

September 2025



## **Planning Statement**

**INSERTION OF MEZZANINE FLOOR AND  
ASSOCIATED MINOR EXTERNAL ALTERATIONS.**

**Units 9 & 10, Birstall Retail Park  
Birstall, Leeds, WD17 9DT**

On behalf of

DFS Limited

Prepared by

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### **APPENDICES:**

**Appendix 1 – Sequential Sites Location Plan**

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## 1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of DFS Limited in support of an application for the insertion of a mezzanine floor and other minor alterations to facilitate the introduction of an additional sales area on a mezzanine floor in the existing DFS store located at Unit 9 & 10, Birstall Retail Park, Birstall, Leeds, WD17 9DT
- 1.2 The DFS store is located within Birstall Retail Park, which is a retail and leisure destination to the north of Birstall.
- 1.3 The development seeks to enhance the existing retail offer of the DFS unit by extending the mezzanine floor and making improvements to the external frontage of the store. These changes will support the continued operation and competitiveness of DFS within Birstall Retail Park, strengthening the choice and quality of retail provision available at this established location.
- 1.4 Our assessment of planning merits takes the starting point as the development plan before taking account of relevant material planning considerations including the National Planning Policy Framework (NPPF) and associated guidance contained in the National Planning Policy Guidance (PPG).
- 1.5 The report proceeds as follows:
  - Section 2 describes the site and its planning history;
  - Section 3 sets out details of the proposed development;
  - Section 4 reviews relevant planning policy;
  - Section 5 reviews the sequential and retail impact tests;
  - Section 6 sets out assessment of planning merits; and
  - Section 7 provides our conclusions.

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## 2.0 Site Description & Planning History

### Site Description

- 2.1 The DFS store is located within Birstall Retail Park within Units 9 & 10. The unit sits alongside other bulky goods retailers, including Bensons for Beds, with Argos and The Range located close by within the retail park.
- 2.2 The site benefits from strong transport connectivity. It lies directly to the south of Junction 27 of the M62 motorway, with the M621 also accessible nearby, providing links into Leeds City Centre and the wider region. Vehicular access is taken from Holden Ing Way and High Wood Road, which form part of the established retail park highway network, with extensive shared surface-level car parking serving the DFS unit and neighbouring stores.
- 2.3 The surrounding area is characterised by a concentration of large-format retail and leisure uses, including IKEA, Currys, Smyths Toys, Homesense, and M&S Simply Food, as well as a range of food and drink outlets such as Tim Hortons and Krispy Kreme. Leisure attractions, including the Showcase Cinema de Lux Leeds, further reinforce the commercial and leisure role of the location.
- 2.4 The DFS store itself occupies Units 9 and 10, located within the north eastern part of Birstall Retail Park, and is accessed directly from the shared surface-level car park to the west. The site has a dedicated customer entrance to the front (west-facing elevation), supported by a series of fire exits and service shutters along the side and rear elevations, providing operational access and deliveries.
- 2.5 Internally, the ground floor accommodates the main open-plan sales area, extending across the majority of the floorplate. Ancillary accommodation is concentrated towards the rear of the unit and includes staff facilities, toilets (male, female, and accessible), a back-of-house corridor, and storage areas. A service cage area and utility plant are also positioned at the rear of the building, adjacent to the service access points.
- 2.6 A small mezzanine level exists within the unit, providing additional back-of-house storage space above part of the ground floor accommodation. The mezzanine currently comprises approximately 67 m<sup>2</sup> of gross internal area. Overall, the combined floor area of the building is approximately 1,895 m<sup>2</sup>, made up of 1,628 m<sup>2</sup> of sales space, 190 m<sup>2</sup> of back-of-house space, and 67 m<sup>2</sup> of mezzanine storage.
- 2.7 The front elevation of Units 9 and 10 is typical of a retail showroom, presenting a large, horizontal frontage directly onto the main customer car park. It features a glazed customer entrance, set within a canopy structure that extends across the frontage to provide weather protection. Above this, the elevation incorporates prominent DFS branding, including large signage panels and the company's logo, positioned symmetrically either side of the entrance.

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## Planning History

- 2.8 The permission outlined below relates to the latest permission at Unit 9-10. It allowed the two units to be combined into a single unit, which reflects how DFS is currently operating on site. This is the latest operative permission.
- **2001/62/93845/E1** – *Alterations to make two units into one, external alterations and 4 additional car parking spaces* – Approved on 8 April 2002.
- 2.9 The original permissions for this specific unit(s) are as follows:
- **92/60/03490/A1** – *Outline application for non-food retail development, car parking and ancillary servicing* – Approved on 3 March 1993. The application has no restrictive conditions.
  - **93/61/02169/E1** (Reserved Matters) – *Erection of non-food retail unit* – Approved on 2 July 1993. No decision notice can be found for this application, and has been requested.

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## 3.0 Proposed Development

- 3.1 The proposed development seeks planning permission for the insertion of a mezzanine floor and minor alterations to the front (west-facing) and north-facing elevation.
- 3.2 This development will enable the store to maximise its floorspace capacity and deliver an enhanced retail environment, ensuring the efficient display of goods and improved customer experience within the existing unit.
- 3.3 The application is accompanied by the following plans:
  - 278-WHB-MA-20-0001\_P00 – Ground Floor Plan (As Existing)
  - 1278-WHB-MA-20-0002\_P00 – Mezzanine Floor Plan (As Existing)
  - 1278-WHB-MA-20-0010\_P00 – Ground Floor Plan (As Proposed)
  - 1278-WHB-MA-20-0011\_P01 – Mezzanine Floor Plan (As Proposed)
  - 1278-WHB-MA-21-0001\_P00 – Elevations (As Existing)
  - 1278-WHB-MA-21-0010\_P02 – Elevations (As Proposed)
  - 1278-WHB-SA-20-0001\_P00 – Site Location and Block Plans
  - 1278-WHB-SA-20-0002\_P00 – Site Plan (As Existing)
  - 1278-WHB-SA-20-0003\_P00 – Site Plan (As Proposed)
- 3.4 The proposed mezzanine will provide a gross internal area of 1,152m<sup>2</sup>, comprising 976m<sup>2</sup> of sales space and 171m<sup>2</sup> of staff/back-of-house facilities. This will be supported by the introduction of two staircases and a lift: one staircase to the front of the unit for customer access, and a secondary staircase and lift at the rear for staff use.
- 3.5 The enhanced mezzanine will allow for a more spacious and flexible layout, providing the necessary display area for the DFS brand range while also accommodating improved customer and staff facilities within the store.
- 3.6 On the ground floor, the sales area will continue to occupy the majority of the unit, with a gross internal area of 1,828 m<sup>2</sup>.
- 3.7 In total, the overall store floorspace will increase from 1,895 m<sup>2</sup> GIA to 2,980 m<sup>2</sup> GIA, reflecting the addition of the mezzanine.
- 3.8 Externally, the proposed front elevation introduces a reconfigured customer entrance and glazing arrangement. The entrance feature has been modernised with a larger glazed section and clearer framing, giving greater prominence to the main entry point by increasing the vertical window spacings. This provides an improved sense of transparency and visual interest, aligning with the retailer's operational requirements and brand identity.
- 3.9 On the side elevation, the windows are also amended in the north-west corner of the site in order to follow the changes to the front elevation.
- 3.10 These external changes improve both the appearance and functionality of the of the frontage, creating a more active and modern design with better internal daylighting and windows showing the proposed mezzanine retail floorspace.

