

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91954/E
Site Address:	The Chartist, 74, Commercial Road, Skelmanthorpe, HD8 9DS
Description:	Application for planning permission for demolition of The Chartist Public House (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 23-DEC-2025

Officer Report

Reference No. 2025/62/91954/E

Site Address: The Chartist, 74, Commercial Road, Skelmanthorpe, HD8 9DS

Proposal: Application for planning permission for demolition of The Chartist Public House (within a Conservation Area)

Site Description

The application relates to The Chartist, a former public house situated off Commercial Road in Skelmathorpe. The property is faced in natural stone and incorporates a pitched roof finished in slate. The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not located near any listed buildings or public right of ways. However, the site is located within the Skelmanthorpe Conservation Area.

Description of Proposal

The application seeks planning permission for the demolition of The Chartist Public House. The submitted application form states that demolition is necessary to facilitate the development of four new residential dwellings in line with outline planning permission 2023/92551. Although the demolition of the public house has been considered as part of the outline planning consent, the description of the application did not explicitly state demolition. Therefore, this application has been submitted to formalise this.

Relevant Planning History

- **2025/91151:** Reserved matters application pursuant to outline permission 2023/92551 for erection of residential development (4 dwellings) (within a Conservation Area). [Planning application details | Kirklees Council](#) – Pending Consideration
- **2025/91138:** Discharge of details reserved by condition 1, 2, 3, 5, 7, 8, 9, 12, 13, 14, 15, 17, and 18 on previous permission 2023/92551 for outline application for erection of residential development (within a Conservation Area). [Planning application details | Kirklees Council](#) – Split Decision
- **2023/92551:** Outline application for erection of residential development (within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Outline Permission
- **2021/90980:** Partial demolition and change of use of the existing public house to offices, redevelopment of the public house car park, erection of new storage units/workshops and associated alterations (within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2019/90729:** Change of use of former public house to offices with two storey extension to the rear (within a Conservation Area). [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **92/04455:** Erection of 2 no. Illuminated signs and 1 no. Floodlight.
Planning application details | Kirklees Council - Advertisement Consent Granted

Representations

The application was publicised by site notice and press advertisement, which expired on 13^h September 2025. As a result of the above publicity, one representation has been received. The comments made have been summarised below:

- The former Chartist public house is a non-designated heritage asset by way of its inclusion in the Skelmanthorpe Conservation Area.
- The pub is a vital component of a cluster of Victorian stone buildings on Commercial Road forming the historic frontage of the high street of Skelmanthorpe.
- The congruous age of these buildings and contemporaneous weathering of the materials is a key element of the conservation area's character.
- A new building, even designed to respond to the location, would appear incongruous.
- The benefits of the development would be minimal. The existing building is of a scale that could accommodate two large dwellings. This would be replaced by a smaller single dwelling to provide access to the rear of the site and three further dwellings. Assuming a fallback position of converting the existing building, the net benefit in terms of housing provision available from demolition of the pub is therefore two dwellings.
- The delivery of two windfall dwellings in Skelmanthorpe cannot be considered a benefit that outweighs departing from policy LP35.
- Existing allocations in Skelmanthorpe number 390 dwellings and delivery has been robust in recent years. The need to demolish a non-designated heritage asset would on balance unacceptable harm.
- The net addition of two windfall dwellings and access road would also see a net loss in biodiversity in the village centre, at odds with both Policy LP30 of the local plan, and the requirement for 10% biodiversity net gain as set out in the Environment Act 2021.
- Policy LP13 recognises that Skelmanthorpe is a District Centre and should 'Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities'. As the village has grown significantly in recent years, a number of food and beverage businesses have opened in the centre reflecting a burgeoning demand.
- The loss of a former public house in such a market, without any evidence to suggest it is unviable should be resisted.

Parish/Town Council Comments

Denby Dale Parish Council - Concerns about increased traffic on busy section of road. The name of the pub has some local significance - perhaps any new road could adopt it?

Officer Comment: *This application seeks planning permission to demolish the Chartist Public House and is not considered to materially intensify the use or affect the existing highway access and parking arrangements on site. The site has outline planning permission, reference 2023/92551, with access being addressed at this stage.*

Local Ward Members

None.

Consultation Responses

None Deemed Necessary.

Planning Policy Background

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

The application site is partly allocated as Urban Green Space (UG397) on the Kirklees Local Plan Proposals Map and is also partially located within the Skelmanthorpe Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 35** - Historic Environment
- **LP 48** - Community Facilities and Services
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 61** - Urban Green Space

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and Enhancing the Historic Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

LP48 of the Kirklees Local Plan states that proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

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

Paragraph 17.17 in the Local Plan states that applicants will normally be required to provide evidence covering the results of reasonable attempts to actively market the land or premises for sale or lease, at existing use value to demonstrate that there is no longer a need for the facility. Paragraph 17.18 goes on to state that information will be required for licensed premises including the last 3 years of trading accounts with a breakdown of the percentages of income from food and drink.

Under planning application reference no. 2023/92551, the agent explained that after the closure of the pub, Pennine Industrial Equipment acquired the property in 2017 and submitted an application (2019/90729) to change the use of the pub to offices with a two-storey rear extension. This was found to be compliant with Kirklees Local Plan Policy LP48 and subsequently approved. The permission has since lapsed without being implemented and the site continues to be vacant. Therefore, it would not be possible to fulfil the requirements of Local Plan Paragraph 17.18.

