
Appeal Decision

Site visit made on 11 August 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/Z4718/W/25/3366746

New Sanam Sweet Centre, 199 Church Street, Paddock, Huddersfield HD1 4UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ali Saroya against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2025/62/90032/W.
 - The development proposed is conversion of hot-food takeaway to two apartments and first floor in-fill front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the appellant provided correspondence from Huddersfield Lettings regarding the marketing of the appeal premises to address concerns raised by the Council in its officer report. As the appeal has followed the written representations procedure, the Council has had the opportunity to comment on this matter in an appeal statement, had it chosen to do so. I am satisfied that no parties would be prejudiced in taking the letter into account in determining the appeal.
3. The door openings shown on the proposed ground floor and rear elevation plans do not correlate. Despite the discrepancy, I am satisfied that there is sufficient information before me to determine the appeal in relation to the main issue.

Main Issue

4. The main issue in relation to this appeal is whether the loss of a main town centre use would be acceptable in a local centre, with regard to local and national planning policy.

Reasons

5. The appeal site comprises an end of terrace property located in the Paddock local centre as defined by the Kirklees Local Plan; Strategy and Policies (KLP) 2019. It faces Church Street as a single storey building with a 2-storey section to the rear. Most recently occupied as a hot-food take-away¹ the appeal site was vacant at the time of my visit.
6. Policy LP13 of the KLP seeks to support the growth and diversification of the economy including through strengthening the role of town and other centres that provide a range of services to meet the needs of local residents. It explains that the role and function of a local centre is to provide for top-up shopping and local

¹ Following the granting of planning permission under application reference 98/93166 for the change of use from a greengrocer to hot food takeaway, as described in the Council's officer report.

services, particularly food and drink. The policy seeks to support developments for main town centre uses in such locations. However, proposals that would have a significant adverse impact on the vitality and viability of a centre or would compromise the role and function of a centre, will not be supported.

7. Policy LP13 is supplemented by Policy LP15 of the KLP. It supports residential uses in town centres where 8 criteria are met. The National Planning Policy Framework (the Framework) states that references to 'town centres' or 'centres' apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. With no evidence presented by the appellant to the contrary, it seems reasonable to me that Policy LP15 applies to all identified centres in the KLP, including local centres.
8. Neither party has supplied clear evidence to clarify where the Paddock local centre begins and ends and, it was not obviously apparent from my site visit which properties would be included or excluded from the designation. Neither is it clear whether the local centre has a defined primary shopping frontage and whether the appeal site would fall within it. Nonetheless, at criterion b) and c) Policy LP15 states that residential uses will be supported within the defined town centres, subject to the protection of the character of the centre and the protection and retention of existing ground floor uses and active frontages, both within and outside the primary shopping area.
9. The appeal site forms part of a concentrated run of ground floor premises at the western end of Church Road. There are also other commercial uses around the nearby roundabout, as well as spread along predominantly the southern side of Church Street, often interspersed with 2-storey dwellings at varying intervals up to South View. It is not known whether these premises also fall within the local centre of Paddock and therefore, whether residential uses are part and parcel of the character of the centre. Irrespective, the Council is clear that the appeal site falls within a defined local centre.
10. There is no doubt that the proposal to extend and convert the existing building into 2 apartments would result in the loss of a ground floor commercial use and thus an active frontage that Policy LP15, specifically criterion c), seeks to protect. Whilst a number of premises would remain, the offer of services and facilities available to local residents would nonetheless be reduced as a result. Neither party has provided any information to demonstrate what impact such a loss would have on the local centre overall in terms of the proportion of units or the effect on the amount and type of commercial floorspace remaining. It is therefore unknown whether the role and function of the centre would be compromised.
11. The Huddersfield Lettings document advises that the appeal site has been marketed to let for 12 months and I observed a letting board in situ during my visit. The letter advises that no suitable interest or takers for the property have been received. However, it does not explain when the property was marketed, at what price and whether that would be realistic in respect of market values when compared to similar premises in the local area. Although it suggests that the property has been listed on relevant property portals and platforms, it is unknown whether these were specifically for commercial premises. Information on the number of viewings and reasons why the premises was not deemed suitable, have not been supplied.
12. Without the specific lettings particulars themselves, it is also unknown whether the appeal site was marketed solely on the basis of its existing use as a hot food

takeaway or whether it was advertised with the potential for a change of use to another main town centre use, subject to any necessary permissions. For these reasons, I am not satisfied that the marketing exercise undertaken has been sufficiently robust and that all reasonable efforts have been made to retain the ground floor in a commercial use.

13. Based on the lack of evidence before me, it has not been demonstrated that the proposal would not have a significant adverse effect on the vitality and viability of the defined local centre, or that it would not compromise the role and function of it. It has not therefore been demonstrated that the loss of a main town centre use would be acceptable in a local centre. It follows that I find conflict with Policies LP13 and LP15 of the KLP as set out above.

Planning Balance and Conclusion

14. The Council cannot demonstrate a 5-year supply of deliverable housing sites (5YHLS). The current level of shortfall is unknown, albeit in 2023 the position was 3.96 years supply of housing land. The lack of a 5YHLS means that paragraph 11(d) of the Framework is engaged. In accordance with paragraph 11d)(ii) consideration must be given as to whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
15. The proposal would provide 2 dwellings in a location where future occupants would have access to local services and facilities. Direct and indirect economic contributions would occur during the construction period and through the occupation of the dwellings which would also be of social benefit. Whilst any contribution to housing land supply would be worthwhile, the benefits would be restricted to the provision of 2 dwellings that would make a limited contribution to housing supply overall.
16. The proposal also includes the provision of an extension which although not entirely consistent with the proportions and height of neighbouring buildings, would nonetheless not be harmful to the overall appearance of the appeal site and its contribution to the character and appearance of the area. However, it has not been demonstrated to me that such an extension could not be accommodated whilst also retaining a ground floor town centre use. This therefore attracts limited weight as a benefit of the scheme.
17. Notwithstanding the above, the appeal site has a role in the provision of services and facilities within a local centre. Even if residential uses could be considered acceptable, it has not been demonstrated that in this instance the loss of a ground floor main town centre use would not be detrimental to the function, vitality and viability of the local centre. Without substantive evidence to the contrary, the harm is a matter I attach substantial weight to, having regard to the provisions within the Framework in respect of the vitality of such centres. Consequently, I find that the adverse effects of granting permission would significantly and demonstrably outweigh the limited benefits. The proposal would not represent a sustainable form of development.
18. The proposal would conflict with the development plan and there are no other considerations, either individually or cumulatively that would outweigh the identified harm and conflict with the development plan. The appeal is dismissed.

M Clowes - INSPECTOR