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## 4.0 Planning Policy Review

### Statutory Development Plan

- 4.1 The statutory development plan is provided by the 'Kirklees Local Plan' adopted on the 27<sup>th</sup> of February 2019 and including the:
- Kirklees Local Plan Strategy and Policies (27<sup>th</sup> of February 2019); and
  - Kirklees Local Plan Allocations and Designations (27<sup>th</sup> of February 2019).
- 4.2 The site is unallocated on the associated Local Plan Proposals Map.
- 4.3 Key policies of relevance to consideration of the merits of the application in the adopted Kirklees Local Plan include the following:
- Policy LP3: Location of new development
  - Policy LP7: Efficient and effective use of land and buildings
  - Policy LP13: Town centre uses
  - Policy LP14: Shopping frontages
  - Policy LP20: Sustainable travel
  - Policy LP21: Highways and access
  - Policy LP22: Parking
  - Policy LP24: Design
  - Policy LP25: Advertisement and Shop Fronts

### Material Considerations

#### National Planning Policy Framework (2024)

- 4.4 The revised National Planning Policy Framework ("NPPF") was published in December 2024. The introduction confirms it is a material consideration in the determination of planning applications.
- 4.5 The NPPF identifies three overarching objectives that contribute to achieving sustainable development including economic, social and environmental (paragraph 8). At the heart of the NPPF is a 'presumption in favour of sustainable development' (paragraph 11).
- 4.6 The three objectives that contribute to sustainable development are to be delivered through the preparation and implementation of plans and the application of policies in the Framework.
- 4.7 Paragraph 11 sets out the Government's commitment to supporting sustainable development. Plans and decisions should apply a presumption in favour of sustainable development, and proposals that accord with an up-to-date development plan should be approved without delay.
- 4.8 Section 4 deals with '**Decision-making**'. Paragraph 39 emphasises that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision takers should seek to approve applications for sustainable development where possible.

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- 4.9 Paragraph 48 (**Determining applications**) confirms that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.10 Section 6 confirms the government's commitment to '**Building a strong, competitive economy**' with paragraph 86 confirming that planning decisions should help create the conditions in which businesses can invest, expand and adapt.
- 4.11 The revised NPPF continues to place an emphasis on economic growth with paragraph 80 confirming that:
- "...significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development"**.
- 4.12 The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning decisions should recognise and address the specific locational requirements of different sectors (paragraph 86).
- 4.13 Section 7 continues to support the role of town centres in the context of '**Ensuring the vitality of town centres**'. Retail policy considerations are addressed in the context of the erection of the mezzanine floor outside of a town centre.
- 4.14 Paragraph 91 of the NPPF confirms that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period of time) should out of centre sites be considered.
- 4.15 Paragraph 92 of the NPPF indicates that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 4.16 Section 9 deals with '**Promoting sustainable transport**' and encourages transport issues to be considered from the earliest stages so that potential impacts can be addressed, opportunities to promote alternative modes of transport to the car can be pursued and environmental impacts can be taken into account (paragraph 109).
- 4.17 Paragraph 112 indicates that local parking standards for non-residential development should have regard to the accessibility, type and use of the development, and to opportunities for travel by public transport.

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- 4.18 The revised NPPF (paragraph 112) indicates a move away from maximum parking standards where maximum standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.
- 4.19 Paragraph 116 addressed the consideration of development proposals and 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, following mitigation, would be severe.
- 4.20 Section 11 of the NPPF places a strong emphasis on **‘Making effective use of land’** with the planning system supporting development that makes efficient use of land.
- 4.21 Section 12 deals with **‘Achieving well-designed places’**. Paragraph 124 confirms the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, with good design being a key aspect of sustainable development.

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## 5.0 Sequential & Retail Impact Assessment

### Existing Furniture Retail provision in the Birstall Area

- 5.1 Before assessing retail policy matters, we set out below a brief description of the nature and location of existing furniture shops in the Birstall area.
- 5.2 Given the nature of furniture sales, that being the sale of more bulky goods that require spacious floorspace to enable the product range to be displayed in a manner that assists customers, the majority of furniture stores are generally found in larger format stores located outside defined centres and often within purpose built retail parks. That is the case in the Birstall area.
- 5.3 The application site incorporates an existing DFS store within the wider Birstall Retail Park area, with the proposals looking to enhance the retail provision within the store. DFS focuses on the sale of a wide range of sofas, recliners, sofa beds and comfortable lounge-type chairs. To provide appropriate displays for customers requires extensive display space for what are predominantly larger items for sale.
- 5.4 Birstall Retail Park already accommodates a strong concentration of furniture and home retailers. Within Birstall Retail Park itself DFS occupies Units 9 and 10, with Bensons for Beds located in Unit 8a. To the east of the Retail Park, IKEA Leeds provides a full-line home and furniture offer.
- 5.5 Looking more widely across the Birstall Retail Park, there are a number of additional furniture operators. Sofology trades from a prominent unit fronting Gelderd Road, with NCF Living and Natuzzi Italia also based in the Retail Park. Both Furniture Village and Barker & Stonehouse are also located in this cluster. These stores provide a broader mix of living, dining and bedroom furniture, with Barker & Stonehouse in particular focusing on the mid-to-premium market. Oak Furnitureland also trade from Unit 6 offering a range of solid wood dining and bedroom products.
- 5.6 Taken together, the Birstall Retail Park destination offers a critical mass of furniture and home retailers in one place. The mix of operators spans value through to premium, with category specialists such as Bensons, Oak Furnitureland and IKEA adding further depth.
- 5.7 Other out of centre provision comprises of units within the Batley Enterprise Area. This includes a number of units along and around Bradford Road and the Centenary Way/Churwell Avenue area providing a number of sofa and furniture operators including JS Furniture, Cosy Sofas Outlet, Kozzzy Living Ltd, Furniture Mill Outlet, Dreamers Furniture Outlet, and Urbansuite Batley.
- 5.8 These stores provide a mix of sofas, beds and general household furniture, generally trading at a value and mid-market level. Together, they form a secondary furniture destination that complements the larger-format national operators at Birstall Retail park.
- 5.9 Our assessment has also taken account of any furniture retailers in Birstall District Centre, Batley Town Centre, Heckmondwike Town Centre and Cleckheaton Town Centre.

