.4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 207 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

"...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".[1]

1.5. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 212 to 216 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.6. As required by paragraph 207 of the *NPPF*, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".[2]

[1] Ministry of Housing, Communities & Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, December 2024), para. 207.

[2] MHCLG, *NPPF*, para. 207.

2. Proposed Development

2.1. The proposed application seeks planning permission for the demolition of the existing Priory Public House, and the redevelopment of the Site to provide 8no. apartments with associated external landscaping and car parking.

2.2. The proposed new apartment building would comprise a two-storey predominantly 'L' plan building, located within the northern extent of the Site, in the general footprint of the present building. The new building will be slightly larger in size than the public house, but will not exceed its current height. The new building would be constructed from yellow brick, with ashlar sandstone dressings, and with a pitched slate roof. The windows would be timber framed. Brick garden walls would also be constructed to the west and east of the new building.

2.3. The proposals would see a new standalone summer house built within the north-eastern extent of the Site, designed in a similar style to the apartments. A parking area is proposed adjacent to the new apartment building to the south and south-east. A single tree is proposed for removal within the north-eastern extent of the Site, to allow space for the summerhouse. No other trees are proposed for removal.

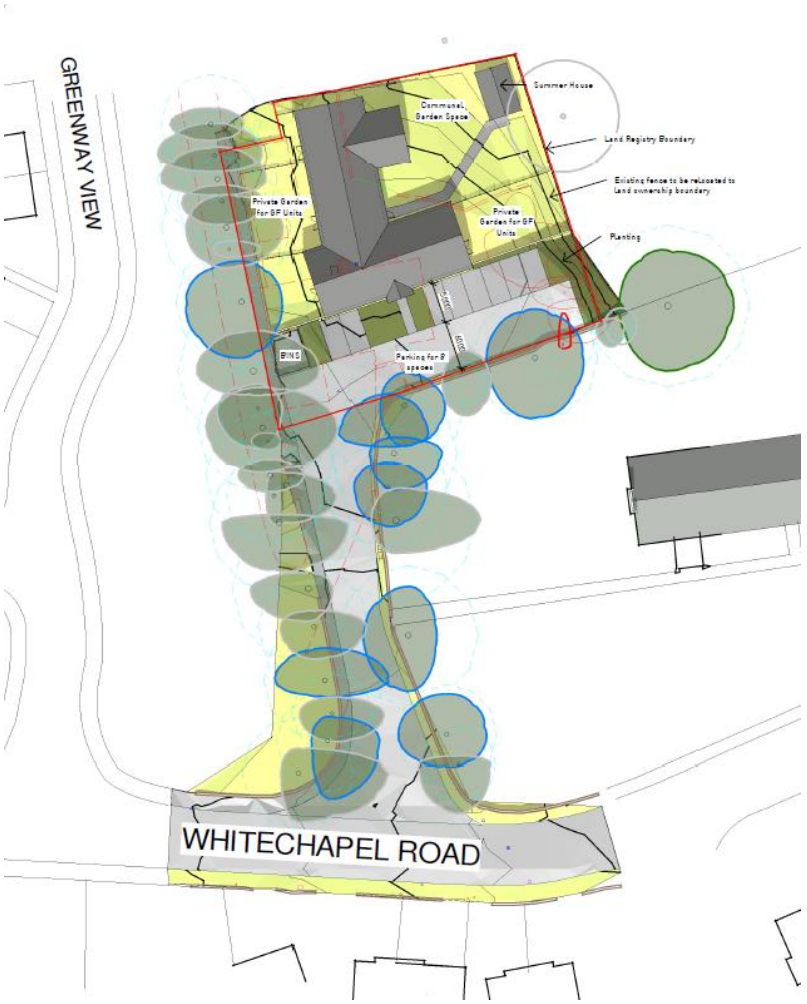


Plate 2: The Proposed Site Plan.



Plate 3: The proposed apartment building.

3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage resource within the Site/study area, to assess any contribution that the Site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

3.2. This assessment considers built heritage matters only.

Sources

3.3. The following key sources have been consulted as part of this assessment:

- The West Yorkshire Historic Environment Record (HER) accessed via Heritage Gateway for information on the recorded heritage resource in the vicinity of the Site;
- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- British Newspaper Archives;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above;
- Google Earth satellite imagery.

Site Visit

3.4. A Site visit was undertaken by a Heritage Consultant from Pegasus Group on 3rd December 2024, during which the Site and its surrounds were assessed.

Photographs

3.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

3.6. Full details of the assessment methodology used in the preparation of this Report are provided within ***Appendix 1***. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 - Managing Significance in Decision-*

*Taking in the Historic Environment (*hereafter *GPA:2)*;[3]

- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) - The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter *GPA:3*);[4]

- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter *HEAN:12*);[5] and

- *Conservation Principles: Polices and Guidance for the Sustainable Management of the Historic Environment*.[6]

[3] Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).
[4] Historic England, *Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).
[5] Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).
[6] English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

4. Policy Framework

Legislation

4.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.[7] However, given that the site is not within a Conservation Area, nor is the building Listed, this is not relevant to the determination of this application.

4.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.[8]

4.3. Full details of the relevant legislation are provided in ***Appendix 2***.

National Planning Policy Guidance

4.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework* (*NPPF*), an updated version of which was published in December 2024. The *NPPF* is also supplemented by the national *Planning Policy Guidance* (*PPG*) which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.[9] The PPG also contains the *National Design Guide*.[10]

4.5. Full details of the relevant national policy guidance is provided within ***Appendix 3***.

The Development Plan

4.6. Applications for planning permission within Kirklees Council are currently considered against the policy and guidance set out within the Kirklees Local Plan, adopted 27th February 2019.

4.7. Details of the policies specifically relevant to the application proposals are provided within ***Appendix 4***.

[7] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
[8] UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).
[9] Ministry of Housing, Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 14th February 2024), https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment.
[10] Ministry of Housing, Communities and Local Government (MHCLG), *National Design Guide* (London, January 2021).

5. Site Description and Planning History

Site Description

5.1. The Site includes the former Priory Public House, originally known as the Brown Cow, which was constructed in the later 18th to early 19th centuries. The building is not listed and is not located within a Conservation Area. It is also not recorded on a local heritage list, nor is it recorded on the West Yorkshire HER.

5.2. The Site is located within the north-western edge of the settlement of Cleckheaton. The public house is located within the central-northern extent of the Site, accessed by a road to the south, connecting from the northern side of Whitechapel Road. A range of outbuildings are located to the north-west of the public house. To the north and east of the public house there are yards, with the north-eastern extent of the Site forming part of an agricultural field. The topography of the Site has a gradual undulation, rising from its southern point and reaching its height within the position of the public house, before falling in topography to the north.

5.3. The land of the Site is bounded by the churchyard of the Grade II Listed Whitechapel Church to the east, with the Church located *c.*30m to the south-east of the Site building. The Site is bounded by a PRoW to the west, which had a tall line of trees along its western side. To the west of the PRoW, there is a new housing estate, which also bounds the northern side of the Site. Whitechapel Road bounds the Site to the south, with its southern side lined with modern houses.



Plate 4: View of the former Priory Public House within the Site.



Plate 5: The outbuildings within the north-western extent of the Site.



Plate 6: View of the northern yard of the Site.



Plate 7: View towards the Site from Whitechapel Road.



Plate 8: View of the churchyard bounding the eastern side of the Site.

Site Development

5.4. The first available cartographic source to depict the land of the Site is Jeffrey's 1771 Map of Yorkshire. This provides a rough depiction of the area, with the Grade II Listed White Chapel (NHLE 1184647) shown, noted as '*White Chapel in the North*'. There had been a chapel in this location from *c.*1130, with the building depicted on the mapping comprising a chapel built in 1706, which was rebuilt to the extant building in 1821. The Site building may have been present by this date, with a rectangular structure shown adjacent to the White Chapel, on the northern side of Whitechapel Road.

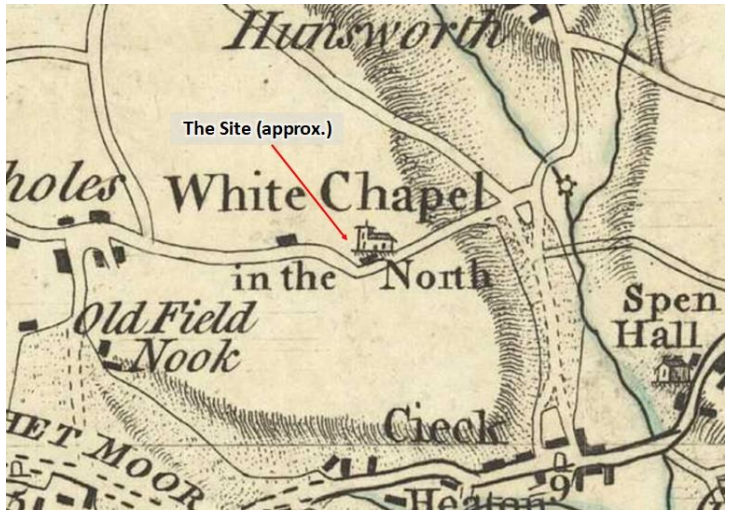


Plate 9: Jeffrey's 1771 Map of Yorkshire.

5.5. The first available reference to the Site building is from an article in the Leeds Intelligencer from 22nd September 1838.[11] This article details that Thomas Sellers had occupied the Site, and was to sell the Brown Cow Inn by auction. The article provides the following details of the Site at this time:

"Lot 7. All that Messuage or Dwelling House situate in White Chapel aforesaid, (being the above Inn,) comprising besides excellent Cellars, on the Ground Floor, including the Brewhouse, and a Cottage, in the Occupation of Thomas Balmforth, Six rooms and Three chambers over the same, together with the Barn, Stable, Fold or Yard, and Garden thereto belonging, containing by Admeasurement 35 perches. And also all those Four several Closes of Land immediately adjoining upon the said Message, and lying in a Ring Fence, respectively called The Chapel Ing, The Low Ing, The Far Lower Ing, and The Square Close, and containing together by Admeasurement 6A. 2R. 2P.

Lot 8. All that Close of Land adjoining upon White Chapel Lane aforesaid, called The Days Work, containing by Admeasurement 0A. 3R. 4P.

The last Two Lots are now in the Occupation of Thomas Sellers, as a Yearly Tenant."

[11] British Newspaper Archives. Brown Cow Inn Auction, Leeds Intelligencer 22nd September 1838.

5.6. Thomas Sellers is recorded as occupying the Brown Cow Inn within Pigot's 1841 Trade Directory. Sellers is also recorded as a 40 year old '*Card maker*' and head of a household of ten at White Chapel in the 1841 Census (**Appendix 5**).

5.7. The 1848 Tithe Plan of the Township of Cleckheaton depicts the Brown Cow Inn as an 'L' plan building, which extensions shown attached to its southern and eastern sides. The building is recorded under Plot 180, noted as '*Brown Cow Inn',* with the northern extent of the Site forming part of Plot 479, comprising a grass field noted as '*White Chapel Close'*. These had both been owned by Henry Ripley, and occupied by Thomas Sellers. Sellers had also occupied several adjacent plots to the north and east, noted as arable and grass fields.

5.8. The Plan shows a footpath bounding the western side of the Site, with Whitechapel Road present to the south. The Grade II Listed White Chapel is depicted to the east of the Site, representing the extant structure built in 1821. This is recorded under Plot 409, noted as owned by Miss Currer and occupied by Reverent Robert F Taylor. The Chapel is shown with an oval graveyard, with an 'L' shaped building bounding its eastern side. This is recorded under Plot 410, which was owned by Miss Currer, occupied by Martha Pearson, and formed a '*House Barn Croft'*. The Site is otherwise situated within an agricultural landscape, surrounded by field plots.

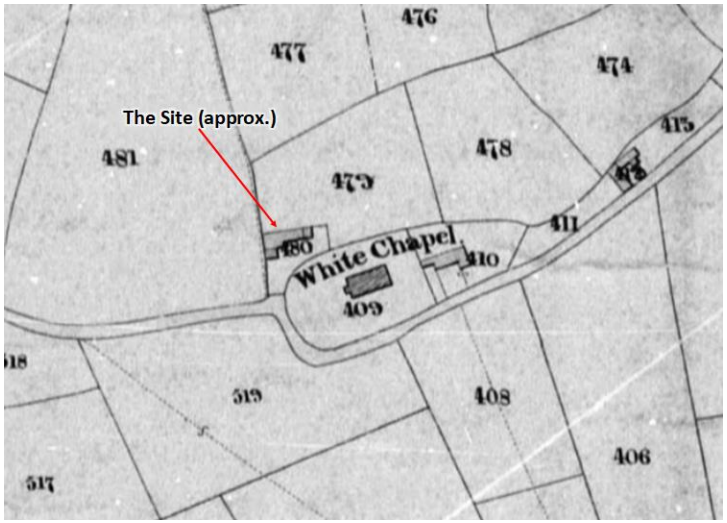


Plate 10: The 1848 Tithe Plan of the Township of Cleckheaton (The Genealogist).

5.9. By the 1851 Census, Thomas Sellers' wife Hannah, aged 51, is recorded as the head of a household of nine, and is noted as an Innkeeper (**Appendix 5**).

5.10. The 1854 Ordnance Survey Map labels the Site building as '*The Brown Cow P.H.*'. This mapping shows a square yard directly adjacent to the building to the east, with what appears to be a garden adjacent to the north. A small square structure is shown to the east of the building, with the access road also extending into the adjacent field to the east. At the access point to the Site off Whitechapel Road, '*Stocks*' are labelled on the mapping.

