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Planning Development

Planning and Listed Building Consent Statement

The Butchers Arms, 38 Town Gate, Hepworth, Holmfirth HD9 1TE

Introduction and background

The sole village pub in Hepworth changed hands in March this year. The new owners (and applicants) Trust Inns are one of the longest standing, independent and privately owned pub companies, owning over 350 pubs in the UK.

The applicants are now seeking to invest in the Butcher's Arms in order to help put the pub on a sustainable business footing going forward, as it has struggled under successive owners over recent decades.

Previously, the pub was split into a ground floor drinks / dining area together with ancillary manager/owner accommodation on the first floor.

The previous owners applied to expand the dining provision in 2020 (and again in 2021) by changing the residential accommodation to a dining area on the first floor. However, this was refused on the assumption that increased demand for off-street parking space would cause harm to the amenity of local residents and to highway and pedestrian safety.

At around the same time, Listed Building Consent (ref: 2020/91220) was granted for internal alterations at first floor level (within a Conservation Area). These alterations were implemented, however because the change of use was not granted, the intended dining use of the space upstairs was never taken forward.

This planning and listed building consent application seeks to physically revert the majority of the first floor space back to ancillary manager's residential accommodation, whilst changing one of the rooms to be used twice monthly on average as a community group meeting space, and twice monthly on average for a private dining space. The ground floor pub area would remain unchanged.

Site Description

The Butchers Arms is a two-storey, detached stone-built property with a pitched, tiled roof. The building is a Grade II listed building situated within the Hepworth Conservation Area. The property includes a small car park at the front with access onto Town Gate. Access is also available onto Upper

Gate via an unadopted road that runs through the site. The property is located within a predominantly residential area, although Hepworth Village Hall is located north-east of the property.



The Butchers Arms – Front / south-east elevation

Relevant Planning History

2023/92519 – Alterations to extraction system (Within a Conservation Area) – Approved

2023/92520 – Listed Building Consent for alterations to extraction system (Within a Conservation Area) - Granted

2021/93551 – Change of use from residential to create additional dining space and kitchen store including alterations to first floor (Listed Building within a Conservation Area) – Refused

2020/91219 – Change of use of first floor to create additional dining space and kitchen store (within a Conservation Area) – Refused and dismissed at appeal

2020/91220 – Listed Building Consent for internal alterations at first floor level (Within a Conservation Area) - Granted

Policy Designation

The application site is located within the Hepworth Conservation Area and the Holme Valley Neighbourhood Development Plan (HVNDP) area in accordance with the Kirklees Local Plan Policies Map.

The Proposals

This application seeks planning permission and Listed Building Consent for the following alterations and uses of the first and second (attic) floor areas:

First Floor

- Change of use of approximately two thirds of first floor back to ancillary residential accommodation comprising lounge, kitchen, bathroom, and two bedrooms - accessed from the ground floor of the pub.
- This would necessitate internal alterations in the form of removal of the bar servery area and redundant dining areas.
- The kitchen prep area for the restaurant would be retained.
- The portion of floor at the eastern end would see the gents and ladies WC's removed and the room converted to a meeting room / private dining space to accommodate up to 18 people. The proposal is for this room to be used up to twice a month on average for community group meetings and up to twice a month on average as private dining space.

Second Floor

- The addition of a storage area on the eastern side of the building.

The new partition walls to the first floor and second floor of the Butcher's Arms Hepworth as per the plans provided, to be constructed as follows: 2 layers of 12.5mm Gyproc Wallboard either side of 75mm X 38mm timber studs. Studs positioned at max 600mm centres. 65mm Isover Acoustic Partition Roll insulation.

New Fire Doors and frames to comply with British Standards, to provide 30min fire protection.

Assessment of the Proposals

Highway Matters

Local Plan Policy LP16 states the following:

'In order to assess the potential harm of food and drink and licensed entertainment proposals on a centre, the following criteria will be considered with a planning application:

- d. the availability of public transport, parking and servicing;*
- e. highway safety.'*

Local Plan Policy LP21 also states:

'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where residual cumulative impacts of development are not severe.'

The previously rejected proposals involved converting the entire first floor area to additional dining space. The Inspector (Appeal ref: APP/Z4718/W/21/3282464) following the first attempt at planning permission which was dismissed by the Inspector in May 2022 (LPA ref: 2020/62/91219/W) stated at Paragraph 8:

The proposed first-floor dining area was sought to enable the premises to accommodate a similar number of customers as it does now, but in a socially distanced manner. The application was made at the height of the coronavirus pandemic when such measures were required. The appellant's highway

Technical Note is based on that premise. However, social distancing is now no longer required and it seems to me that the space could be used in a more intensive way, including for functions, to accommodate a far greater number of people in the building than at present.

The Inspector went on to state at paragraph 10 that, “No parking standards or specific parking assessment have been drawn to my attention. The assessment of the proposal in terms of its effect on parking provision in the area is therefore one of judgement taking into account the likely demand for parking space, the space available and the surrounding context. Some of the staff and customers will undoubtedly be from the local area and will walk to the premises. Others will use public transport.”