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- 5.10 Currently there are no sofa stores within Birstall District Centre. Batley District Centre has one charity shop offering an element of furniture sales within its overall mix of goods sold and therefore on a very minor scale and focused on second hand furniture (Pass It On Charity Shop). There are no other furniture shops in the centre.
- 5.11 Heckmondwike District Centre has a similar offering as Batley, with the Yorkshire Care and Share Shop offering a small second-hand furniture section within the store but there are no dedicated furniture stores in the centre.
- 5.12 Cleckheaton District Centre has a number of smaller charity shops offering minor furniture provision, such as the Kirkwood Hospice Charity Shop. This Centre also has the Bedroom Trust, and Cleckheaton Home Interiors, which are smaller retail providers. However, given the function of the town centre it does not provide larger dedicated furniture stores.
- 5.13 In light of the above, it is clear the vast majority of shops selling furniture and in particular, sofas, are currently located out of centre (Mainly Birstall Retail Park) and the choice is very limited with little floorspace for furniture retail within the Centres listed above. What provision that exists in the centres is focussed on second hand goods rather than the type of furniture that would be sold by DFS.
- 5.14 The proposed development would therefore provide a positive addition to the overall offer and choice for residents in the Birstall Area at a location that already attracts trips for furniture purchases.
- 5.15 In light of the above, our search has concluded the provision of large furniture stores are mainly out of centre in the Birstall area.
- 5.16 As a result, the proposals within this development would be unlikely to divert furniture sales from any of the nearby centres and if any trade was diverted it would be minimal. Trade diversion to the proposed development would therefore likely be from out of centre provision for which there is no policy protection.

### **Sequential & Retail Assessment**

- 5.17 The revised NPPF was published in December 2024 and provides guidance on how the location of new main town centre uses are to be addressed. The document highlights two key areas which require assessment for proposals which are edge or out of centre including sequential and impact assessments.
- 5.18 The Local Plan Key Diagram identifies Birstall as a District Centre, which is the third level within the hierarchy. Batley, Heckmondwike and Cleckheaton are designated as Town Centres within Policy LP13, which are within the second level within the hierarchy of Centres. The application site is located 1.8km north east of Birstall District Centre (the nearest centre) and is considered to be out of centre.
- 5.19 Part B of Policy LP13 states that proposals which come forward for main town centre uses, which are located outside of the defined 'centre' boundaries, will require the submission of a Sequential Test. For retail proposals, the

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boundary is considered to be formed by the Primary Shopping Area (PSA); for all other main town centre uses, it is taken as the extent of the 'centre' boundary. Main town centre uses are to firstly be located in the defined centres, then edge of centre locations, and only if there are no suitable sites are out of centre locations to be considered. For offices and small scale proposals in non urban areas\*, the sequential approach will not be required for proposals of 150 square metres and under.

- 5.20 Part C of Policy LP13 states that a 'Retail Impact Assessment' will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where certain triggers are met. Under the first bullet of 'C' this includes where the proposal provides a floorspace greater than 500 sqm gross out of centre,
- 5.21 The proposed development in this case exceeds the threshold in Policy LP13 and is therefore supported by a retail impact assessment and sequential assessment.
- 5.22 In light of the above, matters relating to the Sequential Test and Impact Assessment are considered below.

### **Sequential Assessment**

- 5.23 Paragraph 91 of the NPPF confirms a sequential test will be required for applications for main town centre uses which are not in an existing centre or in accordance with an up-to-date development plan. The search sequence identified is that town centre uses should be located in town centres, then in edge of centre locations and only if 'suitable' sites are not 'available' should out of centre sites be considered.
- 5.24 The NPPF (paragraph 92) also states that when considering edge of centre or out of centre proposals, preference should be given to accessible sites that are 'well connected to the town centre'. Paragraph 92 also indicates that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 5.25 Guidance on the application of the sequential test is provided by the online PPG. The guidance is clear in that:

*"The application of the test should be proportionate and appropriate for the given proposal." (Paragraph 010)"*

### **Location of the Application Site**

- 5.26 The application site is located to the northeast of Birstall District Centre, and this is the nearest defined shopping area. The site is located 1.8km to the north east of the Birstall District Centre, along the A62 road. Nearest defined 'town centres' in the retail hierarchy with identified primary shopping areas include Cleckheaton, Heckmondwike and Batley town centres which are located to the south east, south and south west of Birstall. Other centres beyond Birstall District Centre that have therefore been identified and assessed for the purposes of the sequential test include Batley, Heckmondwike and Cleckheaton town centres.

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- 5.27 Having regard to the above, it is therefore necessary to consider if there are sequentially preferable sites in or on the edge of relevant centres (i.e. Birstall, Batley, Heckmondwike and Cleckheaton) which could accommodate the proposed development.
- 5.28 In applying the sequential test paragraph 2b-011-20190722 of the online practice guidance (PPG) sets out the following considerations that should be taken into account in determining whether a proposal complies with the sequential test:
- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*
  - *Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
  - *If there are no suitable sequentially preferable locations, the sequential test is passed.*
- 5.29 Adopted Local Plan Policy LP13 provides the starting point in the consideration of the sequential test, stating that the scope and content of any Sequential Test should be reflective of the scale, role and function of the proposal.
- 5.30 However, material considerations should also be taken into account, including the NPPF and associated guidance. The latter is clear in that assessments should be proportionate and appropriate. Other relevant material considerations include the local context and the nature of the proposed development.

### **Area of Search**

- 5.31 The first step is to identify the area within which the search for sequentially preferable sites should be undertaken. The application site is located within a Retail park 1.8km away from the nearest define retail centre. In line with the NPPF and PPG, the sequential test requires consideration of whether there are any suitable and available sites in sequentially preferable locations before out-of-centre sites are considered.
- 5.32 On this basis, the search area has focused on the nearest town and district centres that are most relevant in retail planning terms, namely Batley, Birstall, Heckmondwike and Cleckheaton. These centres represent potential alternatives for bulky goods retailing, having regard to the proximity of the application site to the centres, core catchment area, nature of the proposed development and proximity to the application site. Local Centres were not

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included in the search, as they are not considered suitable for the proposed retail offering within the proposals given the nature of the goods sold and scale of development proposed.