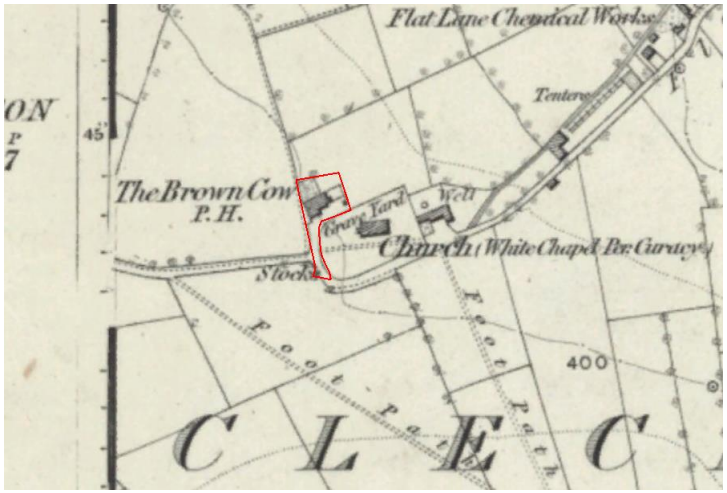


Plate 11: The 1854 Ordnance Survey Map (NLSM).

5.11. An article from the Leeds Time on 18th October 1856 refers to '*Mr. John Tasker, of the Brown Cow Inn, Whitechapel, Cleckheaton*'.[12] Tasker is also recorded as a Wool Sorter, Innkeeper, and Farmer of 8 acres at the Brown Cow Inn in the 1861 Census (**Appendix 5**). He had been the head of a household of ten at this time. The 1871 Census also recorded John Tasker and his wife Hannah as publicans at the Brown Cow Inn.

5.12. An article from the Brighouse News on 21st June 1873 detailed that the Inn and associated land was to be put up for auction.[13] The article provides the following details on the Site, noted under Lot 24:

"Lot 24. All that well-accustomed Inn, known by the name of the "Brown Cow," with the Brewhouse, Cottage, Barn, Stable, and other outbuildings with the Yard and Garden thereto, situate near to the Old White Chapel, in the Township of Cleckheaton; and all those four Closes of Land adjoining, containing in the whole an area of 6A. 2R. 37P., or thereabouts, be the same more or less, as now occupied by Mr John Tasker.

This lot will be sold with the three valuable beds of coal and other minerals lying under the same."

5.13. The Brown Cow was recorded as being sold for £760 within an article from the Leeds Times on 19th July 1873. By the 1881 Census, Thomas Marsden is recorded as a publican and farmer of 6 ½ acres at the Brown Cow Inn (**Appendix 5**). Marsden was the head of a household of four.

[12] British Newspaper Archives. Reference to Brown Cow Inn, Leeds Times 18th October 1856.

[13] British Newspaper Archives. Brown Cow Auction, Brighouse News 21st June 1873.

5.14. An article from the Batley reporter and Guardian on 13th August 1881 shows that Marsden had put the Brown Cow Inn and its land up for sale. The article stated:

"On Wednesday, the Brown Cow Inn Estate, consisting of the public-house, three cottages, and upwards of six acres of land, in White Chapel Lane, was offered for sale on the premises, by Mr Joshua Hodgson, of Heckmondwike, auctioneer, on behalf of the owner, Mr Marsden. The biddings commenced at £800, and ceased at £1650, at which price the property was withdrawn."

5.15. Marsden had sold the Inn by the 1891 Census, with Andrew Hirst recorded as a publican at the Site, and the head of a household of nine.

5.16. The 1894 Ordnance Survey Map labels the building as the '*Old Brown Cow (P.H.)*' It shows the building as broadly 'L' plan, with the core structure the west, with several structures present on its eastern side, and structure attached to its southern side. Several outbuildings had also been present within the north-western extent of the Site by this date. This mapping also shows that the 'L' plan building to the east of the Grade II Listed White Chapel had been removed by this date, with the churchyard extending to its current length. Several footpaths are shown as running through the tree-lined churchyard.

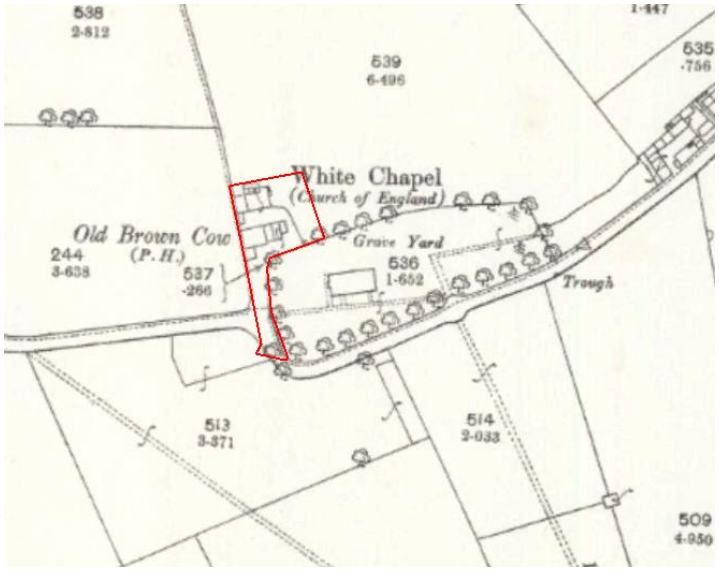


Plate 12: The 1894 Ordnance Survey Map (NLSM).

5.17. An article from the Yorkshire Evening Post on 5th August 1895 records that Thomas Walker Wilson had been the landlord of the Brown Cow Inn at this time, noted as a '*quaint little hostelry near the Old White Chapel*'.[14] The Brown Cow Inn was purchased by Joseph Longbottom in 1899 for £700. An article from 5th August 1899 provides the details of the lot and sale:

"Lot 1 was the fully licensed freehold public house, The Brown Cow Inn, in Whitechapel Lane, Cleckheaton, with yard, outbuildings, etc., together with two cottages, bringing in a net rental of £10 8s. The house, said Mr Nettleton, had been known to the present

[14] British Newspaper Archives. Reference to Thomas Walker Wilson of the Brown Cow Inn, Yorkshire Evening Post 5th August 1899.

generation for over a quarter of a century, and was a beacon light to all thirsty people. It was near to Whitechapel Church; it being a well known saying that where there is a church you will find a public house. It might be said that the Licensing Commission had been sitting, and that a number of licenses would be taken away, but in his opinion the license of a house near a church would remain intact… A close of freehold pasture land adjoining the Brown Cow, and containing an area of 6a. 3r. 31p. called forth a first offer of £300, but it was eventually bought by Mr Joseph Longbottom, of Luddendenfoot, for £700."

5.18. Despite the Inn being sold in 1895, Thomas Walker Wilson had continued to be recorded as the Innkeeper on the 1901 Census. He had been the head of a household of five (**Appendix 5**).

5.19. By the time the 1907 Ordnance Survey Map was drawn, a new outbuilding had been constructed within the eastern extent of the Site. This mapping also shows that there had been a reconfiguration to Whitechapel Road to the south, with the western extent of this road adjacent to the Site, moved southwards.

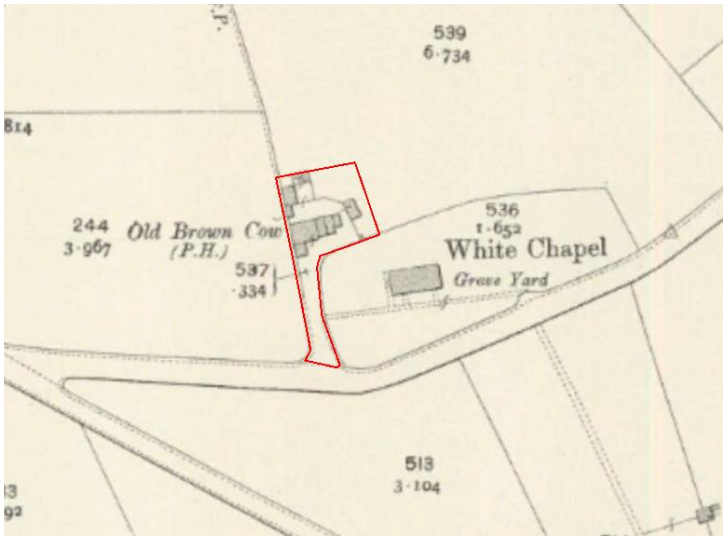


Plate 13: The 1907 Ordnance Survey Map (NLSM).

5.20. The 1911 Census records Alderson Brown as the publican of the Brown Cow Inn, and head of a household of four (**Appendix 5**). By the 1939 Register, John W Clegg had occupied the Inn as publican, and head of a household of four. The 1939 Register also records two properties at '*Brown Cow Inn Ford*', likely associated with the two cottages attached to the building. These had been occupied by Sydney and Mirian Smith, and William and Ann Bell. An article from the Huddersfield and Holmfirth Examiner on 22nd September 1945, details that George Hudson had taken over as Innkeeper at the Brown Cow Inn.[15]

[15] British Newspaper Archives. Brown Cow Inn Ref. Huddersfield and Holmfirth Examiner, 22nd September 1945.

5.21. The 1948 Aerial Image provides a clear view of the layout and formation of the buildings on Site. The Brown Cow Inn is shown as an 'L' plan structure. The core historic component is the central structure, with a rectangular hipped roof building attached to its western side. A shorter height structure is also attached to its eastern side. Several outbuildings are shown to the north and east of the building. The imagery shows a tree-lined road within the southern extent of the Site, accessed from the northern side of Whitechapel Road. The Grade II Listed White Chapel is also shown to the east, situated within a broadly rectangular and tree-lined graveyard, with grave markers visible within the imagery.

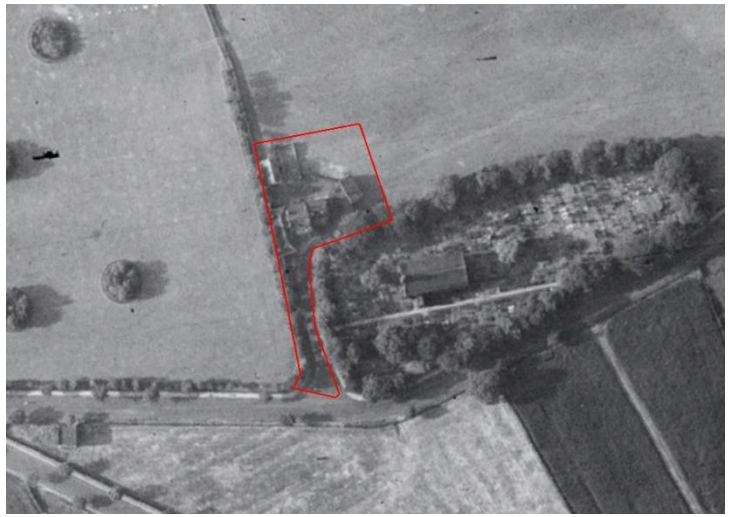


Plate 14: The 1948 Aerial Image (Historic England).

5.22. The 1957 Ordnance Survey Map identifies that the eastern extent of the 'L' plan building had comprised two cottages, noted on the mapping as '*Brown Cow Cottage'*. This mapping shows that one of the outbuildings within the northern extent of the Site had also been removed by this date.

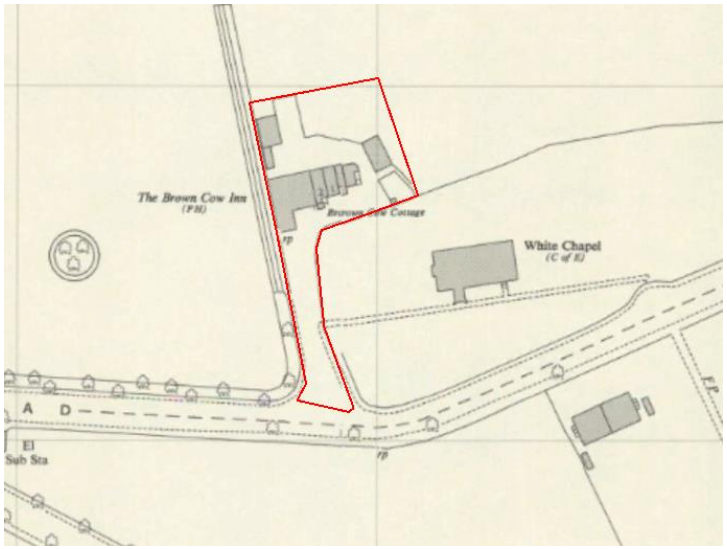


Plate 15: The 1955 Ordnance Survey Map (NLSM).

5.23. An article from the Halifax Evening Courier on 2nd August 1963 details Robert Lewis Miller as the licensee of the Brown Cow Inn.[16]

5.24. The 1964 Ordnance Survey Map shows that a range of modern houses had been constructed to the south of the Site, on the southern side of Whitechapel Road. This mapping continues to label the building as the Brown Cow Inn, and it is unclear when the public house became known as The Priory.



Plate 16: The 1964 Ordnance Survey Map (NLSM).

5.25. The 2002 Satellite Image shows that the M62 had been constructed to the north-west of the Site, with additional houses built to the south of Whitechapel Road. This imagery shows that a structure attached to the eastern side of the 'L' plan building had been removed, with a flat roofed structure added to the southern side of the building. A rectangular outbuilding had also been removed within the eastern extent of the Site. The imagery shows the Site bounded by a dense line of trees along the PRoW to the west, and along the churchyard to the east.