The current proposals seek to achieve a significantly different scheme with the focus for the first floor being predominantly focused on restoring the ancillary residential accommodation, as previously existed up until recently.

The new proposals for additional dining space are in the form of one room on the first floor a single table to cater for up to two private dining sittings per month on average, and up to two community group meetings per month on average.

In support of the current proposals, additional survey work has been carried out in relation to a customer destinations and travel modes survey, together with parking stress surveys – all co-ordinated on the same weekend and times for robustness. A Highways Technical Note has been produced in order to collate and interpret all this new information and accompanies this application.

It is important to note that none of this evidence / information was available to the LPA or Planning Inspector when previous schemes were assessed on their highway merits. The reduced proposals, combined with the robust supporting evidence, therefore represent materially different circumstances to the planning merits of the case.

The parking stress surveys have also been carried out for the on-site car park and also along the local highway network within 200 metres of the site. Furthermore, a customer survey was also carried out during the parking stress survey which provides details on the customers visiting the site.

Full details can be found in the accompanying Highways Technical Note produced by Paragon Highways. The key points of note, however, are as follows:

- 1) The proposed flat would generate only one trip during the network peak hours (and bearing in mind that the residential accommodation at first floor level has always traditionally existed at the pub, and remains the lawful use of the first floor).
- 2) The additional private dining / community meeting space area on the first floor would only generate around 2 vehicle movements during the network pm peak hour, which together with the 2-bedroom flat would not be noticeable from the daily fluctuations in flows along the local highway network.
- 3) A parking stress survey was carried out on Saturday 19th October 2024 (12:00 to 23:00) and Sunday 20th October 2024 (12:00 to 21:00) which appraised local roads within 200 metres of the site. In summary, during the Saturday opening hours, the local streets would accommodate an additional 24 parking spaces as a worse case scenario and during the Sunday opening hours, the local streets would accommodate an additional 16 parking spaces.
- 4) As can be seen from the table at Figure 4 of the Technical Note, the increase in floor area that can accommodate the private dining/ community group meeting room would provide a likely

parking demand of 3 vehicles, with the maximum demand between 1pm and 2pm. Considering the parking requirements for the flat, the proposals would provide an additional parking demand of 4 vehicle spaces.

- 5) It should however be noted that the private dining/ community group meeting area is only for occasional use around twice per month. For the majority of time there will only be an additional parking demand of 1 car parking space associated with the flat.
- 6) The parking stress survey identified that during the Saturday opening hours the pub car park left 2 spaces free to use as a worse case, and found that local streets would accommodate an additional 24 parking spaces as a worse case, whilst during Sunday opening hours the pub car park also reached 75% capacity as a worse case, leaving 2 car parking spaces during this period, and local streets would accommodate an additional 16 car parking spaces.
- 7) Therefore, the likely increase in parking demands of only 4 vehicles associated with the proposed use can easily be accommodated.
- 8) The customer survey summary at Appendix A of the Technical Note also confirms that the majority of customers are local and walk to the site, which verifies the low car parking demand for the pub. On the Saturday 19th October 2024, 76 customers were surveyed, with 87% of these local to the area (HD9) and 84% walking to the site. On the Sunday (20th October), 57 customers were surveyed, with 74% of these local to the area (HD9) and 54% walking to the site.
- 9) This customer survey therefore demonstrates that the vast majority of customers at peak times (weekends) are locally based, with the majority not travelling by private car.
- 10) In addition, the nearest bus stop is located further up Town Gate within a 2 minute walk. The 310 Holme Valley connection runs to and from Huddersfield every 30 minutes during peak hours Monday to Friday and every hour during off-peak hours, including all day Saturday and Sunday. Given its rural location (and considering NPPF Paragraph 110¹), the availability of public transport is therefore considered to be very good.

In light of the above, it is considered that the proposals would not have a materially greater impact on highway safety or available parking. The proposals are therefore considered to be acceptable in terms of highway safety and comply with Local Plan Policies LP16 and LP21 and the aims of Chapter 9 in the NPPF.

Economic and Community Benefits

Paragraph 85 in the NPPF states,

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’

Paragraph 98 in the NPPF also states:

¹ “Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making.”

'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.'

Local Plan Policy LP48 states,

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

UK-wide, 300 pubs closed in 2024 (six per week on average) and a 'perfect storm' has developed since Covid in terms of surging fuel prices; the 'cost of living' crisis for customers; inflationary costs; and now National Insurance hikes, have all contributed to extreme pressures on pubs and a fall in turnover of the licensed trade more generally.

The Butcher's Arms has struggled to survive under successive ownerships and has at times been closed altogether for extended periods. The applicants are now seeking to invest in the Butcher's Arms in order to help put the pub on a sustainable business footing going forward. The first 6 months since taking over ownership have been successful, however further changes are now needed in order to augment the plans Trust Inns have for this well regarded village pub.

It is important to note that the pub's continued success currently supports 5 full-time and 9 part-time jobs. Therefore, unless the current owners can adapt the pub to cater for ongoing needs and demand, these local jobs are put at risk.