Furthermore, under planning application reference no. 2023/92551, in their letter, Bramleys explained that when they marketed the premises, there was no interest in acquiring the premises to reinstate the property as a public house. Taking these considerations into account, it is considered that the use of the site as a public house has been established as no longer commercially viable and therefore criterion b of Local Plan Policy LP48 has been met.

The availability of alternative public houses was also considered. There is another public house in Skelmanthorpe at The Grove Inn (approximately 400m away from the site) which can be considered to be adequate alternative provision in an equally accessible location. Therefore, this proposal would comply with criterion c of Policy LP48.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity and Historic Environment

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration

concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that in determining 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;
- a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The application seeks planning permission for the demolition of The Chartist Public House. The former public house is a key building within this section of the Skelmanthorpe Conservation Area and offers a positive contribution. KC Conservation and Design under the previous planning permission (2023/92551) recognised that the building does have merit in being considered a non-designated heritage asset. The previous outline application was supported by a Design, Access and Heritage Statement. The statement recognised the building as having a positive contribution to the Conservation Area, however, it makes the case that the building is beyond reuse. It outlines that the reuse of the building as a public house has been considered and was found to be unviable. Officers concluded under planning permission 2023/92551 that whilst the loss of the building would be unfortunate, it would result in less than substantial harm to the designated heritage asset and that the public benefit of providing residential development would outweigh the harm to the Skelmanthorpe Conservation Area.

For the reasons outlined above, it is considered that the demolition of the public house would not cause any significant harm to the visual amenity, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework. Furthermore, the

proposed works would not cause any detrimental harm to the significance of the Skelmanthorpe Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

The demolition of The Chartist Public House would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site. Therefore, having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The demolition of the public house would not materially intensify the use or affect the existing highway access and parking arrangements on site. Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity Net Gain

The application form states that the development, by being retrospective, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

There are no other matters relevant to the determination of this application.

5. Representations

One representation was received following the statutory publicity. The comments made have been summarised and addressed below:

- The former Chartist public house is a non-designated heritage asset by way of its inclusion in the Skelmanthorpe Conservation Area.

Officer Response: *The impact of the demolition on the Conservation Area has been addressed within the 'Principle of Development' and 'Impact on Visual Amenity and Historic Environment' sections of the officer report.*

- The pub is a vital component of a cluster of Victorian stone buildings on Commercial Road forming the historic frontage of the high street of Skelmanthorpe.

Officer Response: *The impact of the demolition on the Conservation Area has been addressed within the 'Principle of Development' and 'Impact on Visual Amenity and Historic Environment' sections of the officer report..*

- The congruous age of these buildings and contemporaneous weathering of the materials is a key element of the conservation area's character.

Officer Response: *The impact of the demolition on the Conservation Area has been addressed within the 'Principle of Development' and 'Impact on Visual Amenity and Historic Environment' sections of the officer report.*

- A new building, even designed to respond to the location, would appear incongruous.

Officer Response: *This application relates solely to the demolition of the existing public house.*

- The benefits of the development would be minimal. The existing building is of a scale that could accommodate two large dwellings. This would be replaced by a smaller single dwelling to provide access to the rear of the site and three further dwellings. Assuming a fallback position of converting the existing building, the net benefit in terms of housing provision available from demolition of the pub is therefore two dwellings.

Officer Response: *The option to convert the building has been explored, however, the feasibility of carrying these works would be impracticable and not realistically achievable. Officers concluded under planning permission 2023/92551 that whilst the loss of the building would be unfortunate, it would result in less than substantial harm to the designated heritage asset and that the public benefit of providing residential development would outweigh the harm caused to the conservation area.*

- The delivery of two windfall dwellings in Skelmanthorpe cannot be considered a benefit that outweighs departing from policy LP35.

Response: *The principle of demolishing the existing public house and the erection of residential development has already been established under planning application 2023/92551.*

- Existing allocations in Skelmanthorpe number 390 dwellings and delivery has been robust in recent years. The need to demolish a non-designated heritage asset would on balance unacceptable harm.

Response: *The principle of demolishing the existing public house and the erection of residential development has already been established under planning application 2023/92551.*

- The net addition of two windfall dwellings and access road would also see a net loss in biodiversity in the village centre, at odds with both Policy

LP30 of the local plan, and the requirement for 10% biodiversity net gain as set out in the Environment Act 2021.

Response: *The principle of residential development has already been established under planning application 2023/92551.*

- Policy LP13 recognises that Skelmanthorpe is a District Centre and should 'Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities'. As the village has grown significantly in recent years, a number of food and beverage businesses have opened in the centre reflecting a burgeoning demand.

Response: *The reuse of the building as a public house has been considered and was found to be unviable.*

- The loss of a former public house in such a market, without any evidence to suggest it is unviable should be resisted.

Response: *The principle of demolishing the existing public house and the erection of residential development has already been established under planning application 2023/92551.*

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the demolition of The Chartist Public House has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the lack of harm in terms of visual and residential amenity, the proposed works are considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/91954

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP21, LP22, LP24, LP30, LP33, LP35, LP48, LP51, LP52, LP53 and LP61 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Within two months of the demolition of the building the site shall be cleared of all debris and the site shall be left in a safe and clean manner.

Reason: In the interests of visual amenity and heritage and to accord with Policy LP24 and LP35 of the Kirklees Local Plan and Chapters 2 and 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the

applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	24:5740:02	-	11/07/2025
Existing Block Plan	23/908/02	-	11/07/2025
Heritage Assessment	-	-	11/07/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further details were sought thereafter.

Report Dated: 16/12/2025