Plate 17: The 2002 Satellite Image (Google Earth).

[16] British Newspaper Archives. Brown Cow Inn Ref. Halifax Evening Courier, 2nd August 1964.

5.26. The 2023 Satellite Image shows that a modern housing estate was under construction to the west and north of the Site. This new estate is still under construction by present date.



Plate 18: The 2023 Satellite Image (Google Earth).

Planning History

5.27. A search of the online records held at Kirklees Council has identified one relevant planning application at the Site. This relates to the installation of illuminated signage at the Brown Cow Inn, approved in 1984 (Application Ref. No. 83/64/06618/A1).

5.28. Within the surrounds of the Site, Application Ref. No. 2019/93658 is of relevance, which relates to the erection of 122 dwellings to the west and north of the Site. This was approved on 24th June 2021, with the housing estate currently under construction. It should be noted that Grade II Listed White Chapel was the only heritage asset identified as sensitive to the proposals through change in setting, by the Council's Conservation and Design Team. The Priory Public House was not identified as sensitive to the proposals by the consultee, nor was it identified as a non-designated heritage asset.

5.29. The West Yorkshire Archaeology Advisory Service noted the following on the Site building in their consultation response:

"There is currently no evidence of a medieval settlement associated with the Whitechapel Church. Nor is there any link between "The Priory at Whitechapel" public house's name and a religious community in the vicinity. This public house was known as the Brown Cow or Old Brown Cow during the 19th and 20th centuries. Based on external evidence an origin in the late 18th century date would seem likely."

6. The Historic Environment

6.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.

6.2. As set out in ***Section 1***, the Site comprises the former Priory Public House. The building is not listed and is not situated within a Conservation Area. The Site is located adjacent to the Grade II Listed White Chapel, which has been identified as having the potential to be sensitive to the proposals, and has been taken forward for further assessment below.

6.3. There are no other designated heritage assets within the surrounds of the Site. Therefore, no other heritage assets have been taken forward that have the potential to be affected by the development proposals.

The Priory Public House

6.4. The former Priory Public House is not listed and has not been recorded on the West Yorkshire Historic Environment Record. It has also not been included on a local heritage list.

6.5. The Priory Public House, originally known as the Brown Cow Inn, likely dates to the later 18th to early 19th centuries. The earliest available documentation of the building dates to the early 19th century; however, modern timber signage on the pub notes the building was established in 1749, with the provenance of this date not known.

6.6. Various newspaper articles from the 19th century provide evidence for the public house, which had comprised the Inn, as the core historic component, with a brewhouse, two cottages, a barn, and stables, with a garden and yard also noted.

6.7. The public house comprises a two-storey 'L' plan building, with various phases of development. The historic core of the building comprises the two-storey central structure, which is built from white painted coursed stone, with black painted dressings. The structure has a pitched slate roof, gabled to the west and east.

6.8. A two-storey hipped roof structure is attached to the western side of this building, which is taller in height than the host building, and which projects to the south. This structure is present on the earliest available cartographic source, though its original function is unclear. The structure a white painted stucco finish.

6.9. A two-storey structure is attached to the eastern side of the building, which is lower in roof height. This structure was noted as comprising two cottages on the cartographic sources. The structure has modern white painted render to the south and north, and has white painted coursed stone to the east. It has a pitched slate roof, gabled to the east, and has a modern flat roofed extension attached to its southern side.

6.10. The building has seen extensive modifications to its exterior resulting in the loss of original features. The windows are predominantly of modern uPVC or timber. It is also in a poor state of repair with a tried appearance.



Plate 19: The Priory public house, viewed from the south.

6.11. The principal southern elevation of the core structure is symmetrical, with a three-bay frontage. It originated with a central entrance door, with ashlar stone jambs and lintel, which is now blocked over with masonry. A metal structure tie is present above the door. The former doorway is flanked by coupled windows to the ground and first floors, which have black painted dressed stone surrounds. The ground floor retains several two-over-two sash windows, which are in a poor state of repair, with the first floor windows comprised of modern uPVC.

6.12. The southern side of the eastern cottages is abutted by the modern flat roofed extension, which was present by the 2002 Satellite Image. The eastern elevation has several former apertures now blocked with masonry, as evidenced by straight joints in the masonry. The historic cartographic sources show that a structure was attached to the eastern side of this elevation, which was removed in the later 20th century.

6.13. The northern elevation is formed of the three main components of the building, and is faced with a modern cement render, painted white. The eastern structure has a wide, double timber door to the west, with first floor eaves height modern timber framed windows, with pronounced stone sills. The northern side of the core structure has a central modern uPVC door. This is flanked by windows on each side. The eastern window is a two-over-two timber framed sash window with horns, with dressed stone surrounds. The western windows are modern timber framed windows. At first floor level, there are two modern timber framed windows. The northern side of the western structure has a modern uPVC door with stone lintel at ground floor level, with a boarded over window with stone lintel and sill adjacent to the west. At first floor level, the elevation has a two-over-two sash timber framed sash window, and a small timber framed window, each with black painted stone sills.

6.14. The western elevation of the building directly bounds the tree-lined PRoW. This elevation is faced with a modern white painted cement render. The northern extent of the elevation has a two-over-two timber framed sash window with stone sill, as well as a small square timber framed window. Further south, there are several modern uPVC windows.

6.15. The southern elevation of the western structure is relatively plain of features, with a lintel or sill within its upper portions, suggesting the presence of an earlier aperture. This elevation has modern timber signage, which details the building was established in 1749.

6.16. The eastern elevation of this structure has a timber door with iron straps, and with dressed stone surrounds. The elevation also has two modern uPVC windows, with the first-floor eaves height window featuring a flat gauged lintel and pronounced stone sill.

6.17. The interior of the building was not accessible at the time of the Site survey. A short description of the interior for the public house is included on the CAMRA website, which states, *"Internally little evidence of the pub's age remains with a large open plan central lounge/bar."*[17]

[17] CAMRA. Priory, Cleckheaton. https://camra.org.uk/pubs/priory-cleckheaton-126222



Plate 20: The principal southern elevation of the building.



Plate 21: The eastern elevation of the building.



Plate 22: The northern rear elevation of the building.



Plate 23: The western elevation of the building.



Plate 24: The southern elevation of the western structure.



Plate 25: The eastern elevation of the western structure.

Setting and Surrounds

6.18. The Priory Public House is located to the north of Whitechapel Road, accessed from a linear dirt road, which is lined with tall trees. The building has a front yard, which is where the building would have been historically accessed from, and from where it is best experienced.

6.19. There is a concrete paved service yard to the north of the building, which has several dilapidated outbuildings within its north-western corner. The 1854 Ordnance Survey Map appears to show that this area had previously formed a garden, with a yard and outbuildings present by the 1894 Ordnance Survey Map. The northern outbuilding appears to have originated as a two-storey structure, with the roof no longer extant. The structure is faced with a modern cement render, painted white, and has two modern garage doors on its eastern side. A timber lean-to is attached to the southern side of this structure.

6.20. The public house was historically accessed from the northern side of Whitechapel Road. The building is set back from this road, and there is some visibility of the public house in dynamic views. Visibility is anticipated to be more limited in the summer months when the trees are in leaf. Historic cartographic sources show that the access road to the public house had originally been shorter in length, and had been extended to its current width by the 1907 Ordnance Survey Map, following reconfigurations to Whitechapel Road.

6.21. The Grade II Listed White Chapel and its churchyard are located directly to the east of the former public house. The public house was not known as The Priory at White Chapel until the late 20th century, with no obvious historical link between the buildings, earlier link between the buildings, other than their proximity. The eastern boundary wall of the building's access road is comprised of the churchyard wall. This wall is built from rough-tooled coursed stone with stone coping, and has stone horse mounting steps on its western side. The wall also has an access gate to the graveyard, with ashlar stone gate piers with pyramidal caps. Historic cartographic sources show that this entrance gate had been located to the south of the public house's access drive, before it was extended to its current length in the early 20th century. There is some visibility of the White Chapel from the public house, with views partly filtered by trees. It is anticipated that visibility of the Church would be substantially reduced in the summer months when the tall trees are in leaf.

6.22. A PRoW directly bounds the public house to the west, which is lined with tall trees. To the north and west, the land of the public house is bounded by a modern housing estate, currently under construction. The land to the north had previously formed open fields, which had a historic association with the public house, as demonstrated from the 1848 Tithe Plan. These fields are no longer present, following the construction of the housing estate.

6.23. The former public house is located to the north of Whitechapel Road, accessed by a linear road connecting from its northern side. The building has some visibility on Whitechapel Road.

6.24. The western side of the Site is bounded by a modern housing estate. The public house had been associated with field plots to the north, as recorded on the 1839 Tithe Map. These now form a modern housing estate currently under development.



Plate 26: The outbuildings to the north-west of the public house.



Plate 27: View towards the Priory Public House from Whitechapel Road.



Plate 28: View along the access road to the public house.

Statement of Significance

6.25. Criteria for the selection of buildings for local listing / identification as a non-designated heritage status is currently under development, with the West Yorkshire Heritage List.[18] This resource is not yet live, and is not open for nominations. The website provides guidance on the selection criteria for locally listing, which follows Historic England's criteria for *Local Heritage Listing*.[19]

6.26. In determining the significance of the building, an assessment of the former Priory Public House has been undertaken against Historic England's criteria in the table on the following pages.

Table 1: Assessment of the building against the local heritage list criteria within Historic England's Advice Note 7.

Historic England Local List Criteria	Assessment
Asset Type	The building is a former Georgian inn and public house, and as such is an asset type that might be considered for local listing. However, the building no longer functions as a public house, being currently out of use. It is also in a poor state of repair, and has seen extensive modifications, with the loss of a range of original features.
Age	Assets of any age can be considered for local listing, but the majority of Locally Listed Buildings would be expected to date between 1850 and 1945. The former public house had likely been constructed in the later 18th to early 19th centuries, and thereby the building does comply with this criterion.
Rarity	The building represents a modest Georgian former inn and public house, which dates from the later 18th to early 19th centuries. The historic core of the building is of a simple vernacular style, with a three bay frontage. The building has seen extensive changes, which have resulted in the loss of original features. It could not be considered to represent a rare or unique example of a public house. Thereby, the building would not be considered to comply with this criterion.

[18] West Yorkshire Local Heritage List. https://local-heritage-list.org.uk/west-yorkshire.

[19] Historic England. 2021. *Local Heritage Listing: Identifying and Conserving Local Heritage.* Historic England Advice Note 7.

Historic England Local List Criteria	Assessment
Architectural and Artistic Interest	The former public house has been designed in a simple vernacular style. Its very modest architectural interest is primarily contained to its principal three-bay southern elevation. This elevation retains several two-over-two sash windows with stone surrounds. However, it has also seen the loss of its original access door, and its first floor windows are of modern uPVC. The architectural interest of the building is highly limited for the remainder of the building. The rear elevations are faced with a modern cement render, with a highly limited degree of early historic features. Thereby, the building could be considered to comply with criterion, with the principal southern elevation of some limited architectural interest, albeit noting that it has previously been altered from its original construction.
Group Value	The former public house is located adjacent to the Grade II Listed White Chapel and its churchyard. There is an entrance point to the churchyard from the access road to the public house. However, the road to the public house had originally been shorter in length, before it was extended in the early 20th century. Prior to this, the gateway to the churchyard was located to the south of the access road on Whitechapel Road, as evidenced by the 1894 Ordnance Survey Map. Whilst the building is now known as The Priory at White Chapel, it had historically been known as the Brown Cow Inn, with no notable historic association, other than their proximity. The close proximity between the buildings had been noted within historic newspaper sources, with references such as '*It was near to Whitechapel Church; it being a well known saying that where there is a church you will find a public house*'.[20] Historic cartographic sources evidence that the public house and Grade II Listed Church had represented the only structures within this general area from the mid-19th century, up to the construction of houses to the south of Whitechapel Road by the 1964 Ordnance Survey Map, and the addition of a modern housing estate

[20] British Newspaper Archives. Brown Cow Inn Ref. Huddersfield and Holmfirth Examiner, 22nd September 1945.

Historic England Local List Criteria	Assessment
	recently, to the west and north of the Site. The grouping of historic structures in this area is no longer as evident on the ground. Thereby, the building could be considered to comply with this criterion, holding a limited degree of group value with the Grade II Listed White Chapel.
Archaeological Interest	No elements of the historic environment have been recorded on the West Yorkshire HER for the Site. The building is located adjacent to a churchyard, with a church recorded within this location from the 12th century onwards. This churchyard is clearly defined, and has seen no clear changes to the shared boundary with the Site on the historic cartographic sources. Thereby, the building would not be considered against this criterion.
Historic Interest	The former public house likely dates to the later 18th to early 19th centuries, and was originally known as the Brown Cow Inn. Various newspaper articles from the 19th century provide evidence for the public house, which had comprised the Inn, as the core historic component, with a brewhouse, two cottages, a barn, and stables, with a garden and yard also noted. The historic background in **Section 4** also illustrated the various landlords who had occupied the Inn throughout the 19th and 20th centuries. Its function as a former public house contributes some communal value. Thereby, the building could be considered to comply with this criterion.
Landmark Status	The building represents a modest Georgian former inn and public house, designed in a simple vernacular style. It is not a monumental building, and does not represent a rare or unique example of a building of this typology. Thereby, the building could not be considered against this criterion.