The rejuvenation and continued success of the Butcher's Arms as the only pub in Hepworth village also provides a valuable social and community facility in a highly accessible location within easy walking distance of all local residents and a regular bus route (as detailed above).

The addition of the private dining space for occasional use (up to twice a month on average) seeks to cater for special events where families and friends wish to dine together in a more private space – for example Christmas, New Year, anniversaries etc.

The incorporation of a community meeting room on the first floor for local interest groups / committees responds to the demand for a smaller space, given that the nearby village hall is a relatively large space catering for larger events and numbers of people. The meeting room facility will be predominantly available during normal pub opening hours, but may on occasion be used on mornings from 9AM.

The LPA, in considering previous applications, have considered changes of use to the first floor area to be acceptable in principle with regard to the above policies and benefits i.e. the proposals would enable an existing business to adapt; the proposals would retain and enhance a local community facility etc.

In summary, the current proposals are markedly different to the previous plans and would not provide for any notable increase numbers of vehicle movements visiting the pub. It is considered that the previous highway concerns have now been adequately addressed and overcome (see section above).

As such, the proposals are now considered to be acceptable in respect of all aspects in relation to community facilities and services policies.

Heritage Impact

Local Plan Policy LP35 states,

‘Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.’

The Butchers Arms is a grade II listed building. The official listing is as follows:

Public House. Early C19. Hammer dressed stone. Quoins to left. Stone slate roof (turned). Two ashlar stacks. Carved kneelers to left. Left side is symmetrical. Recent porch to left and right and two 4-light stone mullioned windows each with 2 mullions removed. To first floor are two 3-light and two 2-light stone mullioned windows, with one 4-light window to right. One 3-light window to each gable.

The property is also located within the Hepworth Conservation Area. The Council do not currently have a Conservation Area Appraisal for the Hepworth CA.

The proposed development does not include any external alterations and as such, there would be no impact on the character and appearance of the listed building or the Conservation Area.

The internal alterations which were supported by Conservation Officers under Listed Building Consent application 2020/91220 have subsequently taken place and the current proposals result in lower levels of impacts internally. No original features such as beams, doorways etc are to be affected by the proposed internal alterations. The methodology for the works is set out in ‘The Proposals’ section above.

The proposals are therefore still considered to be acceptable with regard to heritage impact.

Residential Amenity

Local Plan Policy LP24 states,

‘Proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers.’

This is also echoed in paragraph 135 in the NPPF.

As the proposals do not include any external alterations, the development would not result in any additional impact on residential amenity for neighbouring occupiers by way of outlook, privacy or daylight. This view was confirmed in the officer’s report for the previous planning application (2021/93551 – Page 11).

The creation of the limited use meeting room / private dining proposals in a single room on the eastern side of the pub would represent a less intensive use than previously proposed in 2021. At that time, the delegated officers report (page 12) stated:

“Alongside the above, it was concluded that the noise generated as part of the scale increase under the previous application for the change of use, was not considered to result in any material loss of

amenity and therefore, Environmental Health officers raised no objections as a consequence. This is due to the activity being focussed within the building rather than its outside space.”

The current proposals are therefore considered to be acceptable in relation to Local Plan Policy LP24 and paragraphs 135 and 191 in the NPPF.

Biodiversity Net Gain

No external alterations are proposed. The proposed development would therefore not impact any on-site habitats, or decrease the biodiversity value of the site.

The proposals are therefore considered to be exempt from biodiversity net gain requirements in connection with Local Plan Policy LP30 and the sims of Chapter 15 in the NPPF.

Conclusion

This planning and listed building consent application seeks to revert the majority of the first floor space back to ancillary manager’s residential accommodation, whilst changing one of the rooms to be used twice monthly on average as a community group meeting space, and twice monthly on average for a private dining space. The ground floor pub area would remain unchanged.

The proposals are materially different to previously assessed proposals and it is important to note that none of this evidence / information now presented was available to the LPA or Planning Inspector when previous schemes were assessed on their highway merits.

The reduced proposals, combined with the robust supporting evidence, therefore represent materially different circumstances to the planning merits of the case.

In terms of previous parking concerns, the proposals would provide additional parking demand of 4 vehicle spaces. The customer and parking stress surveys carried out in Autumn 2024 demonstrate that there is ample spare capacity within the existing pub car park and on surrounding streets during peak hours. As such, the additional parking demand can easily be accommodated.

Moreover, as the weekend customer surveys demonstrate, between 74% and 87% of customers were local to the area (HD9) and between 54% and 84% walked to the pub. In addition, the nearest bus stop is a 2 minute walk, with a hourly 30 minutes during peak hours Monday to Friday and every hour during off-peak hours, including all day Saturday and Sunday.

In summary, the current proposals are markedly different to the previous plans and would not provide for any notable increase numbers of vehicle movements visiting the pub. It is considered that the previous highway concerns have now been adequately addressed and overcome (see section above). As such, the proposals are now considered to be acceptable in respect of all aspects in relation to community facilities and services policies.

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September 2025