

# **PLANNING STATEMENT**

**Retrospective Application for Change of Use from  
Class F1 to Sui Generis Online-Only Dessert  
Fulfilment Use**

**123 Chickenley Lane  
Dewsbury  
WF12 8QS**

**May 2026**

## **Introduction**

This Planning Statement supports a retrospective application for the change of use of 123 Chickenley Lane, Dewsbury from Class F1 (Learning and Non-Residential Institutions) to a sui generis online-only dessert preparation and fulfilment operation.

The business prepares and dispatches:

- desserts
- cakes
- waffles
- ice cream

Basic products as above are brought wholesale to the premises by the applicant and are enhanced (fulfilled) before sale (eg basic cakes are enhanced by using different toppings to produce a sweet dessert). **All** customer orders are placed on-line and **no customers visit the premises. There is no takeaway counter, no dine-in element, and no retail display.** Products are delivered from the site to customers exclusively by the applicant.

## **Site and surroundings**

The building is a former Catholic church, later used for community/educational purposes, and subsequently became vacant/underused until acquisition by the applicant. The area is predominantly residential in nature, although there are a number of retail outlets further down Chickenley Lane.

## Planning policy

The National Planning Policy Framework (NPPF) contains the following relevant paragraphs for the assessment of this application -

Para 81 – Supporting economic growth

Para 119 – Effective use of land

Paras 87–90 – Town centre policies

Para 111 – Highway impacts

It is contended that a Retail Sequential Test is **not** required, as the use is **not** Class E, it is **not** retail and it does **not** attract customers. **There is no dine-in and no takeaway nor customer collection**, therefore the proposed use is a *sui generis* use (delivery-only premises are consistently treated as *sui generis*). The use is **not** a Hot Food Takeaway, and so no Health Impact Assessment is required.

The Kirklees Local Plan contains the following relevant policies –

LP1 – Sustainable development

LP2 – Place-shaping

LP21 – Highway safety

LP24 – Design

LP52 – Protection of residential amenity

## **ASSESSMENT**

The proposed use is small-scale, low-impact, and therefore held to be compatible with the character of the area.

There is no customer activity on the premises and no noise, apart from the movement of vehicles. No odours are produced by the fulfilment process, which takes place in the area marked as “Kitchen” on the submitted Proposed Floorplan, and there is no visual impact and no unacceptable late-night disturbance.

No external changes are proposed to the outside of the building – no signage or extraction / ventilation equipment is required. Only the lower ground floor is used – the ground floor remains vacant and is not part of the use. The limited amount of trade waste is disposed of by the applicant. The hours of operation are Sunday to Thursday 1600-2300 and Friday to Saturday 1600-midnight.

In terms of the protection of residential amenity of the surrounding houses, there is no noise break-out from the building, no odours are produced, there are limited vehicle movements, and no unacceptable anti-social hours.

The number of vehicle movements is approximately 6 per day in and out of the site onto Chickenley Lane. As volume is low, there will be no adverse impact on highway safety, as the access to the site is from an established access onto Chickenley Lane (nb there is no vehicular or other access onto Maple Road).

A previous application on this site was considered by the LPA to represent a hot food takeaway use and was refused for a number of reasons. This assertion was not challenged by the applicant at appeal and an appeal against this refusal was dismissed. However, from the information set out above, it is clear that this assertion should have been challenged by the applicant at that time as no hot food was prepared and it is unfortunate that this was not done. This is the main reason that underpins this application – to rectify incorrect assertions as to the use of the site and to correctly identify this use as *sui generis*. It should also be noted that, since the appeal decision, there are now no customer visits to the premises and that the hours of operation have also been reduced.

As the use is not a takeaway, then it is contended that Local Plan policy LP16 Food and Drink Uses and the Hot Food Takeaway SPD (2020) do not apply as there is no hot food, no takeaway sales, and no customer visits. In addition, Local Plan policy LP13 Town Centre Uses similarly does not apply and so there is no requirement for a Retail Sequential Test.

In terms of any potential impact on the residential amenity of neighbouring residential properties, dessert fulfilment is low-impact. There is no frying or grilling, no odours, no customer footfall and hence no congregation of customers outside resulting in the potential for noise and disturbance.

With regards to the loss of a F1 use, the building was a former Catholic church which was later used for community/educational purposes and which subsequently became vacant and underused. However, alternative places of worship and community facilities exist in Chickenley and Dewsbury, such as Chickenley Community Centre.

The proposed development brings the building back into a productive use, prevents vacancy, potential dereliction, and vandalism, and supports local employment. Three full time employees are supported by the proposed use.

The lawful fallback use of the building is Class F1(f) – Public Worship or Religious Instruction. As such, this means the building could lawfully be reused as a church, a mosque, a madressah, a temple, a synagogue or any other place of worship or religious instruction without planning permission. Such uses could generate large congregations, intensive evening and weekend activity, a significant parking demand, child drop-off /pick-up (for a madressah), and amplified sound. These impacts would be lawfully permissible and materially more intensive than the proposed use. As such, this fallback position is held to carry substantial weight in favour of granting permission.

## **CONCLUSION**

The proposed development is considered to comply with the relevant policies in the Kirklees Local Plan and to align with the NPPF.

It is not a main town centre use and so does not require a Retail Sequential Test. It is low-impact, compatible with the residential nature of the area and represents a sustainable reuse of a former church which is less intensive than lawful fallback uses.

Therefore, the proposed development is held to be capable of approval subject to any reasonable and necessary conditions.