Summary

6.27. The former public house is currently out of use and is in a poor state of repair. It cannot be considered to represent a rare or unique example of a public house, and comprises a modest vernacular building.

6.28. However, the building does possess some limited historic interest, due to its age, function, and use, as a former later 18th- to early 19th-century public house and inn. It possesses some limited architectural interest, which is concentrated to the principal southern elevation, with the symmetrical frontage and sash windows. This elevation has seen the loss of original features. The remainder of the building is of a highly limited architectural interest, due to the extensive changes that have taken place for the building. The building also possesses some limited group value with the Grade II Listed White Chapel.

6.29. Whilst the building is not of a high significance, and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some limited significance.

Whitechapel Church – Grade II Listed

6.30. The Whitechapel Church was added to the National List at Grade II on 13th January 1984, with the most recent amendment of 27th September 2013 (NHLE 1184647) (Plate 29).



Plate 29: The Grade II Listed Whitechapel Church.

6.31. The List Entry provides a summary of the building as follows:

"The church was constructed in 1821 on the site of earlier chapels dating to c.1130 (a Norman font survives) and 1706. The church was restored in 1877-88 by W.H. Howorth of Cleckheaton, at which time the original box pews, three decker pulpit and north-south alignment was replaced with the current arrangement. The south porch was added as a War Memorial after

the First World War in 1923. The roof was renewed in 1934, along with other improvements, to create the current barrel vault shape; previously the church had a flat ceiling. A new organ was installed in 1963, with its pipes occupying part of the gallery."

6.32. A full copy of the List Entry is included at **Appendix 6**.

6.33. Whitechapel Church dates to 1821, and was constructed in the location of several earlier chapels. These included a Norman Church, built in *c.*1130, and a chapel built in 1706. The extant building retains several architectural features related to the earlier chapels, including a substantial carved Norman font, with a carved Sheela-na-gig, one of only two surviving in West Yorkshire, sun-dial from 1606, and fragments of earlier historic fabric. The present Church was restored in 1877-88 by W. H. Howorth of Cleckheaton, and has seen recent restoration work between 2004-2007.

6.34. The present Church is designed in a modest Gothic Revival style. It is built from coursed hammer dressed stone with quoins, and with ashlar moulded stone dressings. The building has a pitched stone slate roof, with a short, corbelled tower at its western end, with bell chamber and restored spire. There is a small porch attached to the southern side of the building. The Church has tall Gothic arched windows with 'Y' tracery and hoodmoulds along its northern and southern longitudinal elevations.

6.35. The first available cartographic source to depict a chapel in this location is Jeffrey's 1771 Map of Yorkshire. This notes the building as '*White Chapel in the North',* and relates to an earlier chapel, constructed in 1706.

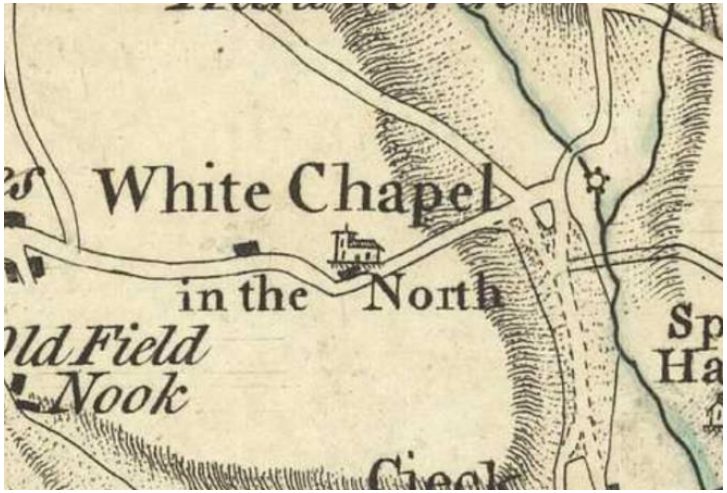


Plate 30: Jeffrey's 1771 Map of Yorkshire.

6.36. Several illustrations survive depicting the previous chapel, built in 1706. This includes a drawing from 1773 by Samuel Hieronymus Grimm (1733-1794), and another drawing from *c.*1782, which may have been by Grimm, being similar in style to his other works.[21] Grimm was a Swiss landscape artist, who moved to England in the mid-late 18th century, and specialised in the recording historical relics. The illustrations show that the building had been similar in size and scale to the present Church, comprising a rectangular stone building with a short

[21] The Corpus of Romanesque Sculpture in Britain & Ireland. *Cleckheaton, Yorkshire, West Riding*. https://www.crsbi.ac.uk/view-item?i=13080.

tower to the west, and with a small porch to the south. The building had featured mullioned windows with hoodmoulds. A footpath is shown immediately to the south of the chapel within one of the illustrations, with the other depicting several grave markers and a tree within the churchyard.



Plate 31: Grimm's illustration of the 1706 chapel, 1773.

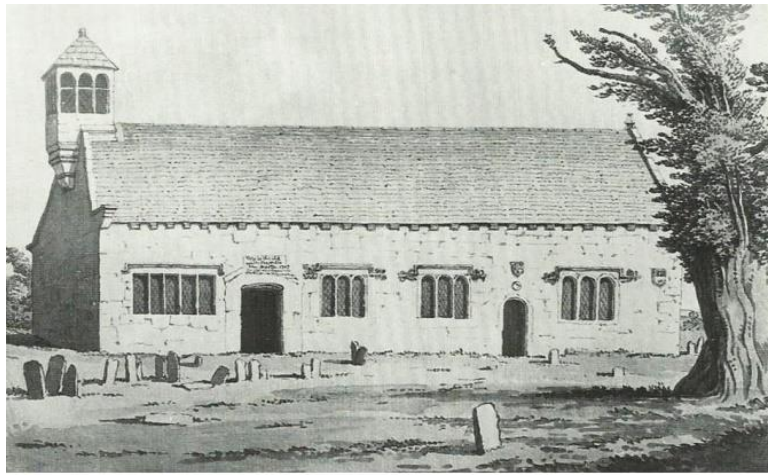


Plate 32: An illustration of the 1706 chapel, c.1782.

6.37. The first cartographic source to depict the present Church, built in 1821, is the 1848 Tithe Plan of the Township of Cleckheaton. The Church is shown as a rectangular structure, recorded under Plot 409, which was owned by Miss Currer and occupied by Reverend Robert F Taylor. Reverend Taylor had also occupied several plots *c.*1.2km to the west of the Site at Scholes, including a '*House Barn Stable Yard*' under Plot 801.

6.38. The 1848 Tithe Plan depicts the churchyard as smaller than present, and broadly oval in formation. To the east of the churchyard, an 'L' plan building is depicted, which is recorded as a '*House Barn Croft*', under Plot 410, which was owned by Miss Currer and occupied by Martha Pearson. The Brown Cow Inn, comprising the Site building, is shown to the north-west of the Church, which was owned by Henry Ripley and occupied by Thomas Sellers. The Church is otherwise shown as surrounded by agricultural land at this time.

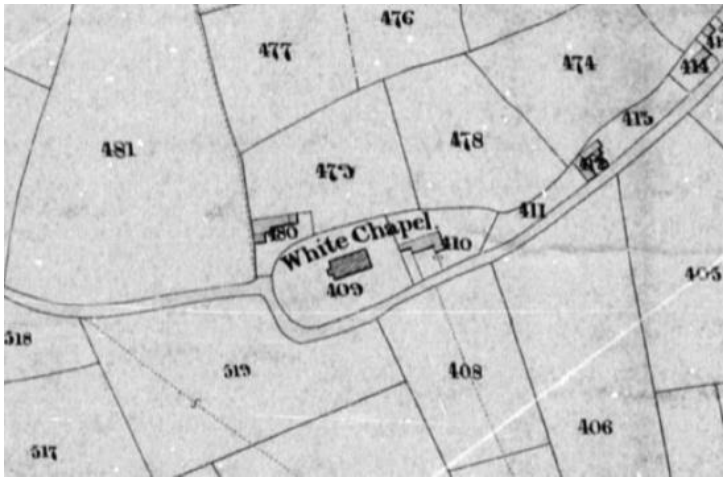


Plate 33: The 1839 Tithe Map (The Genealogist).

6.39. By the time the 1894 Ordnance Survey Map was drawn, the 'L' plan building to the east of the Church had been removed, with the churchyard extended further eastwards. From this time, the churchyard aligns with its current boundaries. The mapping shows the churchyard lined with trees, with several footpaths noted. The churchyard could be accessed from the west and south, off Whitechapel Road, and from the east, through a field.

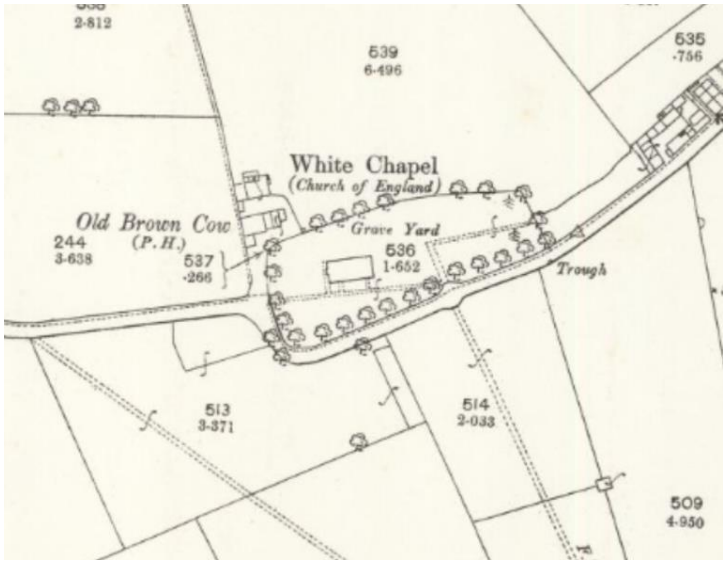


Plate 34: The 1894 Ordnance Survey Map (NLSM).

6.40. A historic photograph of the Church from *c.*1900 shows the modest ecclesiastical building, designed in a Gothic style. The image shows the building situated within its churchyard, viewed from the fields to the south of Whitechapel Road. This image shows the Church in an isolated view, with several trees along the churchyard boundary. No other buildings are visible within this view, with the Brown Cow Inn not shown within the image.

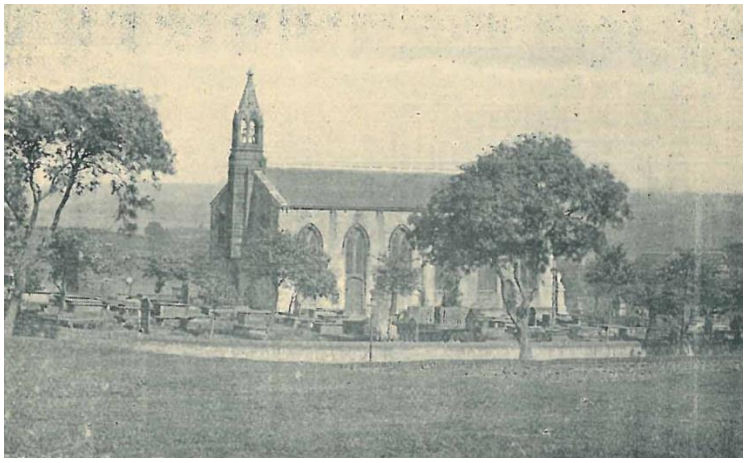


Plate 35: The historic photograph of Whitechapel Church, c.1900.

6.41. By the time the 1907 Ordnance Survey Map was drawn, Whitechapel Road had been repositioned further to the south, to the west of the Church. From this date, the western access point to the churchyard had been located along the road to the Brown Cow Inn. This mapping also no longer shows a footpath or access point within the eastern extent of the churchyard.

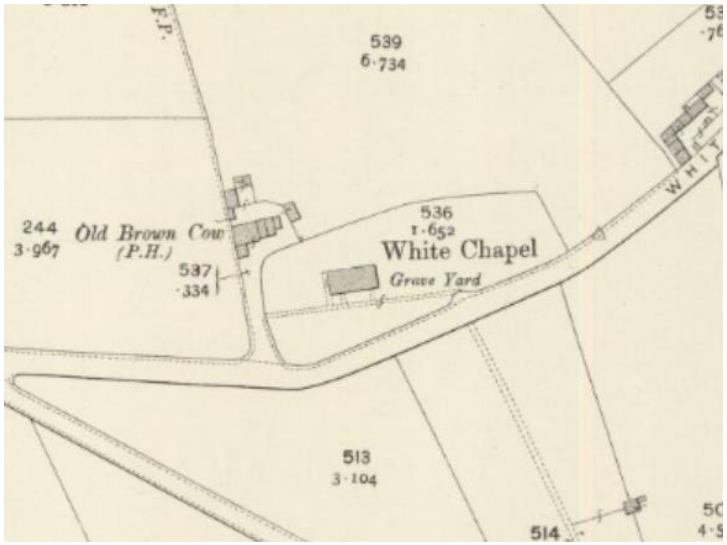


Plate 36: The 1907 Ordnance Survey Map.

6.42. An aerial image of the Church from 1948 shows the building within the western extent of its broadly rectangular churchyard. This churchyard is shown with large trees along its boundaries. A linear footpath is shown to the south of the Church, orientated west to east, which links with the two access points to the churchyard. The imagery also shows extensive grave markers within the churchyard, with the land surrounded by large and open agricultural fields.

