

**PLANNING SUPPORTING STATEMENT  
KIRKLEES LOCAL PLAN OPEN SPACE & RECREATION POLICY**

FORMER DEWSBURY ARENA  
BOOTHROYD LANE, DEWSBURY, WF13 2LF  
PROPOSED REDEVELOPMENT FOR A 10-UNIT CLASS C2  
SPECIAL NEEDS CARE HOME

ON BEHALF OF HORIZON HEALTHCARE HOMES LTD

<b>Project Title:</b>	Site of the former Dewsbury Arena, Boothroyd Lane, Dewsbury WF13 2LF
<b>Report Title:</b>	Planning Policy Statement
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## 1.0 INTRODUCTION

- 1.1 This Planning Policy Statement supports a full planning application for the redevelopment of the former Dewsbury Arena site, Boothroyd Lane, Dewsbury, for a 10-unit Class C2 special needs care home.
- 1.2 Following receipt of Planning Officers' (updated) response on 31 October 2025, to the applicants' Pre-Application Enquiry, for the above development, this report addresses the proposed loss of the above designation and MUGA pitch, in accordance with Policies LP61 and LP50 of the Kirklees Local Plan (2019), the Council's Open Space Study, (2015) (updated 2016) and the National Planning Policy Framework (2024), (the Framework).
- 1.3 The Arena was operated by Kirklees Council through the early 2000s as part of the Council's youth and sports provision. The facility was closed in 2016/17, following which the Arena buildings were demolished and the site cleared.
- 1.4 The application site extends to approximately 0.34 hectares and is in a derelict state. This site has not been publicly accessible or used as open space since the closure and fencing of the site in 2016/17. This ancillary open space was formerly used in connection with a now disused Multi-Use Games Area (MUGA) pitch at the site.
- 1.5 The report is set out as follows. Section 2.0 provides a brief description of the site and is followed by the sites planning history and closure and disposal history at sections 3.0 and 4.0 respectively. Section 5.0 discusses the abandonment of the former use and section 6.0 sets out relevant Framework guidance. The proposal is then assessed in the context of relevant Local Plan policy, the Council's Open Space Study and Framework guidance at sections 7.0 and 8.0. Section 9.0 then provides a summary and conclusion.

## 2.0 SITE DESCRIPTION & BACKGROUND

- 2.1 The site lies off Boothroyd Lane within the urban area of Dewsbury and formerly accommodated the Dewsbury Arena, a leisure and community facility owned and operated by Kirklees Council. Facilities included an indoor sports building and an external MUGA together with areas of hardstanding and incidental open space associated with the complex.
- 2.2 The Arena facility was closed by Kirklees Council in 2016/17, and the buildings demolished later that year, following a grant of Prior Notification for demolition made by the council<sup>1</sup>.
- 2.3 Following demolition, the site was cleared, secured with perimeter fencing and has remained vacant and inaccessible since that time. Consequently, the MUGA surface has deteriorated beyond re-use, and the site has become derelict.
- 2.4 The site remained in the ownership of Kirklees Council until January 2025, when it was purchased by the Applicants following some seven years of disuse.
- 2.5 The Council's closure and disposal history is set out in Section 4.0 of this report.

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<sup>1</sup> Kirklees Council application ref. 2018/N/94159/E

### 3.0 PLANNING HISTORY

3.1 A search of the Council's Public Access records confirms the site has the following planning history:

89/00384	Multi-court with floodlights. Approved
2018/N/94159/E	Prior Notification for demolition of two buildings. Approved

#### 4.0 CLOSURE AND DISPOSAL HISTORY

- 4.1 Early in November 2025, a Freedom of Information request was made to the Council, to confirm the precise closure date. At the time of writing (in excess of the required 20 working day period) a formal response is awaited.
- 4.2 However, enquiries of the Council and investigation of Council publications it appears the Arena ceased operating as an active youth facility in 2016/17. Council activity listings from summer 2015 were the last to advertise the venue as open and subsequent Council and partner publications do not include the site among active youth centres. No later public timetables or service notices are recorded for the facility after 2015, indicating likely operational closure was likely by 2016/17. The site has not been in use since.
- 4.3 A search of recent Council Cabinet meetings and minutes has provided details of the Council's review of the Arena and decisions to dispose of the site.
- 4.4 A summary of the Council's subsequent disposal process is as follows:
- a). **Cabinet meeting November 2023:** "Asset Review - November 2023". The Arena is listed in the appendix to this report, as "Site of former Dewsbury Arena, Boothroyd Lane, Westtown, Dewsbury. Cabinet resolved to place the site in the disposal pipeline.
- b). **Cabinet meeting 21 January 2025:** "Surplus Property Disposals 2025/26." Report purpose stated as to "seek approval for bringing forward the proposed Capital Receipts Schedule". Receipts Schedule included the former Dewsbury Arena. Cabinet resolved to approve the Schedule.
- 4.5 Following the above resolutions the site was placed on the market later in January 2025, by Pugh (part of Eddisions), on behalf of

Kirklees Council to be sold at auction, with the site being acquired by the Applicants.