- 5.33 As indicated above it is considered that Batley, Birstall, Heckmondwike and Cleckheaton are the only appropriate centres which a search should be undertaken for any suitable or available sites.
- 5.34 The NPPF states that only if 'suitable sites' are not 'available' in existing centres should edge of centre sites be considered.
- 5.35 The application of the sequential test and its interpretation in terms of how it should be applied in the context of 'suitability' and 'availability' of potential alternative sites has been the subject of a number of High Court judgements as well as a number of appeal and Call-In decisions.
- 5.36 The question of 'suitability' has been the subject of much debate and whilst not specifically referred to in the PPG, viability is clearly one aspect of suitability.
- 5.37 An important issue in setting the parameters for the site search exercise under the sequential test is whether, when considering 'suitability', a potential alternative site is to be suitable for the 'proposed development' or some other scheme.
- 5.38 The question of 'suitability' has been the subject of a significant amount of case law and a number of key appeal decisions. Notably, the Tesco Stores Ltd v Dundee City Council, 21st March 2012, UKSC13 ruling confirmed that whether a site is considered suitable should be based on:

*"...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site" (paragraph 29)."*

- 5.39 Paragraph 28 also makes reference to the following in the context of flexibility:

*".....the application of the sequential approach requires flexibility and realism from developers and retailers as well as local planning authorities. The need for flexibility and realism reflects an inbuilt difficulty about the sequential approach. On the one hand, the policy could be defeated by developers' and retailers' taking an inflexible approach to their requirements. On the other hand, as Sedley J remarked in R v Teesside Development Corporation, Ex p William Morrison Supermarket plc and Redcar and Cleveland BC [1998] JPL 23, 43, to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer."*

- 5.40 It is noted the Dundee judgement also makes the point in referring to the guidance that planning authorities should be responsive to the needs of retailers.

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- 5.41 In dealing with the question of flexibility, the *Zurich Assurance Limited (trading as Threadneedle Property Investment) v North Lincolnshire Council and Simons* ([2012] EWHC 3708 [Admin]) ruling emphasised the sequential approach should be addressed having regard to the “real world” and applied having regard to the developer’s requirement as opposed to some other scheme which the LPA may regard as appropriate.
- 5.42 In *Aldergate Properties Limited v Mansfield District Council* [2016] EWHC 1670 [Admin] the judgement emphasised that in considering how to apply ‘suitability’ and ‘availability’ the general meaning would be that a site should be:
- “...“suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identify and personal or corporate attitudes of an individual retailer...” (paragraph 35 of Judgement)”*
- 5.43 Under Aldergate properties, availability must generally mean available for the approximate size and type of retail use for which permission is being sought. In this case, a bulky goods unit capable of accommodating around 2,980 m<sup>2</sup> gross floorspace for the sale of predominantly sofas. It should also be stated that the proposals are not for a new standalone store and are directly related to the existing DFS store measuring around 1,828 m<sup>2</sup> gross (GIA).
- 5.44 Whilst both applicants and the local planning authority are expected to demonstrate flexibility on issues such as format and scale, as stated by Lord Lindblom in *Warners Retail v Cotswold* [2016] EWCA Civ 606 (para 30), the scope for flexibility will vary on a case by case basis and will depend on the facts and circumstances of that particular case.
- 5.45 To summarise, the NPPF (paragraph 91) makes clear that local planning authorities should require applications for main town centre uses to be located in town centres and then follow the sequential sequence.
- 5.46 The sequential test seeks to see whether the application (i.e. what is proposed) can be accommodated on a sequentially preferable site. This is made clearer when the whole of paragraph 91 is read together. Paragraph 91 refers to “planning applications” in the first sentence.
- 5.47 There is no suggestion in the NPPF the sequential test means to refer to anything other than the ‘application proposal’.
- 5.48 Taking account of all the above the application of the sequential test applies to the “proposed development” with the requirement to address flexibility on issues such as format and scale in the context of the facts and circumstances of that particular case.

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## Sequential Assessment – Site Search Criteria

- 5.49 When setting the site search parameters to determine if there are any suitable or available sites for the proposal within or at the edge of the existing nearby centres it is relevant that in this case the 'proposed development' seeks the erection of a mezzanine floor measuring 1,152 m<sup>2</sup> gross, with the existing floor space being 1,828 m<sup>2</sup>.
- 5.50 Unit 9 and 10 comprises an existing building with a large, open format floorplate with good internal height clearance, making it a prime building format for occupation by DFS. The proposal is therefore location specific in the sense that it relates to an existing built unit with appropriate building specification to accommodate the proposed activities and provide an attractive regularly shaped showroom area for customers.
- 5.51 In terms of applying the sequential approach, it is unrealistic to assume the intended occupier would look to construct a new building in another location as an alternate to occupying the existing Unit 9 and 10 due to feasibility costs.
- 5.52 In applying the sequential test, the findings of the Tesco Dundee judgement (*Tesco Stores Ltd v Dundee City Council, 21<sup>st</sup> March 2012 UKSC13*), accepted by the Secretary of State at Rushden Lakes, emphasised the need for the application of commercial reality when considering the sequential test and that prime regard has to be had to the development proposed. Other case law and Call In secretary of state appeal decisions supports this approach.
- 5.53 Based on the nature of the proposal, our sequential site search has identified the following criteria as key requirements in our assessment:
- An existing building of circa 2,980 m<sup>2</sup> gross in good condition to ensure occupation and conversion to furniture retail provision. Such a unit should have a footprint of circa 1,828 m<sup>2</sup> gross with the ability to incorporate a mezzanine floor.
  - Large open plan format with good internal heights; and
  - Availability of car parking adjacent to building.
- 5.54 The search has taken a flexible approach in considering whether there are any smaller or larger sites than the application site.
- 5.55 Our search for sequential sites is set out below. This includes details of the availability and suitability of sites identified for investigation.

## Sequential Sites Assessed

- 5.56 A site visit was undertaken in September 2025 to identify potential sites for further investigation having regard to the parameters indicated above.
- 5.57 Existing centres largely include smaller floorplate units with the exception of larger convenience stores located on the periphery or in edge of centre locations. This results in limited opportunities more centrally to bring forward reasonably sized development sites or reuse of suitable or available large vacant units.

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- 5.58 The location of sequential sites assessed in the context of the identified centres is included on the plan in **Appendix 1**.