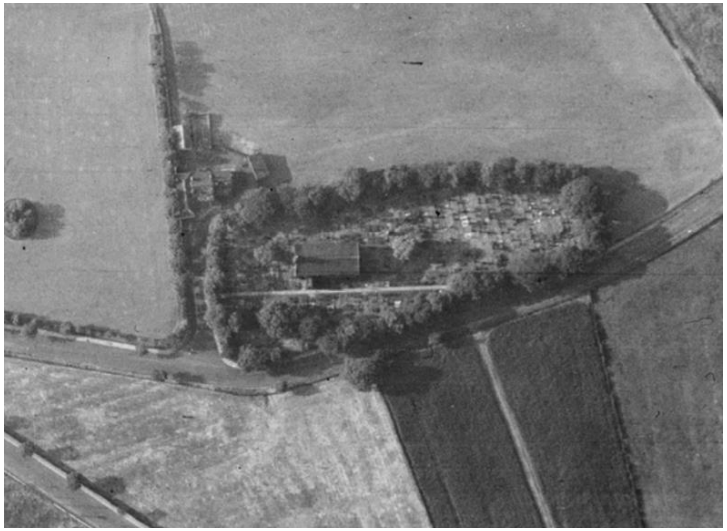


Plate 37: The 1948 Aerial Image (Historic England).

6.43. The 1964 Ordnance Survey Map shows that modern houses had been built to the south of the Church, off Whitechapel Road. Up to present day, a modern housing estate is currently under construction to directly adjacent to the churchyard to the north, with no other clear changes noted for the Church or its immediate surrounds noted.

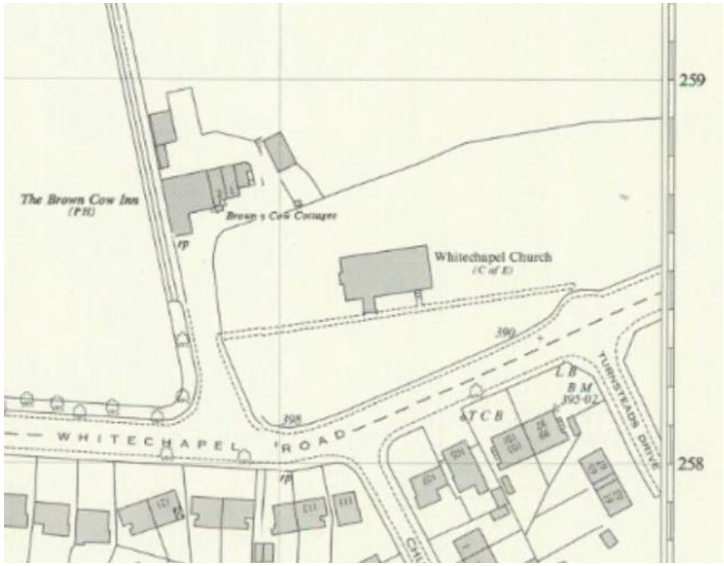


Plate 38: The 1964 Ordnance Survey Map.



Plate 39: The 2024 Satellite Image (Google Earth).

Setting and Surrounds

6.44. The Church is located within the western extent of a broadly rectangular churchyard, which is lined with a stone boundary wall with stone coping, and with tall trees. This boundary well gives the asset a definite edge and a confined boundary, within which the elements which contribute the most to the significance of the asset are located. The tall trees are noted as intentional planting on 19th century cartographic sources, and provide a real sense of enclosure within the churchyard, even when visited in winter when the trees are not in leaf.

6.45. The churchyard has an extensive range of grave markers, with a grave relating to the niece of Patrick Brontë, and has tall trees interspersed throughout, which filter the degree of visibility of the Church and out from the

churchyard. Historic cartographic sources have evidenced that the churchyard had been extended eastwards in the early 20th century, with this area previously comprising a house, which does not appear to have been associated with the Church.

6.46. Directly to the south of Church there is a linear flagstone footpath, with each flagstone carved with a simplistic cross. These flagstones predate the present Church, adding to its historic interest. This footpath is oriented west to east, and connects with small, gated entrances on the western and southern sides of the churchyard. This footpath is noted on historical sources, with the cartographic sources evidencing that it had extended further eastwards previous. The southern entrance represents the principal access point to the churchyard, off Whitechapel Road. The western entrance is accessed from the linear road to the former Priory Public House. Historic cartographic sources show that this entrance had previously been gained from Whitechapel Road before the road was repositioned further to the south.

6.47. The Church is visible in dynamic views moving along Whitechapel Road. Views of the Church are filtered by the tall trees bounding the Site, with highly limited visibility in line with the eastern end of the churchyard, and the most prominent views possible when directly facing the building. These dynamic views are anticipated to be significantly reduced in the summer months when the trees are in leaf.

6.48. The Priory Public House (the Site building), originally known as the Brown Cow Inn, is located to the north-west of the churchyard. The northern side of the churchyard is formed of the new housing estate, currently under development, which can be seen from the churchyard. The Church can also be viewed in conjunction with, and from this housing estate to the north.



Plate 40: View across the churchyard of the Grade II Listed Whitechapel Church.

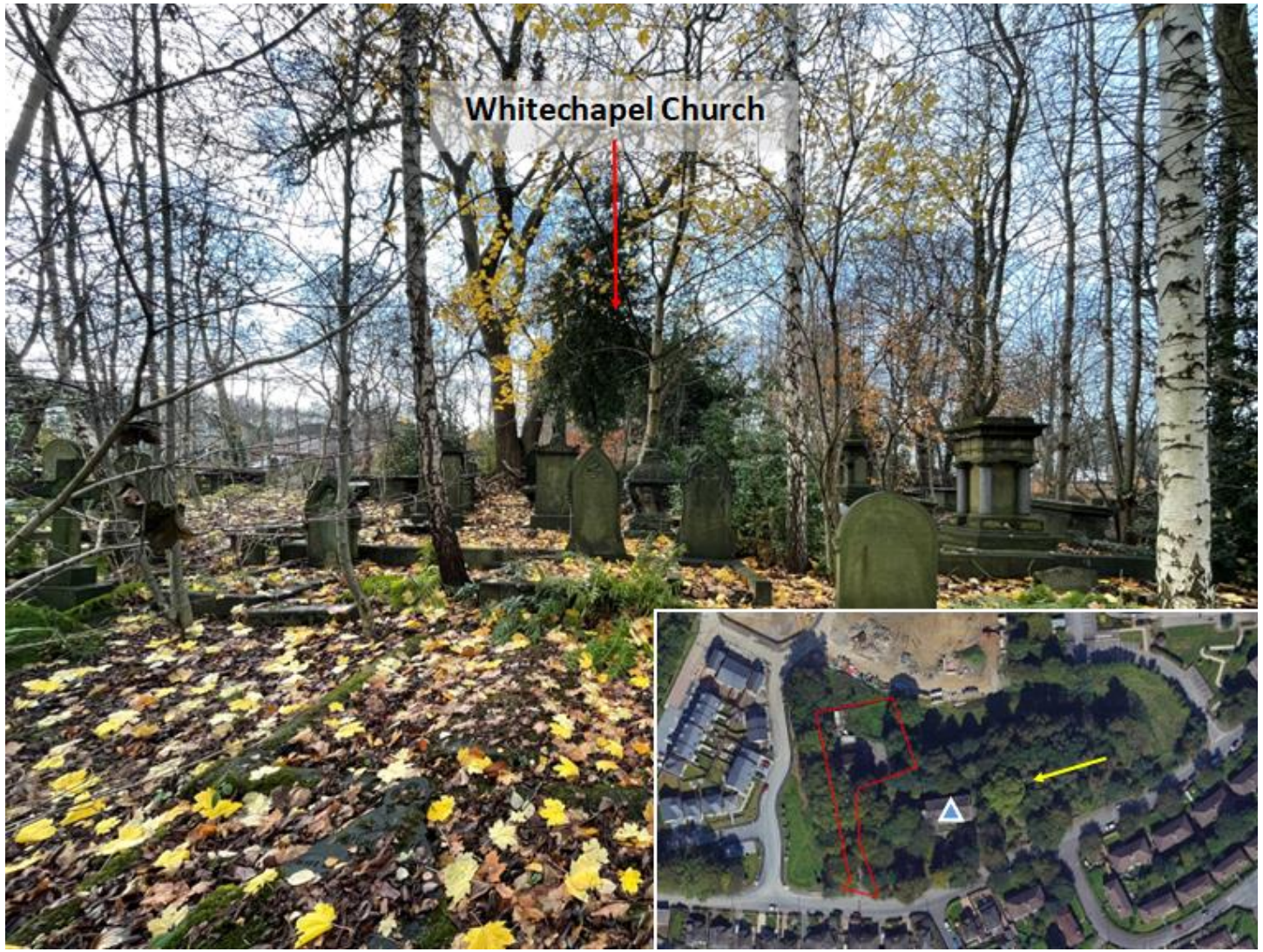


Plate 41: View towards the Church from the eastern extent of the churchyard.



Plate 42: View of the principal access point to the churchyard off Whitechapel Road.



Plate 43: View towards Whitechapel Church from Whitechapel Road to the east.



Plate 44: View towards Whitechapel Church from Whitechapel Road.



Plate 45: The new housing estate directly to the north of the churchyard.

Association with the Site, including Intervisibility and Co-visibility

6.49. The Site is located directly adjacent to the Whitechapel churchyard, with the former Priory Public House located *c.*30m to the north-west of the Grade II Listed Church.

6.50. There is no clear historic association between the public house and the Listed Building. The public house was not known as The Priory at White Chapel until the late 20th century, with no obvious historical link between the buildings, other than their proximity. The eastern boundary wall of the building's access road is comprised of the churchyard wall. This wall is built from rough-tooled coursed stone with stone coping. The wall also has an access gate to the graveyard, with ashlar stone gate piers with pyramidal caps. Historic cartographic sources show that this entrance gate had originally been accessed from Whitechapel Road, which was repositioned to its current location in the early 20th century. Therefore, this access point had not historically been on the approach drive to the public house. However, the public house would have been visible when utilising this entrance to the churchyard.

6.51. The Grade II Listed Whitechapel Church is visible from the front of the public house, with views partly filtered by the tall trees lining the churchyard. The Church would have been visible by users of the public house when leaving the building, with these representing the only structures in this location historically, and eyes likely drawn to the Church and its short tower. The public house is also visible from the churchyard and from the western side of the Church, which includes the principal southern elevation of the building, identified as having some limited architectural interest. This intervisibility is anticipated to be substantially reduced in the summer months when the trees are in leaf.

6.52. There are also several areas where co-views of the public house and Church are possible. From Whitechapel Road, there is visibility of the two buildings, though these are filtered through the tall trees. From directly in front of the Church on Whitechapel Road, the Church is more visible, but the public house is primarily shielded from view by intervening trees. From the junction to the public house's approach drive on Whitechapel Road, the southern elevation of the public house is clearly visible, but views of the Church are filtered by the trees. These views also include the modern housing estate. Co-views are possible when moving along the approach drive within the Site. These comprise relatively contained views of the buildings, with no visibility of the modern housing estate. The visibility of these two structures in these areas represent historic views, with these representing the only structures within this location noted up to the later 20th century. The churchgoers would have viewed the public house when utilising the western entrance, with the pubgoers viewing the Church when walking towards the public house.

6.53. Co-views between the former public house and Listed Building are also possible from the housing estate to the west and north. These views are again filtered by trees and comprise the side and rear elevations of the public house, which are of highly limited architectural interest, in a poor state of repair. These do not represent key or significant views, and also contain modern elements of the new housing estate.



Plate 46: View of the western access point to the churchyard, with previous position of Whitechapel Road highlighted, which was repositioned to its current located in the early 20th century.



Plate 47: View towards the Grade II Listed Whitechapel Church from the Site.

