
Appeal Decision

Site visit made on 10 May 2022

by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th May 2022

Appeal Ref: APP/Z4718/W/21/3282464

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms G Royds against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/91219/W, dated 24 April 2020, was refused by notice dated 6 July 2021.
 - The development proposed is described on the application form as change of use, removal of internal walls and installing new spiral staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is clear from the decision notice and appeal form that the proposal is for the change of use of the first floor of the premises only, from residential accommodation to additional dining space and kitchen store. I have dealt with the appeal on that basis. In addition to that, the proposal includes the removal of internal walls at first floor level and the replacement of a staircase with a new spiral staircase
3. Listed building consent for internal works to the first floor was granted on 30 April 2020¹. Therefore, on that basis and given that no further issues are raised by that specific aspect of the proposal, I am satisfied that the building and any features of special interest would be preserved in accordance with s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

4. The main issue is the effect of the proposal on parking within the local area having particular regard to the amenity of residents and highway safety and convenience.

Reasons

5. The Butchers Arms is a prominent building dating from the early C19, situated at the heart of the Hepworth Conservation Area facing Town Gate and side on to Upper Gate. The property has a car park with spaces for eight vehicles for

¹ Application ref: 2020/65/91220/W

use by patrons and staff to the front, through which is vehicular and pedestrian access onto Upper Gate.

6. Surrounding streets, which form part of the historic street pattern, are narrow with footpaths generally to one side of the road only. Residential development sits at the back of the footpath or close to it. Many properties have no off-street parking provision as a result of their age, terraced type and/or position in relation to the street. Accordingly, the demand for parking space on street is high. At my site visit, mid-morning on a weekday when the public house was closed, there was a significant amount of on-street parking evident and limited remaining space available. At night when residents are at home it is likely that demand for parking space will be higher. I also noticed a number of 'no parking' signs on properties including on the side door of the public house which, to my mind, further indicates a high level of parking stress in the area.
7. The proposal would provide additional dining space, plus additional kitchen space to the first floor of the building, in addition to that which exists on the ground floor. From all I have read, the existing dining room can accommodate 75 people. The car parking arrangements would remain as existing with two of the eight spaces reserved for staff.
8. The proposed first-floor dining area was sought to enable the premises to accommodate a similar number of customers as it does now, but in a socially distanced manner. The application was made at the height of the coronavirus pandemic when such measures were required. The appellant's highway Technical Note is based on that premise. However, social distancing is now no longer required and it seems to me that the space could be used in a more intensive way, including for functions, to accommodate a far greater number of people in the building than at present.
9. I have considered whether it would be appropriate to restrict the number of patrons using the remises at any one time to 74 which is the maximum number suggested by the appellant. However, I share the Council's view that such a condition would not be enforceable. Accordingly, such a condition would not meet the tests set out in the Planning Practice Guidance. Without any restriction, whilst there would no longer be a need for parking in association with the existing residential unit, there would be a potentially significant increase in demand for car parking space from patrons and staff in addition to that which already exists.
10. No parking standards or specific parking assessment have been drawn to my attention. The assessment of the proposal in terms of its effect on parking provision in the area is therefore one of judgement taking into account the likely demand for parking space, the space available and the surrounding context. Some of the staff and customers will undoubtedly be from the local area and will walk to the premises. Others will use public transport. In that regard I noted the presence of a bus stop near to the site although there are limited details of the bus timetable before me and the service provision is unclear.
11. There is a significant difference in the evidence presented by the Council and the appellant's traffic consultants regarding the number of vehicle trips the proposal would generate based on the existing floorspace. However, notwithstanding that difference, it is clear that no further parking demand can

be met on site and can therefore only be met on street. As set out above, from all I have seen and read, existing on-street capacity is already very limited.

12. The National Planning Policy Framework seeks to build a strong competitive economy including, at paragraph 84, through the sustainable growth and expansion of businesses in a rural area. The enlargement of the dining area would undoubtedly be of economic benefit to the appellant, particularly if the number of patrons was unrestricted. This matter carries significant weight. The proposal would also be of some social benefit although there is no evidence that without the change of use of the first floor, the business would no longer become commercially unviable. I am therefore unconvinced on the basis of the evidence before me that the proposal is necessary to sustain the existing community facility.
13. However, the Framework also seeks to achieve inclusive, safe and accessible places and notes that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Given that parking demand cannot be met on site it would add to parking stress in the area causing inconvenience to residents, indiscriminate parking and highway congestion which, given the narrow width of the roads and limited pavements, would be detrimental to the free flow of traffic and highway and pedestrian safety. Accordingly, the proposal would not achieve the aims of the Framework and would not therefore constitute the sustainable development required by paragraph 84.
14. Therefore, to sum up, whilst there are economic benefits associated with the proposal, it would result in an increased demand for parking space which would not be met on site and which would cause harm to the amenity of local residents and to highway and pedestrian safety. Such harm carries considerable weight and therefore outweighs the benefits of the proposal.
15. For these reasons the proposal would be contrary to Policies LP16 (d & e) LP21 and LP22 of the Kirklees Local Plan 2019 which seek, amongst other things, to avoid the potential harm of food and drink proposals on a centres; require adequate information and mitigation measures to avoid a detrimental impact on highway safety; and seek to ensure a safe and efficient flow of traffic on the surrounding highway network.
16. There are no other material considerations which indicate that a decision should be taken other than in accordance with the development plan. Therefore, for these reasons, and taking into account all other matters raised, including representations from local residents, the appeal is dismissed.

S Ashworth

INSPECTOR