#### Birstall District Centre

- 5.59 No suitable or available sites were identified within Birstall District centre that could accommodate the proposed development. The centre is relatively small in scale and predominantly serves local day-to-day retail and service needs, with no units or development opportunities of the size or configuration required for a bulky goods retailer of this nature.
- 5.60 However, there was an edge of centre site assessed to the east of the defined centre.
- 5.61 A review was also undertaken of buildings along Bradford Road to the south-west of Birstall District Centre. At the time of visiting, none of the units in this location were vacant, and as such, they cannot be considered available in sequential test terms.
- 5.62 Furthermore, the existing buildings are not suitable for a DFS format given their configuration and layout. Any attempt to redevelop these units would require full demolition and rebuilding, which would not be feasible or appropriate in practice for the applicant. In addition, the units lack the capacity to provide the dedicated customer car parking that is essential for a DFS operation. On this basis, the Bradford Road properties do not represent sequentially preferable opportunities and have not been included below.

#### Site 1 – Carpets Direct, 1 Gelderd Road, Birstall, WF17 9PX.

- 5.63 The Carpets Direct site has been considered. The site is indicated as being for sale. The entire site measures approximately 1,500 m<sup>2</sup>, which falls short of the scale required to accommodate the proposed DFS mezzanine development. To make the site available would require the full demolition of the existing building (which isn't feasible for the client), and at present the premises are occupied and trading, meaning it is not available in sequential test terms. Taking these factors together, the site cannot be regarded as either suitable or available for the proposed development.

#### Batley Town Centre

- 5.64 No suitable or available sites were identified within Batley town centre that could accommodate the proposed development. The centre is relatively small in scale and predominantly serves local day-to-day retail and service needs with the Tesco Extra being the main retail attraction in the centre, with no units or development opportunities of the size or configuration suitable or available for a bulky goods retailer of the type proposed as set out above.
- 5.65 Units outside the centre comprise of the following.

#### Site 1 – Land off Wellington Street, Batley

- 5.66 This site is currently being marketed and information suggests the site measures around 2,000 m<sup>2</sup>. The site is therefore considered too small to facilitate the proposed operations and is not 'suitable' for the proposed

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development. The site is also currently under offer and consequently not 'available'.

- 5.67 The site is located along Wellington Street, just outside the Batley Town Centre Boundary and a short walking distance from the Primary Shopping Area. The site comprises hardstanding and evidence of a car washing operation on site.
- 5.68 The site has a live planning application for the erection of a hand car wash with associated store (within a Conservation Area), it seems this is in reflection of the current operations on site and has been submitted retrospectively. It is therefore not 'available' for the proposed development and can be discounted on this basis alone. The retrospective application is clear intent on the current owners/occupiers to continue use of the site for a hand car wash use.

### Heckmondwike Town Centre

#### Site 1 – DIY & Hardware Shop – Heckmondwike, WF16 0JX

- 5.69 The property at 10 Market Street has been reviewed as part of the sequential assessment as it is advertised as being for sale. No published floorspace details are available, meaning its internal capacity cannot be properly verified.
- 5.70 However, from its external appearance and the scale of surrounding properties, it is clear that the building is of a modest size, falling well below the requirements of a DFS store in terms of floorspace provision. In addition, the site offers no dedicated car parking, which is a fundamental operational requirement for DFS to accommodate customer trips and loading/servicing arrangements. On this basis, the site cannot be considered suitable, as it is incapable of meeting the functional and operational needs of a DFS store.

#### Site 2 - Inspan House, Walkley lane, Heckmondwike

- 5.71 Inspan House is for sale, which comprises a substantial detached block of 18 residential apartments constructed in 2007. The property is fully let on assured shorthold tenancies, generating an annual income, and therefore is not available for alternative use.
- 5.72 However, even if the building were to become vacant, it is arranged over three levels in two separate blocks, designed specifically for residential use. It would require complete demolition and redevelopment to provide the type of large-format retail floorspace, servicing, and customer car parking required by DFS and even then, the site is not of sufficient size to accommodate a unit capable of providing for the proposed development. This level of intervention is neither realistic nor feasible for the client. On this basis, the site cannot be regarded as suitable for accommodating a DFS store.

### Cleckheaton Town Centre

#### Site 1 – 4 & 4a St Johns Place, Cleckheaton, West Yorkshire, BD19 3RR

- 5.73 The property comprises a Grade II Listed former warehouse/showroom extending to approximately **655 m<sup>2</sup>** across two and three storeys and is

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identified as being for sale. Whilst it benefits from some open-plan space, the building is significantly below the floorspace requirements of a DFS store, which typically requires large single-level areas to display bulky furniture.

- 5.74 The listed status of the property also restricts the scope for alteration, and the internal configuration across multiple floors makes it fundamentally unsuitable for DFS's operational model. In addition, only four parking spaces are available, which is wholly insufficient to meet the level of customer parking and servicing needed. The site is currently marketed for alternative uses, and its heritage constraints would prevent wholesale redevelopment. On this basis, the site is neither suitable nor available for accommodating a DFS store.

#### **Site 2 – Takeaway, Northgate, Cleckheaton, BD19**

- 5.75 Although this property is currently in use and has been a longstanding takeaway business for over 20 years, it is indicated as being for sale.
- 5.76 The building is of a very small scale, with accommodation over two levels, and is entirely unsuited to bulky goods retailing. The floorspace available is far below what would be required by DFS, and the layout as a food unit bears no resemblance to the large open-plan retail format necessary for furniture display. No dedicated customer car parking is provided, which further compounds its unsuitability.
- 5.77 In addition, the property is an established trading business with existing clientele and turnover, meaning it is not realistically available for redevelopment in the short term. There is no indication as to when it might become available notwithstanding it is indicated as being for sale.
- 5.78 Even if it were to become vacant, the small plot and town centre constraints would prevent it from ever meeting the floorspace, layout and parking requirements of DFS. On this basis, the site is neither suitable nor available for accommodating a DFS store.

#### **Conclusion of Sequential Assessment**

- 5.79 No 'available' or 'suitable' units were found through our searches of locations within or on the edge of centres. There are no vacant units or sites in or on the edge of the centres that could accommodate the proposed development even allowing for flexibility. Those vacant units that do exist in the defined centres are generally small scale and could not accommodate the proposed development allowing for flexibility.
- 5.80 We therefore conclude there are no 'suitable' or 'available' units within or on the edge of Birstall, Batley, Heckmondwike and Cleckheaton centres that could accommodate the proposed development.
- 5.81 In light of the above we conclude the sequential test is passed.