- 4.6 c). **Cabinet 8 July 2025:** Officers' update report on surplus property disposals programme was agreed confirming the final disposal of the site.

**Conclusion on Council's disposal process**

- 4.7 The Area site has been considered a 'surplus' Council asset since at least 2016/17. The Council approved its own application for Prior Notification for demolition in 2018 and the Area buildings demolished later that year. Assessment of relevant committee reports and minutes confirm at no point in time were members informed there was any requirement to retain the site on the basis of its open space or recreational value or need.

## 5.0 ABANDONMENT OF THE FORMER USE

- 5.1 As stated previously, the site ceased to operate as a functioning facility in 2016/17 following the closure of the Arena. Subsequently, all associated buildings and structures were demolished in 2018 and the site cleared. Following demolition, the site was enclosed with secure perimeter fencing to prevent unauthorised access.
- 5.2 Since that time, the site has remained vacant, inaccessible, and without any form of active use or management. On this basis, it is concluded that the site currently has *nil use*, with the lawful former use having been *abandoned*. This is discussed further below.
- 5.3 The principle of abandonment is established through case law, most notably *Hartley v Minister of Housing and Local Government [1970]*. This case identifies four key factors to be considered when determining whether a lawful use has been abandoned. Each of these factors is addressed in turn below, with reference to the specific circumstances of the Arena site.

### 5.4 Cessation of Use

*Comment:*

The former MUGA and associated Arena facilities ceased operation upon closure of the Arena and since then no activities associated with the previous use or any other use have been carried out at the site. **The cessation of use has therefore been prolonged, continuous and complete.**

### 5.5 Time Elapsed

*Comment:*

The period since cessation of the former use now exceeds at least 8 years. The site has remained in an unused state for this entire duration, with no interim or temporary intervening use. **The length of this period is substantial and supports the conclusion that the former**

**use has not merely been suspended, but, has been permanently discontinued.**

5.6 **Physical Condition of the Site**

*Comment:*

Following the demolition of the Arena buildings in 2018, the site has not been subject to any maintenance or management. The site's physical condition has deteriorated, with the land is now derelict and overgrown. **In particular, the former MUGA pitch surface has not been repaired or maintained and is now unusable for any recreational or sporting purpose. The absence of physical infrastructure capable of supporting the former use further demonstrates the permanence of abandonment.**

5.7 **Owner's Intentions**

*Comment:*

The actions taken by the Council demonstrate a clear and consistent intention not to resume the former use. The decision to demolish the Arena structures, install security fencing around the perimeter to ensure no access and dispose of the site, reflects a deliberate and planned withdrawal from the previous function of the site.

5.8 **The summary of the Council's subsequent disposal process above, confirms that reinstatement of the Arena, MUGA or open space use was never contemplated.**

**Conclusion on lawful use**

5.9 Having regard to the four tests set out in *Hartley v Minister of Housing and Local Government*, it is evident that the lawful use of the site as a youth leisure and recreation facility has been abandoned. The cessation of use for a period exceeding eight years, the physical

degradation and removal of all structures, and the clear intention of the Council to discontinue the former use and sell the site, all point conclusively to the former use having been abandoned.

5.10 Accordingly, the site has a *nil use*, forming a cleared and vacant parcel of land with no residual lawful use right. Any subsequent use, including a resumption of the former use will, therefore, require a grant of planning permission.

5.11 On this basis, the sites former use as a youth facility including the MUGA use and ancillary open space, has been abandoned in planning terms, and the site no longer benefits from any extant leisure, open space or recreational use rights.

## 6.0 NATIONAL PLANNING POLICY FRAMEWORK (2024)

6.1 In view of the main issues identified above, the following Framework guidance is relevant to the assessment of this proposal.

### 6.2 **Presumption in favour of sustainable development (para 11).**

Plans and decisions must apply a presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up-to-date development plan, or where there are no relevant / most important policies are out-of-date, granting permission unless national policies protecting areas/assets of particular importance provide a strong reason to refuse or adverse impacts would significantly and demonstrably outweigh benefits.

### 6.3 **Three overarching objectives of sustainable development (para 8).**

The planning system should pursue economic, social and environmental objectives together (e.g., providing homes and infrastructure, supporting healthy communities, and protecting/enhancing the environment). These objectives guide plan-making and decision-taking.

