CHANGE OF USE AND ALTERATION OF FORMER CLASS E(E) CLINIC TO FORM 7 CLASS C2 ASSISTED LIVING UNITS WITH STAFF FACILITIES, INCLUDING REMOVAL OF EXISTING CONSERVATORY, FIRE ESCAPES AND DOORS, COTE ROYD. 7 HALIFAX ROAD, HUDDERSFIELD, HD 3 6AN

APPLICATION REF. 2026/91407 PA

Introduction

This statement is submitted to support the proposed change of use of Cote Road, 7 Halifax Road, Huddersfield, from private consulting rooms, to form 7no. Class C2 assisted living units. The statement provides an assessment of the change of use in the context of policies in the Kirklees Local Plan, 2019 and National Planning Policy Framework guidance, December 2024, (the Framework) regarding the loss of a community use.

Current use

The current, lawful use of the premises is private consulting rooms providing counselling and therapy services to privately funded individuals, falling within use Class E, 'commercial, business and service' uses.

Development Plan policy

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.

The development plan for Kirklees District is the Kirklees Local Plan, 2019. Local Plan Policy LP48, Community Facilities and Services states:

"Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or

b. its current use is no longer viable; or

c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or

d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and

e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation".

It is the Applicants' view that Policy LP48 is not engaged by the proposed development because the existing use does not constitute a "*valued community facility*" or an " *other facilities of value to the local community*" for the purposes of either the Local Plan or the Framework.

Policy LP48 is directed towards uses that provide a community function and are generally available for public use. The supporting text states, "*NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship as part of planning for prosperity. For the local plan, community facilities and services are also considered to include uses associated with statutory undertakers, emergency services, indoor recreation serving a local catchment area (especially dual use) and welfare*".

No private facilities such as the current use of the premises is mentioned.

National Planning Policy Framework, December 2024

The above development plan policy approach is broadly reflected in national planning policy.

Paragraph 101 of the Framework requires planning policies and decisions to:

"*plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.*"

The emphasis throughout is on facilities that provide a shared community resource and contribute to the social infrastructure of an area.

Assessment

The phrase "*other facilities of value to the local community*" within Policy LP48 should be interpreted in the context of Framework guidance. Stated examples are play a role in supporting community interaction and cohesion, and are available for collective rather than individual use.

The existing use as a private counselling clinic is materially different. The premises provide private, therapy consultation to individuals by appointment. The building is not available for general community use, does not host community organisations or activities, and does not function as a meeting place or shared community resource.

The planning purpose of Policy LP48, and paragraph 101 of the Framework is to safeguard important community facilities that are publicly accessible and contribute to community cohesion, rather than to prevent changes of use involving private commercial healthcare premises.

Therefore, it is considered the loss of the existing private clinic would not result in the loss of a community facility in the sense envisaged by either Policy LP48 or the Framework. Instead, it would represent the replacement of a private, commercial use with a development that delivers significant public benefits, meeting an identified need for specialist residential accommodation and the creation of approximately 30 permanent jobs.

Notwithstanding the above, should the local planning authority conclude that assessment against Policy LP48 is required, the proposal meets the requirements of LP48.

The premises have been marketed by Bramleys Estate Agents for some seven months, commencing 17 December 2025. The agents have confirmed:

- The sales particulars were sent to applicants held within their mailing list in addition to being uploaded onto their website (Bramleys.com) and Rightmove Commercial;
- During the marketing period, viewings were undertaken with only six prospective purchasers;
- Two were looking to convert the property into a single dwelling with two looking to convert into office use for their own business and partly to create a multi-occupied office complex. The fifth considered the property for conversion into a head office for their children's day nursery business, with the sixth being the applicants; and
- There was no interest expressed in the continued use of the property for a clinic or consulting rooms or any form of community use.

The absence of market interest demonstrates that there is no realistic prospect of the building returning to its previous use or being occupied for a community purpose.

Accordingly, the proposal therefore satisfies criterion (b) of Policy LP48, which permits the loss of a community facility where the scope for alternative community uses have been considered.

Summary and conclusion

Notwithstanding the view that neither Local Plan Policy LP48 or Framework guidance applies, seeking to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, the evidence demonstrates that no alternative community use has come forward despite active marketing. In such circumstances, retaining the existing use would serve only to prolong vacancy and place the future of the building at risk.

Importantly, the proposal involves provision of assisted living accommodation within Use Class C2 which performs an important social care function, providing specialist accommodation and support for those requiring assistance with daily living. The proposal will therefore deliver a significant community benefit while

responding to an identified and growing need for specialist care accommodation and will secure the long-term future of this listed building by introducing a viable and sustainable use.

For these reasons, the proposal complies with the requirements of Policy LP48 of the Kirklees Local Plan and the objectives of the National Planning Policy Framework.