



Appeal Decisions

Site visit made on 13 December 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal A Ref: APP/Z4718/W/22/3299261

Ye Olde Black Bull, 50 West Street, Lindley, Huddersfield HD3 3JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Greene King against Kirklees Metropolitan Council.
 - The application Ref: 2021/94440, is dated 25 November 2021.
 - The development proposed is described as 'alterations to the external site areas to provide new customer seating areas, with new raised decking area with frameless glass balustrading, new LED festoon lighting and support posts, new fixed seating and new brick walled yard area.'
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Appeal B Ref: APP/Z4718/Y/22/3299265

Ye Olde Black Bull, 50 West Street, Lindley, Huddersfield HD3 3JT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Greene King against Kirklees Metropolitan Council.
 - The application Ref: 2021/94441 is dated 25 November 2021.
 - The works proposed are described as 'alterations to the external site areas to provide new customer seating areas, with new raised decking area with frameless glass balustrading, new LED festoon lighting and support posts, new fixed seating and new brick walled yard area.'
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Decisions

1. **Appeal A** – The appeal is dismissed and planning permission is refused.
2. **Appeal B** – The appeal is dismissed and listed building consent is refused.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The appeals were submitted on the basis of the failure of the Council to determine the applications within the prescribed timescale. The Council has submitted statements of case which confirm that, subject to suggested conditions, it would not be opposed to the Planning Inspectorate being minded to approve the planning permission and listed building consent.
5. Nonetheless, I am mindful that the appeals concern a Grade II listed building¹, to which the statutory duties set out in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) apply.

¹ The Black Bull Public House, List Entry Number: 1266828

6. Therefore and for the avoidance of doubt, in determining the appeals, while I have considered the evidence submitted by both parties, I have also had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Reasons

7. In undertaking the site visit and considering the proposal, I have noted a number of omissions, inaccuracies and/or inconsistencies between the drawings submitted as part of the applications and appeals and the building on site, as well as between the drawings themselves.
8. These include differences in relation to the presence, dimensions, form and/or roof-forms of the painted brick additions at the rear; differences in the location, dimensions and/or form of window openings within the rear and side elevations; the presence of an existing area enclosed by a timber fence abutting what is referenced 'bin store' not shown on the drawings; and the presence of an existing timber clad dormer at the rear of the building not shown on the drawings. These discrepancies also raise doubts as to the accuracy of the red line boundary as shown on the submitted site location plan.
9. The parties were given the opportunity to comment on these matters. The Council responded on 3 January 2023, concurring that there are a number of discrepancies between the submitted drawings and the actual buildings and yard area on site; and confirming the presence of a dormer at the rear of the building. With regard to the red line boundary, the Council invited the Appellant to affirm whether the ownership of the land, as stated in the application form, is accurate. No comments have been received from the Appellant.
10. It is imperative that drawings are accurate and unambiguous to avoid doubt about what is proposed. Notwithstanding my views on the planning and conservation merits of the proposal, the numerous and substantial discrepancies and uncertainties outlined above give rise to considerable concerns regarding the detail of the proposal. Moreover, they generate serious reservations as to whether it could even be implemented. These matters are highly undesirable in general terms, but even more so given the building's Grade II listed status, a designated heritage asset of national importance.
11. Taking the above into account, I am unable to properly assess whether the proposal would preserve the Grade II listed building known as the Black Bull Public House, or its setting or any features of special architectural or historic interest which it possesses. Nor can I accurately evaluate its effects on the living conditions of nearby residents, highway safety or biodiversity.
12. Consequently, I cannot reasonably determine whether the proposal would meet the requirements of sections 16(2) and 66(1) of the Act. Nor can I draw any conclusions against the relevant policies of the Kirklees Local Plan (2019), or the relevant provisions of the National Planning Policy Framework (2021).
13. Accordingly, for the reasons given above, I conclude that **Appeal A** should be dismissed and planning permission refused, and that **Appeal B** should be dismissed and listed building consent refused.

F Cullen INSPECTOR