#### **Retail Impact Assessment**

- 5.82 Paragraph 94 of the NPPF (2024) sets out a requirement for impact assessments for retail and leisure development outside town centres which

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are not in accordance with an up-to-date plan and in cases where there is no locally set floorspace threshold, the default threshold of 2,500m<sup>2</sup> gross floorspace is applied.

- 5.83 In this case there is a locally set threshold. Local Policy LP13 identifies that an impact assessment would be required for proposals for out of centre main town centre uses with a floorspace of 500m<sup>2</sup> gross or above of comparison retail. The proposed mezzanine exceeds this threshold and therefore consideration has been given to impact issues.
- 5.84 Paragraph 94 of the NPPF identifies that impact assessments should include the assessment of:
- a) *“the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
  - b) *The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”*
- 5.85 Paragraph 95 identifies the key test when considering impact consequences of a proposed development, which is that permission should be refused when a proposal would have a ‘significant adverse impact’ on one or more of the above considerations i.e. on investment in the centre and impact on the vitality and viability of the relevant centres assessed as a whole. The test is therefore one of ‘significant’ adverse impact on a centre as a whole rather than ‘adverse’ impact.
- 5.86 Paragraph 017 (2b-017-20190722) of the online PPG indicates that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.
- 5.87 The adopted Local Plan reflects national guidance confirming that impact assessments should be proportionate to the scale and nature of the proposal being progressed (paragraph 4.29 of Local Plan).
- 5.88 Against this background it is clear that the level of furniture sales provision, in the centres reviewed is very limited and largely confined to more second hand type goods. Very limited if any shops include for sofa sales. In some cases there are no shops in the nearest defined centres that provide furniture sales other than small items that are second hand sales in a charity shop.
- 5.89 The vast majority of furniture sales floorspace provision is out of centre, focussed around the Birstall Retail Park. On this basis any impacts are much more likely to fall on out of centre stores for which there is no policy protection. Trade diversion from out of centre locations is not a material planning consideration and is simply a matter of competition.
- 5.90 Such very limited trade diversion from the centres, when viewed in the context of the overall centres turnover, would give rise to very limited impact, if any at all on the relevant centres

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5.91 A precursor to assessing the implications of any trading impact is to understand the health or vitality and viability of existing centres. The online PPG identifies a number of factors that can be used to gain an overall picture of the vitality and viability of a centre. These include:

- diversity of uses
- proportion of vacant street level property
- commercial yields on non-domestic property
- customers' views and behaviour
- retailer representation and intentions to change representation
- commercial rents
- pedestrian flows
- accessibility
- perception of safety and occurrence of crime
- state of town centre environmental quality

### **Impact on Vitality and Viability of the Centres**

5.92 Impact on town centre vitality and viability can be assessed having regard to the health of the relevant centre and likely impact on the centre.

5.93 Against this background, we have carried out an assessment of the health of Birstall, Batley, Heckmondwike and Cleckheaton centres based on available information and supplemented by our own observations when visiting the respective centres.

#### **Birstall District Centre**

5.94 Birstall District Centre is identified under Policy LP13 of the Local Plan and is one of 15 district centres in the retail hierarchy.

5.95 The centre serves a localised catchment, providing day-to-day shopping and service needs for residents of Birstall and surrounding neighbourhoods, and plays an important role within the Batley & Spen committee area.

5.96 Birstall district centre is materially smaller than the nearby town centres of Batley, Cleckheaton and Heckmondwike and accommodates a modest concentration of retail, leisure and service uses that support the vitality and viability of the centre. The centre comprises 60 units.

5.97 The high street contains a traditional mix of independent traders and service providers including a butcher, baker, florist, pet shop, travel agent, hairdressers, nail bars and several cafés and sandwich shops. These smaller businesses form the backbone of the centre, sustaining local footfall and providing a level of variety that underpins vitality and viability. Alongside these, there are a number of hot food takeaways, convenience outlets and retail services that cater for top-up shopping and everyday requirements. A Tesco Express is located along Market Street

5.98 On the day of our visit, the centre benefitted from a moderate level of footfall which was focused around Northgate and Cambridge Road. Our land use survey identified a total of 7 vacant units out of 60, which equates to a vacancy rate of 11.7%. This remains comfortably below the current UK

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national average vacancy rate of 14%, indicating that while some vacancies are present, they do not undermine the overall vitality and viability of Birstall District Centre.

- 5.99 The wider offer is focused around smaller service and leisure needs, generally meeting the day-to-day requirements of the local catchment. It is considered that Birstall is a vital and viable centre, which meets the needs of residents from a top-up convenience shopping, other retail, leisure and service perspective.

### Batley Town Centre

- 5.100 Batley is identified as a town centre within the Kirklees retail hierarchy, sitting below Huddersfield and Dewsbury. The centre is focused along Commercial Street and includes Batley Plaza, a covered shopping centre, as well as a number of foodstores including the Tesco Extra, Asda, Aldi and Iceland, which provide strong convenience anchors for the town.
- 5.101 The composition of the centre reflects its mixed role. Leisure services are the largest category, accounting for 31% of units, which is above the national average of 26%. This sector includes a strong representation of takeaways and cafés, demonstrating the important role food and beverage plays in the centre.
- 5.102 Comparison retail has declined slightly in recent years and accounts for 20% of units, below the national average of 26%, with closures in Batley Plaza as part of a strategy to repurpose floorspace for leisure uses.
- 5.103 Convenience retail is relatively strong, accounting for 12% of all units compared to a national average of 9%, supported by the presence of major foodstores and a range of smaller independent top-up shops.
- 5.104 Retail services, including hair and beauty salons, travel agents and opticians, represent 15% of units, slightly below the national average of 16%, though the sector is dominated by health and beauty operators. Financial and business services are under-represented, accounting for only 3% of units compared to a national average of 8%, reflecting the recent closure of both Lloyds and Halifax banks, a trend common in many centres across the UK as the banks continue to rationalise their branches.
- 5.105 Vacancy rates have risen slightly in recent years, with 29 vacant units recorded in 2025 compared to 22 in 2023. This equates to a vacancy rate of 18.2%, which is above the national average of 14.1%. Vacancies are concentrated in Batley Plaza, with further losses recorded on Commercial Street due to the withdrawal of the banking sector. However, some of these units are in transition as part of leisure re-purposing (i.e. Batley Plaza), and new occupiers, including cafés, restaurants and charity shops, have recently taken space. The vacancy rate is therefore likely to be greater than in reality once Batley Plaza has been re-purposed to focus more on a leisure based offer.
- 5.106 Pedestrian flows are strongest at the northern end of Commercial Street and around Batley Plaza, reflecting the concentration of anchors and services in this part of the centre. Accessibility is good, with Batley Bus Station and

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Batley Rail Station both located close to the town centre, and a range of surface car parks serving the core area. The quality of the environment is generally positive within the primary shopping area, which feels safe and benefits from active surveillance during the day. Fringe areas such as Wellington Street and Hick Lane appear more run down and would benefit from investment.