### 6.4 **Need for robust, up-to-date local assessments for open space and sport (para 103).**

Policies should be founded on robust, up-to-date assessments of need for open space, sport and recreation (quantitative and qualitative deficits/surpluses). The results must be used to determine what provision is needed and planned for.

### 6.5 **Protection and the tests for building on existing open space / sports land (para 104).**

*Existing (emphasis added)* open space, sports and recreational buildings and land (including playing fields and formal play spaces) should not be built on unless one of three tests is met:

- a) an assessment shows the open space is *surplus to requirements*, (*emphasis added*) or;
- b) the loss would be replaced by equivalent or better provision in quantity and quality in a suitable location, or;
- c) the development is for alternative sports/recreational provision whose benefits clearly outweigh the loss.

**6.6 Local Green Space designation (paras 106–108) and other protected assets.**

Local Green Space designation carries strong protection.

Designation should be used only where land is in close proximity to the community it serves, demonstrably special, and local in character and management of development in such areas should be consistent with national Green Belt policy.

**Conclusion on Framework guidance**

- 6.7 Framework guidance seeks to protect *existing* open space, sports and recreational buildings and land, including playing fields and formal play spaces. These should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, amongst other exceptions.
- 6.8 This guidance is considered in the following sections of this statement.

## **7.0 KIRKLEES LOCAL PLAN OPEN SPACE AND RECREATION POLICY**

- 7.1 Policy LP50 of the Kirklees Local Plan seeks to protect existing sport and leisure facilities where they are needed to meet current and future demand.
- 7.2 Policy LP61 allows development resulting in the loss of urban green space only where it is surplus to requirements or alternative provision or community benefit is provided.
- 7.3 The Kirklees Local Plan identifies part of the former Dewsbury Arena site as Public Open Space (POS), reflecting its previous role as outdoor recreation land associated with the Arena. The relationship between the on-site open space use and the Arena use is confirmed at the site assessment at page 139 of the Kirklees Open Space Study (2015, Revised 2016) where it is stated the amenity space is part of the Arena use.
- 7.4 While the POS allocation remains in the adopted plan, it is evident that the land has not functioned as public open space for a significant period. The area has been inaccessible to the public since 2016/17, enclosed by fencing forming an inaccessible site boundary. The site has become overgrown and derelict and has been unmanaged, with no recreational or leisure function or public access or benefit.
- 7.5 Policy LP61 – Urban Green Space and Public Open Space seeks to protect designated open spaces from development unless certain criteria are met. The policy allows development where the open space is no longer required, or the proposal would deliver alternative provision or community benefits.
- 7.6 Given that the Council has abandoned the former use, the site has been inaccessible for over seven years, is physically enclosed, and provides no open space function, the land no longer performs the

role of public open space envisaged by Policy LP61. While the allocation remains, the land does not contribute to the supply of usable open space for Kirklees residents.

- 7.7 Furthermore, the open space was ancillary to the Arena use and as that use has been abandoned, any related open space use, clearly no longer exists either.
- 7.8 For all of the above reasons, a proposal for redevelopment would therefore not result in the loss of *existing* open space or playing pitch provision and as such would not be contrary to development plan policy or Framework guidance.

#### **Consideration of the Kirklees Open Space Study (2015, Revised 2016)**

- 7.9 Notwithstanding the former playing pitch and open space use has been abandoned, a review of accessible MUGAs and youth recreation facilities within a 2km radius of the site identifies three key alternative facilities.
- 7.10 The Kirklees Open Space Study provides the evidence base for open space policy. Table 4.5 identifies a 2 km accessibility standard for youth facilities (major skate parks and MUGAs). Figure 7 maps existing provision, showing that the Dewsbury area is well served. Facilities such as Crow Nest Park (~400 m), Earlsheaton Park (~1.5 km), and Ravensthorpe Park (~1.6 km) fall within the 2 km standard.
- 7.11 The application site therefore lies well within the required accessibility range, and the existing MUGA's loss will not reduce overall access to youth recreation.
- 7.12 Therefore, assessment confirms the loss of the existing MUGA would not materially impact local access to youth recreation opportunities. This evidence demonstrates that there are at least three alternative MUGAs or youth recreation facilities within the 2km accessibility

standard established by the Council's Open Space Study. The loss of the on-site MUGA will therefore not create a shortfall in local youth recreation provision.

- 7.13 As far as open space provision is concerned, notwithstanding this use has similarly been abandoned, the Open Space Study confirms overall, the Dewsbury and Mirfield sub area exceeds the standard set of 0.3ha/1000 population with a marginal shortfall of 0.27ha/1000 population in the Dewsbury West ward.