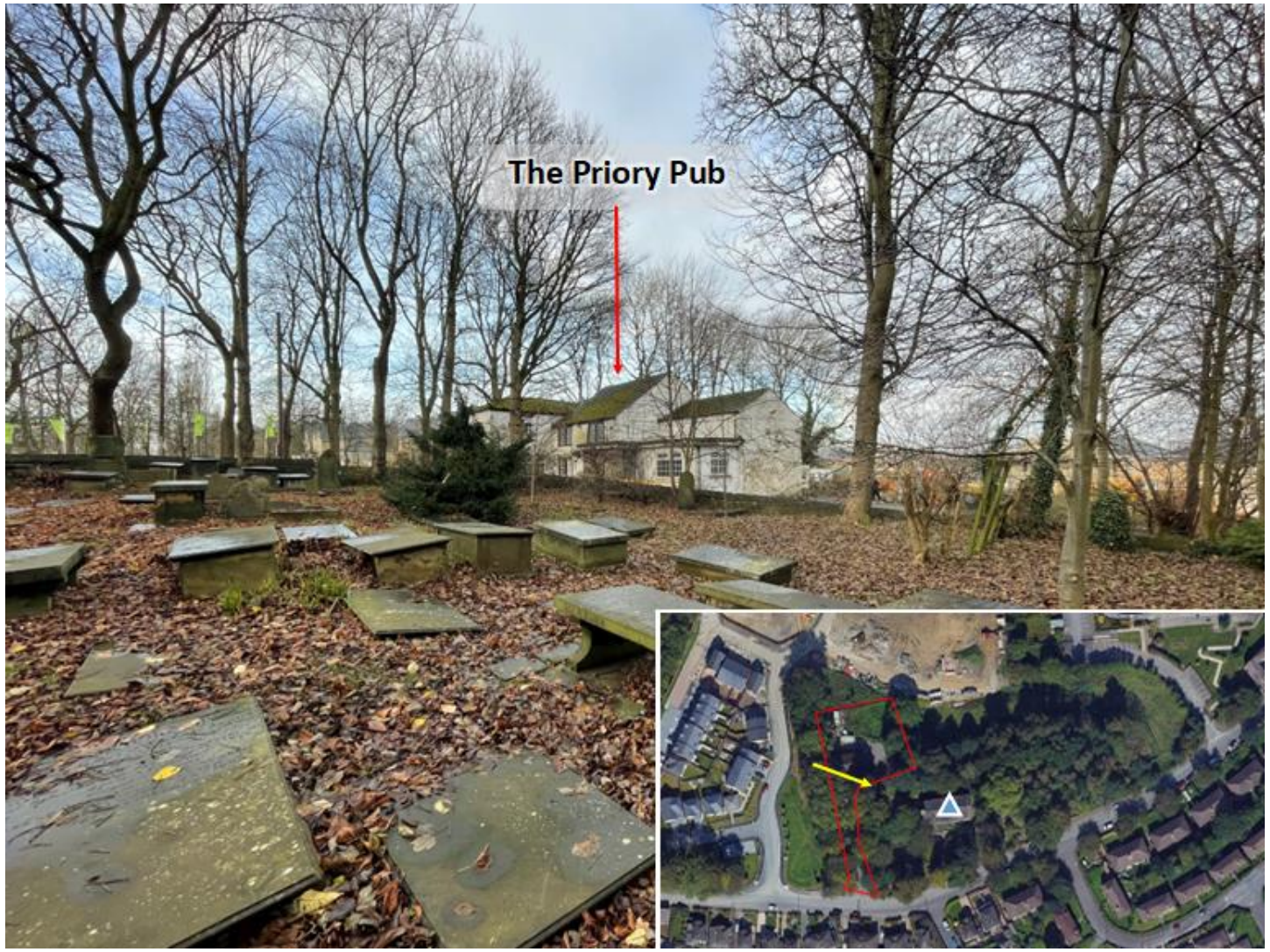


Plate 48: Visibility of the Priory Public House from Whitechapel Church.

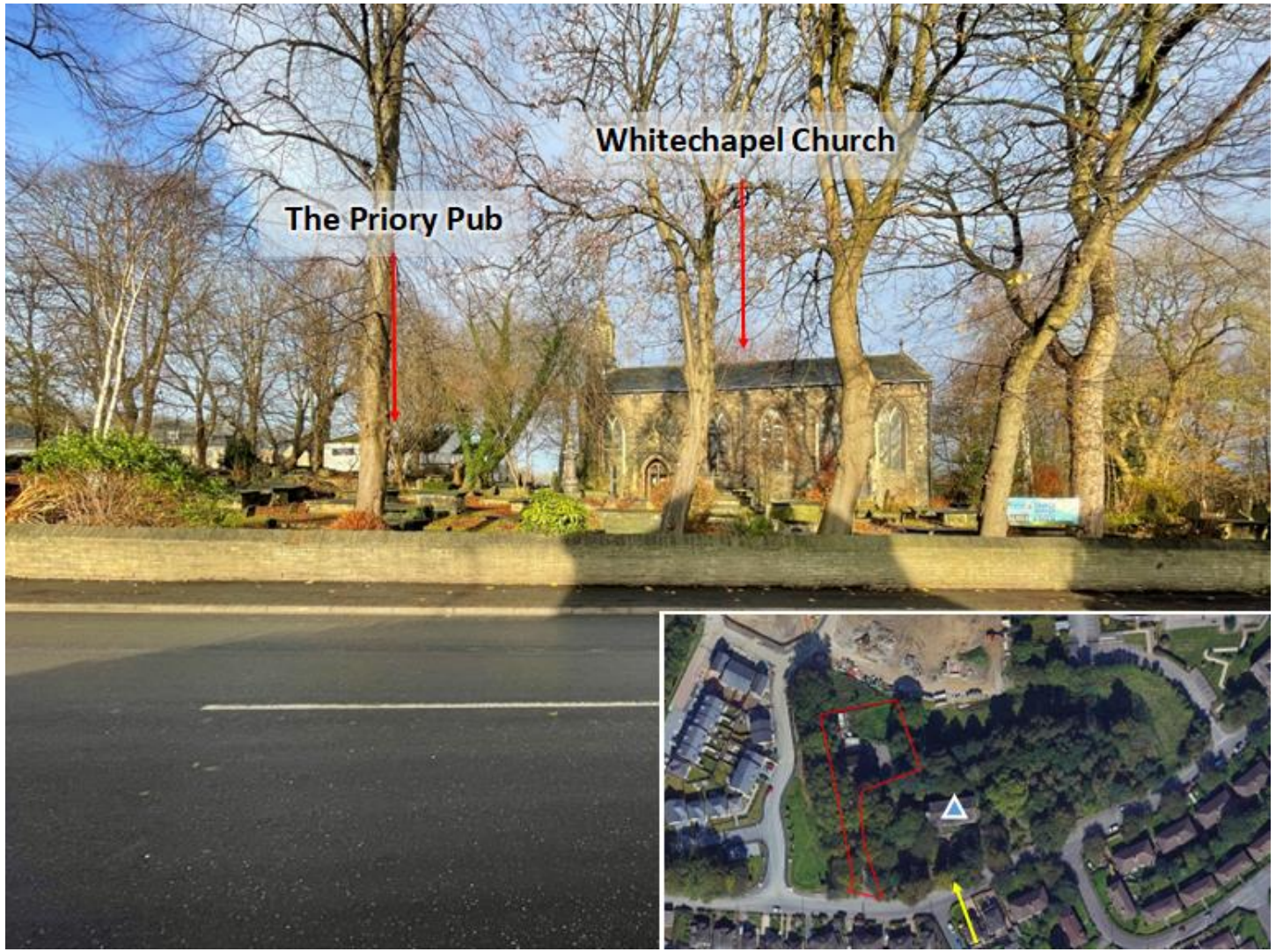


Plate 49: Co-view of the Priory Public House and Whitechapel Church from Whitechapel Road.

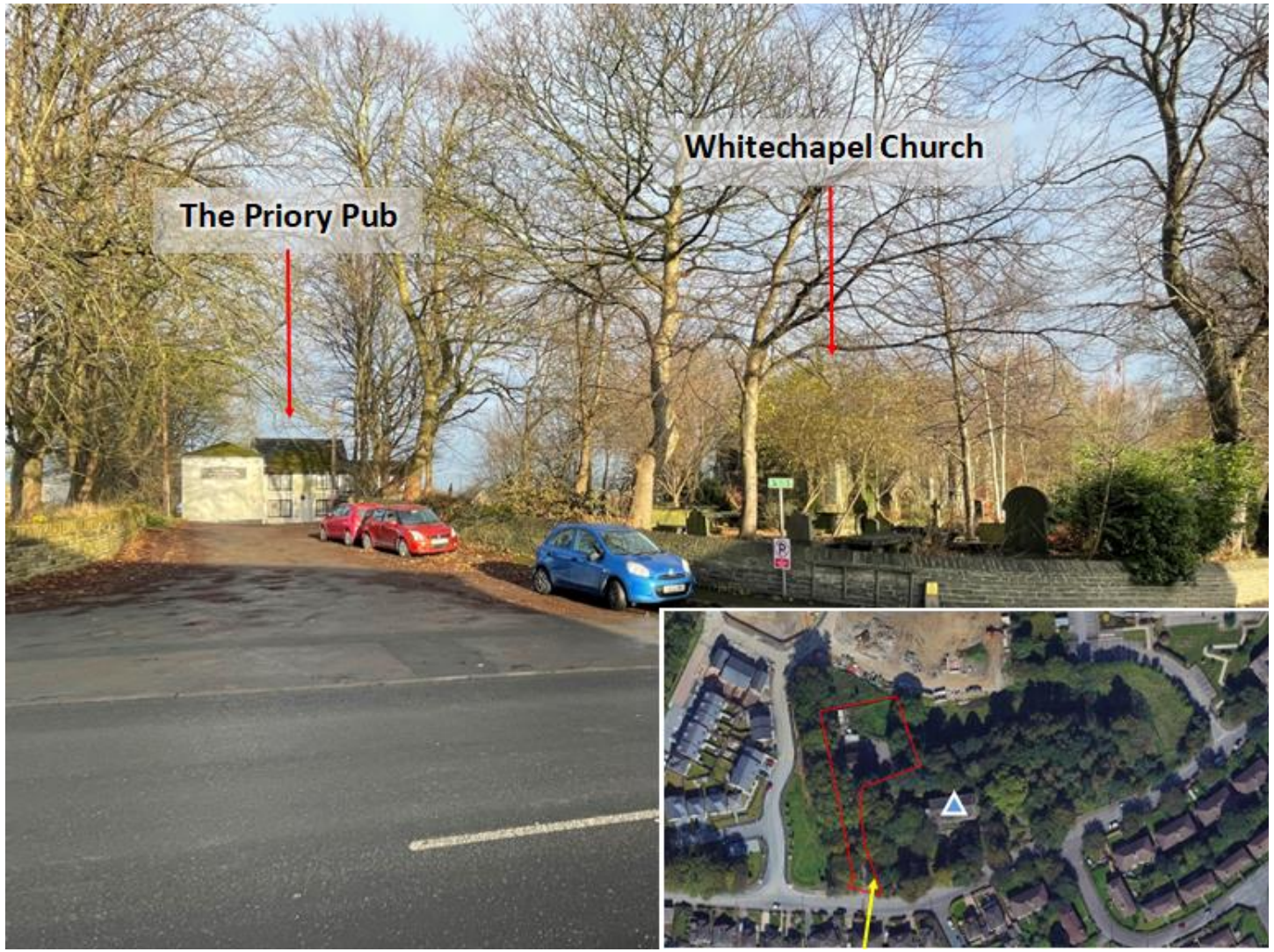


Plate 50: The co-view of the public house and Church from the Whitechapel Road further west.



Plate 51: The co-view of the Priory Public House and Church from the housing estate to the west.



Plate 52: Co-view of the public house and Church from the modern housing estate to the north.

Statement of Significance

6.54. The Grade II Listing of the building highlights it as a heritage asset of the less than highest significance, as defined by the NPPF.

6.55. The heritage significance of the Whitechapel Church is principally embodied in its **historic, architectural, artistic,** and **archaeological interests.** The present Church dates to 1821, and was constructed in the location of several earlier chapels. These include a Norman chapel, built in *c.*1130, and a chapel built in 1706, with surviving illustrations evidencing it had been similar in size and scale to the extant building.

6.56. The Church is designed in a modest Gothic Revival style, built from coursed hammer-dressed stone. It has a distinctive short, corbelled tower at its western end, and has tall Gothic arched windows with 'Y' tracery. The building retains several architectural features associated with the earlier chapels, including a Norman font, and a sundial dated from 1606.

6.57. The setting of Whitechapel Church also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance are summarised below:

- The churchyard. This is where the Church is best experienced from, and from where its architectural interest is best appreciated. Views of the Church are varied throughout the churchyard, due to the trees interspersed throughout. Historic cartographic sources show that the churchyard was originally smaller in size, extended eastwards in the later 19th century.

- Whitechapel Road. This is where the churchyard is historically accessed from, and represents one of the areas where it is best experienced from. Views of the Church are filtered by the trees along this road.

6.58. Other elements of its setting that contribute, but to a far lesser degree include:

- The Priory Public House. There is no clear historic association between the public house and the Church. However, there has been a long established historic proximity between these buildings, which contributes a limited degree of group value. The churchyard can be accessed from the public house approach drive; however, this has only been the case from the early 20th century onwards, following the repositioning of Whitechapel Road. Therefore, the importance of this approach has been reduced.

The Contribution of the Site through Setting

6.59. The Site is located adjacent to the Grade II Listed Church to the west, and includes the former Priory Public House, which originated in the later 18th to early 19th centuries as the Brown Cow Inn. There is no clear historic association between the public house and the Church.

6.60. As identified above, the long established proximity between the buildings, which had historically represented the only buildings within this location up to the later 20th century, contributes some, limited group value. Whilst the

churchyard can be accessed from the Site, this had only been the case from the early 20th century onwards.

6.61. There is intervisibility between the public house and the Church, as well as several co-views. Several of the views had been identified as historic; however, the views are filtered by trees, with visibility anticipated to be significantly reduced in the summer months when the trees are in leaf. Several of the views also include the modern housing estate, which have contributed a modern residential character to the surrounds

6.62. Therefore, the Site is deemed to make a **minor contribution** to the significance of the Grade II Listed Whitechapel Church, through setting.

7. Assessment of Impacts

7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for planning permission in line with the proposals.

7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.

7.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings.

7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, which includes both statutorily designated assets such as Listed Buildings, but also other buildings or structures or areas which are not afforded statutory protection, but are of some heritage interest.

7.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 214 and 215 of the *NPPF*.[22] With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 216 of the *NPPF*.[23]

7.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.[24]

7.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.[25] In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced." [26]

7.8. With regard to non-designated heritage assets, potential harm should be considered within the context of Paragraph 216 of the *NPPF*.[27] There is no basis in policy for

[22] MHCLG, *NPPF*, paras. 214 and 215.
[23] MHCLG, *NPPF*, para. 216.
[24] MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[25] MHCLG, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).
[26] EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.
[27] MHCLG, *NPPF*, para.216.

describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset.