- 5.107 Overall, while Batley has experienced a decline in its comparison retail function and has a vacancy rate above the national average, it continues to perform an important role within the Kirklees hierarchy. The town retains a strong convenience sector, a growing leisure and food offer, and is benefiting from ongoing investment, including a £14.5m Revival Scheme supported by the Levelling Up Fund and Kirklees/West Yorkshire authorities. These factors provide confidence that Batley will continue to serve its local catchment and adapt to changing shopping patterns.

#### Heckmondwike Town Centre

- 5.108 Heckmondwike is a town centre anchored by the Morrisons foodstore at Union Street, supported by a smaller Lidl to the north, alongside Poundstretcher and McDonald's. The wider offer is concentrated around Market Street, Market Place and Westgate and is dominated by independent operators, with some national multiples such as Superdrug, Greggs and Fulton Foods.
- 5.109 Footfall is supported by the strong convenience anchors. The Morrisons store was observed to be busy during the site visit, and Lidl also appeared to be trading satisfactorily with good levels of customer activity. These stores underpin the vitality of the centre and generate linked trips into the primary shopping area.
- 5.110 The vacancy rate in Heckmondwike is 10.5%, below the Experian national average or around 14.1%. While the quality and maintenance of individual units is variable, the centre as a whole appears to be relatively vital and viable, benefiting from its convenience offer and steady levels of activity.

#### Cleckheaton Town Centre

- 5.111 Cleckheaton is a town centre within the Kirklees hierarchy and is anchored by the large Tesco superstore on Northgate, which provides a strong anchor retailer in the centre. This is complemented by a Home Bargains store (opened in 2017) also located off Northgate, providing a range and choice of comparison and some convenience goods. The Tesco and Home Bargains provide the larger units in the centre. Provision in the wider centre is characterised by smaller units, many of which are occupied by independent operators, reflecting its more localised catchment.
- 5.112 The land use survey identified 17 vacant units, equating to around 11% of the stock of commercial units, which is below the national average of 14.1%. Vacancies are spread across the centre and tend to be modest in scale. On the day of inspection, the centre benefited from a moderate level of footfall, focused around Northgate and Bradford Road.

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5.113 Overall, Cleckheaton presents as a characterful centre that would benefit from some further investment in certain units but remains attractive, vital and viable. The strength of the Tesco anchor and the supporting role of Home Bargains provide a solid foundation in terms of national retailers and the centre is complemented by a good independent offer providing a good range of choice and shops and services for the size of centre. It is therefore concluded to be a vital and viable centre.

#### **Trade Diversion and Impact of the Proposed Development**

5.114 The assessment of impact is viewed with the context and function of the Birstall, Batley, Heckmondwike and Cleckheaton centres. In relation to the health check assessment we conclude the centres are in reasonable or better than reasonable health with clear signs of vitality and viability.

5.115 In relation to the impact test, this highlights two elements to be considered as follows:

- a) *Impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *Impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

5.116 With regard to 'impact on investment' we do not consider there to be any existing, committed and planned public or private investment in the centres that would be called into question. There are no known investments that need be considered in the context of the proposed development.

5.117 In relation to 'impact on local consumer choice', we consider the proposal would deliver positive benefits by expanding choice in the furniture sector with particular reference to sofa furniture retailers.

5.118 With regard to impact on the vitality and viability of the centres, we consider the proposed insertion of the mezzanine floor would not give rise to any noticeable levels of trade diversion from existing centres. The furniture retail offer in identified centres is very limited in terms of stores devoted to the sale of furniture only. In this context most furniture sales in the existing centres is focussed on smaller items and largely second hand furniture in charity shops. In some cases there are no furniture sales.

5.119 As already indicated, any impact assessment must be proportionate to the nature and scale of the proposed development. DFS already occupy the existing unit. The uplift in sales area from the insertion of the mezzanine would deliver a limited uplift in turnover of the store.

5.120 In addition, having regard to the above, there are no major furniture retailers in the existing centres retailing predominantly sofas that would be susceptible to trade diversion should the proposed mezzanine progress. Therefore, we would not anticipate trade diversion from those existing centres.

5.121 Existing furniture sales are focussed in existing out of centre retail units including those at the Birstall Shopping Park and other out of centre locations.

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As highlighted earlier this includes retailers across the wider retail park such as Ikea, Sofology, NCF Living, Natuzzi Italia, Furniture Village and Barker & Stonehouse.

- 5.122 Further afield is the Batley Enterprise Area, which includes a number of units along and around Bradford Road and the Centenary Way/Churwell Avenue area providing a number of sofa and furniture operators including JS Furniture, Cosy Sofas Outlet, Kozzy Living Ltd, Furniture Mill Outlet, Dreamers Furniture Outlet, and Urbansuite Batley.
- 5.123 As can be seen existing provision of furniture retailers are concentrated outside established and defined 'centres' and therefore we do not consider that material planning impact concerns would arise in this case.
- 5.124 On this basis we conclude the proposed development would not result in significant adverse impact on existing defined centres in the area around the application site and conclude the impact test is passed.

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## 6.0 Planning Assessment

- 6.1 This section addresses policy considerations so far as they relate to the minor external works to be carried out on the site, including upgrading elevational treatment and general retail policy considerations.
- 6.2 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and country Planning Act 1990, applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 The development plan for Kirklees comprises the:
- Kirklees Development Plan - Adopted in 2019
- 6.4 A key material consideration is the NPPF.

### Sustainable Development

- 6.5 The NPPF identifies three dimensions to sustainable development including economic, social and environmental. We consider the proposed development would contribute to all three roles.
- 6.6 In relation to '**economic**' factors, the proposal represents new inward investment in this part of Birstall which will deliver new employment opportunities.
- 6.7 Provision of new employment opportunities (estimated as an additional 3 FTE and 1 PTE posts) across a potential range of levels and roles within the operation of the site will make a positive contribution to the local economy through both direct employment but also through wider spin off benefits as those working at the site would spend money in the local economy leading to multiplier effects.
- 6.8 Employment opportunities will also be generated during the repurposing works to provide the mezzanine and alterations to the external elevations.
- 6.9 The proposal provides an important '**social**' role. New employment opportunities would be attractive to local residents given the nature of the work and the ability for job opportunities in retail to fit around an individuals' availability. This would lead to gainful employment with a national retailer providing high quality training programmes leading to good career opportunities.
- 6.10 In relation to the '**environmental role**', the proposal will reuse an existing unit through refurbishment and upgrade, thus minimising waste and use of resources. Reusing urban land is something given emphasis in Section 11 of the NPPF.
- 6.11 The site benefits from access by choice of transport mode with bus services running past the site and linking to Birstall Centre to the south.