**Compliance with the National Planning Policy Framework (2024) and development plan policy on playing pitch and open space loss**

- 7.14 The proposal is in clear accord with the National Planning Policy Framework (2024) with regards the protection and the tests for building on existing open space / sports land and local Green Space designation.
- 7.15 Paragraphs 8 and 11 establish a presumption in favour of sustainable development, requiring decisions to secure economic, social and environmental gains jointly.
- 7.16 Paragraphs 103 and 104 seek to protect *existing* open space, sports and recreational land unless it is clearly surplus to requirements or alternative provision or benefits are secured. The evidence confirms the former open space and leisure uses have been abandoned and the land no longer performs any recreational or open space function. Moreover, alternative youth recreation facilities exist within the Council's 2 km accessibility standard. The proposal therefore satisfies the Framework tests for development affecting open space and accords with the overarching presumption in favour of sustainable development.

- 7.17 In accordance with Policies LP50 and LP61 of the Kirklees Local Plan and the provisions of the NPPF, it is evident that the former Dewsbury Arena site no longer functions as public open space or a leisure facility. The site has been fenced off, inaccessible, and unused for over seven years, and therefore provides no recreational or community benefit.
- 7.18 The open space allocation is a legacy of the former Arena use, which has since been abandoned. Within a 2 km radius, at least three alternative youth recreation facilities (Crow Nest Park, Earlsheaton Park, and Ravensthorpe Park) meet the accessibility standards established in the Council's Open Space Study (2015, revised 2016). The site is therefore surplus to requirements.

**Conclusion on assessment against Local Plan Policies LP50 and LP61**

- 7.19 Consequently, redevelopment of the site would not result in the loss of an *existing* area of functional open space or recreation facility, nor would it create a shortfall in local provision. The proposal is therefore consistent with the requirements of Policies LP50 and LP61 and the aims of the Framework to achieve sustainable development.

## **8.0 SPORT ENGLAND CONSULTATION**

- 8.1 Under Schedule 5, of the Town and Country Planning (Development Management Procedure) (England) Order 2015, local planning authorities must consult Sport England on any application which involves the loss of land used as a playing field or sports facility.
- 8.2 Although the former Dewsbury Arena site contained a MUGA, the MUGA on site has remained unused since 2018. It is fenced off, inaccessible to the public, derelict, and no longer serves a recreational function.
- 8.3 The former recreation use at the site has been abandoned and accordingly there is no need for Sport England to be consulted on the planning application.
- 8.4 Notwithstanding, Sport England's national planning policy exceptions permit the loss of sports facilities where: (a) an assessment shows the site to be surplus to requirements, or (b) equivalent or better provision is made in a suitable location. In this instance, alternative MUGA provision within 2km including Crow Nest Park, Ravensthorpe Recreation Ground, and Dewsbury Sports Centre meets accessibility and quality criteria. Consequently, the site is surplus to requirements, and the development proposal accords with Sport England's policy objectives as it meets the first of the stated exceptions, above.

### **Conclusion on Sport England consultation**

- 8.5 It is considered there is no requirement for Sport England to be consulted on the planning application as no loss of a sports pitch arises. The Council's decision to close the facility and demolish the Arena buildings, are explicit confirmation by the Council, the use was surplus to requirement.

- 8.6 Even if Sport England are notified as a consultee, there can be no reasonable objection given the site's former use has been abandoned, and assessment shows the site to be surplus to requirements, as alternative MUGA provision within 2km meets accessibility and quality criteria. Consequently, the proposal accords with one of Sport England's exception criteria.

## 9.0 SUMMARY & CONCLUSION

- 9.1 This assessment demonstrates that the proposed redevelopment complies with Policies LP50 and LP61 of the Kirklees Local Plan and the National Planning Policy Framework.
- 9.2 The Kirklees Open Space Study confirms that the area meets the 2km accessibility standard for youth facilities.
- 9.3 The site's former MUGA is derelict, unused, and has been abandoned. In any case, assessment has demonstrated the site to be surplus to local requirements, and there are several alternative facilities within walking distance.
- 9.4 Notwithstanding there is no requirement to consult Sport England, the proposal aligns with Sport England's policy criteria where assessment shows the site to be surplus to requirements.

### **Overall conclusion**

- 9.5 This report demonstrates that the proposals for the former Dewsbury Arena comply with Policies LP50 and LP61 of the Kirklees Local Plan and the National Planning Policy Framework. The proposed redevelopment of the site represents a sustainable and socially valuable reuse of the site, and planning permission should not be withheld on this basis.

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