7.9. High Court Judgements have confirmed that when considering potential impacts on non-designated heritage assets within the decision-making process, the balanced judgement required is different from the public benefits exercise associated with designated heritage assets (as set out in Paragraphs 214 and 215 of the *NPPF*).[28]

7.10. Within a High Court Judgment of 2017, Jarman HHJ confirmed that the only requirement of the *NPPF* in respect of non-designated heritage assets is "*that the effect of an application on the significance should be taken into account*".[29]

7.11. This was further expressed in the Bohm decision, which stated that:

> ***[34] "Unsurprisingly, given that an NDHA [non-designated heritage asset] does not itself have statutory protection, the test in para 135*** [Paragraph 216 of the 2024 *NPPF*] ***is different from that in paras 132-4*** [Paragraphs 213-215 of the 2023 *NPPF*]***, which concern designated heritage assets. Paragraph 135*** [Paragraph 216 of the 2024 *NPPF*] ***calls for weighing "applications" that affect an NDHA, in other words the consideration under that paragraph must be of the application as a whole, not merely the demolition but also the construction of the new building. It then requires a balanced judgement to be made by the decision maker. The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any particular matter."***[30]

7.12. This Section will consider the non-designated heritage asset and Listed Building detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

The Priory Public House

7.13. The proposed works would see the demolition of the existing public house, and the redevelopment of the Site to provide 8no. apartments with associated external landscaping and car parking.

7.14. Whilst the building is not of a high significance, and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some limited significance.

7.15. The demolition of the building would result in the total loss of the limited significance that the building holds. Whilst it is acknowledged the building holds some limited architectural and historic interest, it does not represent a rare or unique example of a public house. The architectural interest of the building has been substantially reduced following the extensive removal of

[28] MHCLG, *NPPF*, paras. 214 and 215.
[29] Travis Perkins (Properties) Limited v Westminster City Council [2017] EWHC 2738 (Admin), Paragraph 44.
[30] Bohm [2017] EWHC 3217 (Admin).

its original features. The only area of the building identified with some architectural interest is the southern elevation; however, this too has seen changes, with the loss of its central door and with uPVC windows present.

7.16. As per paragraph 216 of the NPPF, a balanced judgement is required having regard to the scale of harm and the significance of the heritage asset. In taking a balanced judgement, the current condition of the building should be considered. The building is in a poor state of repair, having been subject to an extended period of lack of use and hence day-to-day maintenance, and is of a tired appearance.

7.17. Prior to demolition, it is recommended that a programme of Historic Building Recording is undertaken of the former Priory Public House agreed via a suitably worded Condition attached to any forthcoming Planning Permission, to provide a written, photographic, and drawn record of the building. This would follow Historic England's guidance *Understanding Historic Buildings: A Guide to Good Recording Practice,* and would represent a comprehensive preservation by record of the building, in mitigation of the proposed demolition.

Whitechapel Church – Grade II Listed

7.18. The proposed development would see the demolition of the Priory Public House. This building has been identified as making a **minor contribution** to the significance of the Church through its setting. This results from their long established close proximity, contributing a limited degree of group value, with intervisibility and co-views identified.

7.19. The removal of the public house would remove the long established proximity between these buildings. However, it is important to note that the public house does not represent a core component of the Church's significance, and its removal would in no way change the ability to understand or appreciate the core elements of significance for the Grade II Listed Whitechapel Church. The contribution from setting to the significance of the building is principally derived from its churchyard and from Whitechapel Road. These areas contribute historic interest, and comprise the areas where the building is best experienced from.

7.20. The demolition of the former Priory Public House would result in **less than substantial harm** to the significance of the Church through change to its setting. This would be considered at the **low end of the scale of harm.**

7.21. The proposed works would also see the redevelopment of the Site to provide 8no. apartments with associated external landscaping and car parking. The new building would comprise an 'L' plan structure, located within the general footprint of the former building. It would be located slightly further to the east, and its northern projection would extend further northwards. The new building would be a similar scale to the public house, not exceeding its height.

7.22. There will be visibility of the new building from the Church, which would contribute a modern residential character. Views of the building would predominantly be filtered by the trees surrounding the churchyard, and it is anticipated there would be significantly reduced visibility in the summer months. These views also contain the modern housing estate to the west and north, which already contribute a modern residential character when facing towards the present building.

7.23. There will also be some co-visibility between the new building and the Church. However, the ability to view the apartments in combination with the Church will not change the ability to understand or appreciate its significance.

7.24. The co-views from Whitechapel Road would be predominantly filtered by trees when viewed directly facing the Church to the north. From further west at the entrance to the Site, the new building would be more visible, but views of the Church will be heavily filtered by the tall trees. These views would also contain the other modern houses built to the west of the Site, which already contribute a residential character.

7.25. There will be co-views between the new apartment building and when moving along the Site approach drive. The new building would be visible should churchgoers utilise the western entrance to the Site. However, this does not represent the principal access point to the churchyard, which is further east off Whitechapel Road.

7.26. When viewed from the housing estate to the west, the new building would likely be less prominent in combination with the Church, as it is set slightly further east, with no projection on its southern side.

7.27. Whilst there will be some intervisibility and co-visibility between the new apartment building and the Church, it would not change the ability to understand or appreciate the significance of the building, However, the works would contribute a modern residential character within closer proximity to the Church than at present. Therefore, the proposed new apartment would cause **less than substantial harm** to the significance of the Grade II Listed Whitechapel Church, through change to setting. This would be at the **lowest end of the scale of harm.**

7.28. In summary, the demolition of the former public house and the construction of the new apartment building would cause **less than substantial harm** to the significance of the Grade II Listed Church, remaining at the **lower end of the scale of harm** overall**.**

8. Conclusions

8.1. The proposed works would see the demolition of the existing public house, and the redevelopment of the Site to provide 8no. apartments with associated external landscaping and car parking.

8.2. The former Priory Public House is not listed and has not been recorded on the West Yorkshire Historic Environment Record. It has also not been included on a local heritage list.

8.3. Whilst the building is not of a high significance, and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some limited significance.

8.4. The demolition of the building would result in the total loss of the limited significance that the building holds. Whilst it is acknowledged the building holds some limited architectural and historic interest, it does not represent a rare or unique example of a public house. The architectural interest of the building has also been substantially reduced following the extensive removal of its original features.

8.5. As per paragraph 216 of the NPPF, a balanced judgement is required having regard to the scale of harm and the significance of the heritage asset. In taking a balanced judgement, the current condition of the building should be considered. The building is in a poor state of repair, having been subject to an extended period of lack of use and hence lack of day to day maintenance, and is of a tired appearance.

8.6. Prior to demolition, it is recommended that a programme of Historic Building Recording is undertaken of the former Priory Public House agreed via a suitably worded Condition attached to any forthcoming Planning Permission, to provide a written, photographic, and drawn record of the building. This would follow Historic England's guidance *Understanding Historic Buildings: A Guide to Good Recording Practice,* and would represent a comprehensive preservation by record of the building, in mitigation of the proposed demolition.

8.7. The Grade II Listed Whitechapel Church had also been identified as potentially sensitive to the development works. The former Priory Public House has been identified as making a **minor contribution** to the significance of the Church through its setting. This results from their long established close proximity, contributing a limited degree of group value, with intervisibility and co-views identified.

8.8. The demolition of the former Priory Public House would result in **less than substantial harm** to the significance of the Church through change to its setting. This would be considered at the **low end of the scale of harm.** For the construction of the new apartment building, the assessment has determined that the proposed works would cause **less than substantial harm** to the significance of the Church, through change to setting. This would be at the **lowest end of the scale of harm.** The overall level of harm is considered to remain at the **lower end of the scale of harm.**

Appendix 1: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

> ***"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."***[31]

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.[32]

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.[33] These essentially cover the heritage 'interests' given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.[34]

The *PPG* provides further information on the interests it identifies:

- ***Archaeological interest:*** *As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.*

- ***Architectural and artistic interest:*** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.

- ***Historic interest*:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.[35]

[31] MHCLG, *NPPF*, Annex 2.
[32] Historic England, *GPA:2*.
[33] Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see idem pp. 28–32.
[34] MHCLG, *NPPF*, *Annex 2*; MHCLG, *PPG, paragraph 006, reference ID: 18a-006-20190723*.
[35] MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

Significance results from a combination of any, some, or all of the interests described above.

Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report. [36]

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

> ***"Significance derives not only from a heritage asset's physical presence, but also from its setting."*** [37]

Setting is defined as:

> ***"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*** [38]

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of "*what matters and why*". [39]

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

[36] Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).
[37] MHCLG, *NPPF*, Annex 2.
[38] MHCLG, *NPPF*, Annex 2.
[39] Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

> ***Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".***
>
> ***Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."*** [40]

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the *NPPF* and the *PPG*, three levels of significance are identified:

- **Designated heritage assets of the highest significance,** as identified in paragraph 213 of the NPPF, comprising Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 75 of the NPPF;[41]

- **Designated heritage assets of less than the highest significance,** as identified in paragraph 213 of the NPPF, comprising Grade II Listed Buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);[42] and

[40] Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.
[41] MHCLG, *NPPF*, para. 213 and fn. 75.
[42] MHCLG, *NPPF,* para. 213.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as "*buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*".[43]

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would "*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*";[44] and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the *PPG* states:

> ***"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."***[45]

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the *NPPF* requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, "*preserving*" means doing "*no harm*".[46]

[43] MHCLG, *PPG*, paragraph 039, reference ID: 18a-039-20190723.
[44] Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.
[45] MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[46] R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".[47] Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of "*what matters and why*".[48] Of particular relevance is the checklist given on page 13 of *GPA:3*.[49]

It should be noted that this key document also states:

> ***"Setting is not itself a heritage asset, nor a heritage designation…"***[50]

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

> ***"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".***[51]

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.[52]

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

The *NPPF* (at Paragraphs 214 and 215) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.[53]

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 214 to 216.[54]

The *PPG* provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

> ***"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be***

[47] Historic England, *GPA:2*, p. 9.
[48] Historic England, *GPA:3*, p. 8.
[49] Historic England, *GPA:3*, p. 13.
[50] Historic England, *GPA:3*, p. 4.
[51] Historic England, *GPA 3.*, p. 8.
[52] Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
[53] MHCLG, *NPPF,* paras. 214 and 215.
[54] Including - Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin); MHCLG, *NPPF,* paras. 214 and 216.

of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation."***[55]

Any "*heritage benefits*" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

[55] MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.[56] It does not provide statutory protection for non-designated or Locally Listed heritage assets such as the application site.

[56] UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 3: National Policy Guidance

The National Planning Policy Framework (December 2024)

National policy and guidance is set out in the Government's *National Planning Policy Framework* (*NPPF*) published in December 2024. This replaced and updated the previous *NPPF* (December 2023). The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

> ***"Plans and decisions should apply a presumption in favour of sustainable development.***
>
> ***For plan-making this means that:***
>
> ***a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
>
> ***b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
>
> ***i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; 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.

For decision-taking this means:

a. approving development proposals that accord with an up-to-date development plan without delay; or

b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."[57]

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

> ***"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."***[58] (our emphasis)

The *NPPF* continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the *NPPF* as:

> ***"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage***

[57] MHCLG, *NPPF*, para. 11.

[58] MHCLG, *NPPF*, para. 11, fn. 7.

assets and assets identified by the local planning authority (including local listing)."[59]

The NPPF goes on to define a Designated Heritage Asset as a:

> ***"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."***[60]

As set out above, significance is also defined as:

> ***"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."***[61]

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 208 that:

> ***"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."***[62]

Paragraph 210 goes on to state that:

> ***"In determining planning applications, local planning authorities should take account of:***
>
> ***a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
>
> ***b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
>
> ***c. the desirability of new development making a positive contribution to local character and distinctiveness."***[63]

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 212 and 213 are relevant and read as follows:

> ***"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***

[59] MHCLG, *NPPF*, Annex 2.
[60] MHCLG, *NPPF*, Annex 2.
[61] MHCLG, *NPPF*, Annex 2.
[62] MHCLG, *NPPF*, para. 208.
[63] MHCLG, *NPPF*, para. 210.

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."[64]

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."[65]

Section b) of paragraph 213, which describes assets of the highest significance, also includes footnote 75 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 214 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a. the nature of the heritage asset prevents all reasonable uses of the site; and

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use."[66]

Paragraph 215 goes on to state:

"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."[67]

[64] MHCLG, *NPPF*, para. 212.
[65] MHCLG, *NPPF*, para. 213.
[66] MHCLG, *NPPF*, para. 214.
[67] MHCLG, *NPPF*, para. 215.

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 219 that:

> ***"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."***[68]

Paragraph 220 goes on to recognise that "*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*" and with regard to the potential harm from a proposed development states:

> ***"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."***[69] (our emphasis)

With regards to non-designated heritage assets, paragraph 216 of NPPF states that:

> ***"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."***[70]

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Ministry of Housing, Communities & Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

[68] MHCLG, *NPPF*, para 219.
[69] MHCLG, *NPPF*, para. 220.
[70] MHCLG, *NPPF*, para. 216.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

> ***"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."***[71]

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

> ***"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.***
>
> ***While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."***[72] (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

> ***"When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape."***[73]
>
> ***"Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way."***[74]

[71] MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.
[72] MHCLG, *PPG*, paragraph 018, reference ID: 18a-018-20190723.
[73] MHCLG, *NDG*, para. 46.
[74] MHCLG, *NDG*, para. 47.