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- 6.12 In light of the above and our overall assessment of the planning merits of the proposed development, it is considered the proposal will provide a sustainable development.

### Principle of Development

- 6.13 The proposal seeks to introduce a mezzanine floor within an existing DFS unit at Birstall Retail Park. The site forms part of an established out-of-centre retail destination, where bulky goods and large-format retailers are already well represented. **Policy LP1** of the Local Plan seeks to build a strong, competitive economy, while **Policy LP2** promotes sustainable growth and adaptation of existing businesses. The proposal will enable DFS to operate more efficiently, supporting local employment and contributing to the long-term viability of the unit. The principle of development is therefore acceptable.
- 6.14 With regards to the retail policy tests, a proportionate sequential and retail impact assessment has been carried out. This provides evidence that there are no sequentially preferable sites within or on the edge of the relevant centres that could accommodate the proposed development and the proposal would not give rise to significant adverse impact on defined centres as a whole. Furthermore, there would be no significant adverse impact on existing, committed or planned public or private sector investment in existing centres assessed.
- 6.15 The site is not allocated for any specific use on the Kirklees Local Plan Proposals Map and consequently there is no impediment in the adopted development plan to the principle of the proposed mezzanine.

### Town Centre Policy

- 6.16 **Policy LP13** establishes the Council's retail hierarchy and requires new development to be directed towards defined centres unless it can be demonstrated that no sequentially preferable sites exist. A Sequential Assessment has been undertaken which confirms that there are no suitable, available, or viable in-centre or edge-of-centre sites within Birstall, Batley, Cleckheaton or Heckmondwike capable of accommodating the proposal. The requirements of Policy LP13 and paragraph 87 of the NPPF are therefore met.
- 6.17 **Policy LP13** also requires that retail development does not give rise to significant adverse impacts on the vitality and viability of existing centres. Retail impact has been considered and concluded that impacts would generally fall on other existing out-of-centre furniture operators rather than designated centres. The proposed development would therefore not give rise to significant adverse impact on existing defined centres. The proposal therefore accords with Policy LP13 and paragraph 90 of the NPPF.

### Economic Growth

- 6.18 The NPPF highlights that "*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 85).

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- 6.19 The proposal would provide economic growth through new employment opportunities and wider spin off benefits in the local economy during both the construction and operational phases.
- 6.20 We consider the proposed development would have a positive and beneficial effect on the local economy in Birstall. This includes creation of new jobs and therefore greater local spending power to which significant weight should be given.

### Design

- 6.21 The proposal involves modest alterations to the building frontage to improve the entrance and natural light and to modernise the proposed development. **Policy LP24** requires development to secure high standards of design, enhance townscape character, and contribute positively to local identity. The proposed works are limited in scope, sympathetic to the existing building, and will improve the functionality of the unit. The proposal therefore complies with Policy LP24.

### Highways and Accessibility

- 6.22 A Transport Statement (TS) prepared by Via Solutions accompanies the application. The TS confirms the mezzanine will increase the gross internal floorspace of the DFS unit by 1,085 m<sup>2</sup>. The mezzanine is primarily intended to provide an enhanced visitor experience through increased display space rather than a proportional uplift in customer numbers.
- 6.23 The assessment uses both established case study evidence and TRICS data. Drawing on evidence from other mezzanine extensions, it concludes that a 59% uplift in floorspace would equate to only an 11.5% increase in customer trips. On this basis, the development is forecast to generate no more than 15 additional two-way vehicle trips in the Saturday peak hour (14:00–15:00), comprising approximately 8 arrivals and 7 departures. This volume of traffic is concluded in the Transport Statement to sit comfortably within normal daily fluctuations and would have no material impact on highway capacity or safety.
- 6.24 Parking demand has been considered in detail. The DFS unit forms part of a wider shared car park across Birstall Retail Park and Junction 27, which together provide in excess of 900 spaces. Surveys demonstrate that occupancy does not exceed 71% at peak times, indicating substantial spare capacity to accommodate the modest increase in trips. The proposals do not therefore require any additional parking provision.
- 6.25 Servicing will continue to be undertaken from the existing service road at the rear of the unit, which connects to Holden Ing Way and loops around the wider retail park. No changes are required to access or servicing arrangements.
- 6.26 The TS also confirms the site is accessible by sustainable modes. The nearest bus stops are located on Gelderd Road within 380m of the site, providing frequent services between Leeds and Huddersfield. The local pedestrian network benefits from wide, lit footways and controlled crossings, while the site is within comfortable walking and cycling distance of nearby residential areas.

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6.27 Overall, the Transport Statement concludes that the proposals accord with Policy LP21 of the Kirklees Local Plan and paragraphs 110–116 of the NPPF, demonstrating safe access, negligible traffic impact, adequate parking capacity and good sustainable transport connections.

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## 7.0 Conclusion

- 7.1 The proposed mezzanine at DFS Birstall Retail Park represents a modest, proportionate and policy-compliant expansion of an established bulky goods retail use. It will enhance the functionality and viability of the store, while making efficient use of existing floorspace.
- 7.2 A Sequential Assessment has confirmed that no suitable or available sequentially preferable sites exist 'in' or on the 'edge of' the centres assessed including Birstall, Batley, Cleckheaton or Heckmondwike that could accommodate the proposed development.
- 7.3 The Retail Impact Assessment demonstrates the proposals would not give rise to significant adverse impact on the vitality or viability of any of the identified policy designated centres, with trade diversion falling mainly on other out-of-centre operators.
- 7.4 The design works are limited and sympathetic to the existing building, ensuring compliance with Policy LP24 of the Local Plan. The Transport Statement provides robust evidence that the additional traffic generated will be negligible, spare parking capacity is available, and the site benefits from good public transport and pedestrian accessibility. The development therefore fully accords with Policies LP21 and LP22.
- 7.5 Taking these matters together, the proposals are consistent with the development plan when read as a whole and comply with the objectives of the NPPF. There are no material considerations that weigh against the scheme. Planning permission should therefore be granted without delay.