It goes on to state that:

> ***"Well-designed places and buildings are influenced positively by:***
>
> - ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***
> - ***the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;***
> - ***the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details - see Identity.***
>
> ***Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."***[75]

[75] MHCLG, *NDG*, paras. 48-49.

Appendix 4: Relevant Development Plan Policies

Applications for planning permission within Cleckheaton are currently considered against the policy and guidance set out within the Kirklees Local Plan, adopted on 27th February 2019.

POLICY PLP35

"1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh harm, or all of the following are met:

a. the nature of the heritage asset prevents all reasonable uses of the site;

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

2. Proposals which would remove, harm, or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation or damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designates and non-designated heritage assets;

b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;

c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship, and civic and institutional buildings constructed on the back of wealth created by the textile industry as expressions of local civic pride and identity;

d. identify opportunities, including use of new technologies, to mitigate, and adapt to the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;

e. accommodate innovative design where this does not prejudice the significance of heritage assets;

f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact of the setting of Castle Hill will not be permitted."

Appendix 5: Census Records

1841 Census

Location:	Name:	Relation	Age:	Profession:
White Chapel (no specified location)	Thomas Sellers	Head	40	Card maker
-	Hannah Sellers	-	40	-
-	Joseph Sellers	-	15	Moulder
-	Susannah Sellers	-	14	-
-	Elizabeth Sellers	-	10	-
-	William Sellers	-	8	-
-	Edwin Sellers	-	6	-
-	Emma Sellers	-	5	-
-	Hannah Sellers	-	4	-
-	Thomas Sellers	-	2	-

1848 Tithe Apportionment

Owner:	Occupier:	Plot No,	Description:	State of Cultivation:
Henry Ripley	Thomas Sellers	479	White Chapel Close	Grass
Henry Ripley	Thomas Sellers	480	Brown Cow Inn	-

1851 Census

Location:	Name:	Relation	Age:	Profession:
White Chapel (no specified location)	Hannah Sellers	Head	51	Innkeeper
-	Sarah Sellers	Daughter	26	House Servant
-	Elizabeth Limb	Daughter	22	Visitor
-	William Sellers	Son	21	Iron and Brass Founder
-	Edwin Sellers	Son	14	Farm Servant
-	Hannah Sellers	Daughter	13	Scholar
-	Thomas Sellers	Son	12	Scholar

-	Albert Sellers	Daughter Sarah's Natural Son	5	Scholar
-	William Sellers	Daughter Sarah's Natural Son	1	

1861 Census

Location:	Name:	Relation	Age:	Profession:
Brown Cow Inn	John Tasker	Head	50	Wool Sorter, Innkeeper & Farmer 8 Acres
-	Hannah Tasker	Wife	48	-
-	Sarah Ann Tasker	Daughter	19	Factory Girl
-	Harriett Tasker	Daughter	17	Factory Girl
-	Teresa Tasker	Daughter	15	Factory Girl
-	George Tasker	Son	13	Scholar
-	Walter Tasker	Son	11	Scholar
-	Arthur Tasker	Son	6	Scholar

-	Richard Tasker	Visitor	15	Carpenter
-	Leonard Tasker	Grandson	4mo	-

1851 Census

Location:	Name:	Relation	Age:	Profession:
White Chapel Lane (Brown Cow Inn)	John Tasker	Head	60	Publican & Farmer of 12 Acres
-	Hannah Tasker	Wife	57	Publican
-	Sarah A. Tasker	Daughter	29	Nurse
-	Louisa Tasker	Daughter	25	Mill Hand
-	Teresa Tasker	Daughter	25	Mill Hand
-	George Tasker	Son	23	Millwright
-	Walter Tasker	Son	20	Plumber
-	Arthur Tasker	Son	16	Currier
-	Leonard Tasker	Son	10	Scholar

1881 Census

Location:	Name:	Relation	Age:	Profession:
White Chapel Church (Brown Cow Inn)	Thomas Marsden	Head	57	Publican & Farmer of 6 ½ Acres
-	Elizabeth Marsden	Wife	53	-
-	Isaac Marsden	Son	19	Currier's Apprentice
-	Martha Ann Marsden	Daughter	13	Scholar

1891 Census

Location:	Name:	Relation	Age:	Profession:
Whitechapel Road (Brown Cow Inn)	Andrew Hirst	Head	36	Publican
-	Mary Hirst	Wife	32	-
-	Ann Hirst	Mother	76	Living On Her Own Means
Whitechapel Road (Brown Cow Buildings)	Sam Whitely	Head	42	Retired Wooling Spinner
-	Rachel Whitely	Wife	44	-

-	Arthur Whitely	Son	19	Currier's Apprentice
Whitechapel Road (Brown Cow Buildings)	Alfred Brooks	Head	38	Labourer
-	Mary Brooks	Wife	30	-
-	Norman Brooks	Son	1	-

1901 Census

Location:	Name:	Relation	Age:	Profession:
Whitechapel Road (no specified location)	Thomas W Wilson	Head	40	Innkeeper Pub
-	Hannah E Wilson	Wife	38	-
-	Edgar Wilson	Son	11	-
-	Nora Wilson	Daughter	9	-
-	Ethel Wilson	Daughter	2	-

1911 Census

Location:	Name:	Relation	Age:	Profession:
White Chapel Church (Brown Cow Inn)	Alderson Brown	Head	34	Publican
-	Edith Annie Brown	Wife	30	Assisting in the Business
-	William Brown	Son	2 ½	-
-	John Alderson Brown	Son	8mo	-

1939 Register

Location:	Name:	Relation	Age:	Profession:
Whitechapel Road (Brown Cow Inn)	John W Clegg	-	53	Publican
-	Ethel B Clegg	-	48	Unpaid Domestic
-	Mary Hirst	-	22	Unpaid Domestic
-	George H Hirst	-	24	Corporal Royal Air Force
Whitechapel Road (Brown Cow Inn Ford)	Sydney Smith	-	24	Asbestos Brake & Clutch Linings Hydraulic Presser

-	Miriam Smith	-	26	Unpaid Domestic
Whitechapel Road (Brown Cow Inn Ford)	William Bell	-	66	Blacksmith – Incapacitated
-	Ann Bell	-	67	Unpaid Domestic

Appendix 6: Whitechapel Church List Entry

Whitechapel Church, Cleckheaton

Listed on the National Heritage List for England. Search over 400,000 listed places

(https://historicengland.org.uk/listing/the-list/)

Official list entry

Heritage Category:**Listed Building**

Grade:**II**

List Entry Number:**1184647**

Date first listed:**13-Jan-1984**

Date of most recent amendment:**27-Sep-2013**

List Entry Name:**Whitechapel Church, Cleckheaton**

Statutory Address 1:**Whitechapel Church, Whitechapel Road, Cleckheaton**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries

(https://historicengland.org.uk/listing/the-list/understanding-list-entries/)

Corrections and minor amendments

(https://historicengland.org.uk/listing/the-list/minor-amendments/)

Location

Statutory Address:**Whitechapel Church, Whitechapel Road, Cleckheaton**

The building or site itself may lie within the boundary of more than one authority.

District:**Kirklees (Metropolitan Authority)**

Parish:**Non Civil Parish**

National Grid Reference:**SE 17926 25850**

Summary

Anglican church of 1821, restored in 1887-8 by W.H. Howorth of Cleckheaton with further work in 1930s and 2004-7.

Reasons for Designation

Whitechapel Church, Cleckheaton, is listed at Grade II for the following principal reasons:

* Date: the church, on the site of earlier chapels, pre-dates the Victorian period and contains several fragments of the earlier buildings on the site;

* Architecture: the style of the building is a modest Gothic Revival, but has added interest in a corbelled tower at the western end with bell-chamber and restored spire. The exterior is largely unaltered apart from the addition of a south porch of 1923 that commemorates the fallen of the First World War;

* Fittings: fittings of interest include a substantial carved Norman font, a sun-dial of 1606, several fragments of earlier fabric, a gallery of 1821 and an oak chancel screen and altar of 1924.

History

The church was constructed in 1821 on the site of earlier chapels dating to c.1130 (a Norman font survives) and 1706. The church was restored in 1877-88 by W.H. Howorth of Cleckheaton, at which time the original box pews, three decker pulpit and north-south alignment was replaced with the current arrangement. The south porch was added as a War Memorial after the First World War in 1923. The roof was renewed in 1934, along with other improvements, to create the current barrel vault shape; previously the church had a flat ceiling. A new organ was installed in 1963, with its pipes occupying part of the gallery.

At the time of listing, the upper levels of the tower, above the bellcote, had been removed because of instability. Restoration work from 2004 to 2007 replaced the upper levels to the same pattern as the original of 1821, including the reintroduction of the original finial of the tower.

Details

MATERIALS: the building is constructed of hammer dressed stone with quoins and a stone slate roof.

PLAN: the church has a nave and chancel under a single roof, aligned east-west. At the west end is a bell cote and there is a south porch.

EXTERIOR: the nave and chancel are not differentiated externally. A low plinth runs round the base of the building. The east end has a three-light pointed arch window with simple tracery, hood mould and shield stops. Above the window is a small blocked opening and a stone cross surmounts the gable end. The north side of the church has six two-light pointed arch windows with Y tracery and hood moulds. The south side also has six similar windows, and an arched doorway approached up three steps between the fifth and sixth windows. Above the doorway is a sun-dial of 1606 and a decorative

stone shield, with another shield close by. The second window on the south side is partially obscured by a porch which has a pitched roof, corbelled eaves, diagonal buttresses and a pointed arch opening to the front with hood mould. There are two-light round-arched windows to either side, beneath a squared hood mould. The west end has a central tower, corbelled out on two brackets at first floor level and octagonal above the roof line. There is a single ground floor window in the base of the tower and another above the corbel brackets, with an oculus above. There are smaller windows to either side at a higher level. A little above the roof line is the restored bell chamber with louvred openings and a short spire above with an original finial.

INTERIOR: the chancel and nave are defined by a carved oak chancel screen dating from 1924 which crosses between the fourth and fifth windows. The carved oak altar is of the same period. The organ, of 1963, is to the left of the altar while to the right is an enclosed kitchen area. An oak pulpit stands in the north-east corner of the nave and dates to 1911. The nave has timber pews arranged with a central aisle and two side aisles, and an open area to the rear beneath the gallery. The gallery is supported on two steel columns and has a panelled timber front. To the rear of the gallery is access to the bell-ringing chamber where the 'Ellacombe' system allows one person to play all eight bells from a single panel. Only the central part of the gallery is open, the rest being occupied by organ pipes. At the rear of the nave is a restored Norman stone font on a later base. It is cylindrical and decorated with intersecting arches, abstract shapes and faces with cable moulding at the top. All but the two easternmost windows have stained glass dating from the late C19 and early C20, with most dedicated to individual families.

SUBSIDIARY ITEMS: the graveyard contains a number of chest tombs and other substantial memorials, some pre-dating the current building. It contains the headstone of a niece of Patrick Brontë.

This List entry has been amended to add the source for War Memorials Register. This source was not used in the compilation of this List entry but is added here as a guide for further reading, 20 July 2017.

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:**341083**

Legacy System:**LBS**

Sources

Books and journals

Pevsner, N, Radcliffe, E, The Buildings of England: Yorkshire: The West Riding, (1967)

Websites

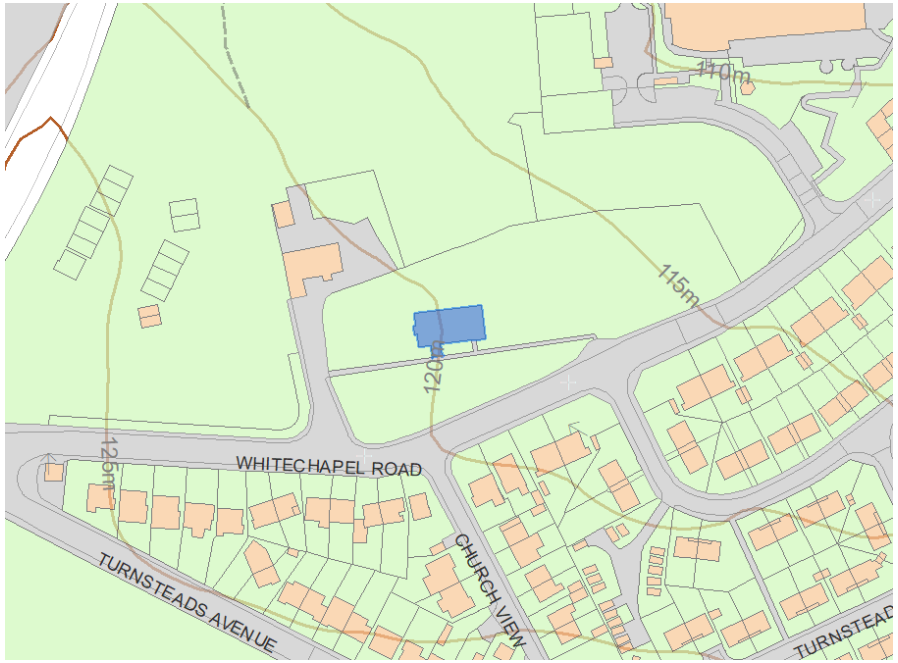
War Memorials Register, accessed 20 July 2017 from

http://www.iwm.org.uk/memorials/item/memorial/72765

(http://www.iwm.org.uk/memorials/item/memorial/72765)

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

This map is for quick reference purposes only and may not be to scale. This copy shows the entry on 31-Jan-2025 at 17:48:36.

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End of official list entry

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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