



Appeal Decision

Site visit made on 26 August 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/Z4718/W/25/3365430

White Hart, Huddersfield Road, New Mill, Holmfirth HD9 7JU

- 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 Rodgers against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92304/W.
 - The development proposed is change of use of former pub to 3 residential units, the provision of a single dwelling on the former car park to the east of the pub.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address is taken from the decision notice and appeal form which accurately describe the location of the site.

Main Issue

3. The main issue is the effect of the proposal on the provision of community facilities within, and on the vitality and viability of, New Mill Local Centre (LC).

Reasons

4. The appeal site is in the defined LC. It contains a vacant two storey former public house (pub), last used in 2020, and its car park. The area directly to the rear of the building has a neglected appearance and it is apparent from the outside that the building interior is in a dilapidated condition.
5. Policy LP48 of the Kirklees Local Plan (LP), adopted February 2019, seeks, amongst other things, to prevent the loss of valued community facilities, such as pubs, stating that they will only be permitted where it has been demonstrated that at least one of the specified criteria, a) to d), is met. Additionally, any assets listed on a Community Asset Register must also satisfy criterion e). However, there is no information before me to suggest that this applies in this case.
6. There are no other pubs in the LC but there is the New Mill Club (the club), a private members club, where drinking and socialising can take place. In the absence of evidence to the contrary, it could be assumed that membership of the club must be applied for, which could take time and is not guaranteed, and that membership numbers are limited. Therefore, whilst noting that the annual membership fee is relatively small, I consider that there are barriers that restrict the community's access to it. Consequently, it does not provide a directly comparable and acceptable alternative community facility within the LC.

7. My attention has been drawn to the proximity of the site to Holmfirth Town Centre, and to the existence of several pubs within an accessible location in a one-mile radius of the appeal site. The appellant states that such provision is marginally above the average pub density in Yorkshire and the Humber. This is not disputed by the Council and there is nothing before me that would lead me to disagree. However, this does not demonstrate that the number of pubs close to the appeal site is sufficient to serve the needs of its local community. Therefore, whilst noting the pub has not been used for over five years and that its loss has already been felt by the local community, who have likely made alternative arrangements, there is no evidence before me that demonstrates that there is no longer a community need for a pub on the appeal site.
8. I appreciate that former tenants were reluctant to invest in improvement works, as the business was struggling financially, and that since the last tenant vacated the premises it has deteriorated. It is reasonable to assume, given its state of repair, that to reopen as a pub would require significant investment. Nonetheless, in the absence of attempts to test the market, it has not been demonstrated that a future owner willing to meet those costs would not come forward, or that such costs would mean that the ongoing business would be unprofitable. Additionally, as no active marketing has taken place, it has not been demonstrated that an alternative community use could not be found for the premises.
9. On the evidence that is before me, and for the above reasons, I am not satisfied that there is no longer a need for the facility, that all options including the scope for alternative community uses have been considered, that the current use is no longer viable, or that there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location. Therefore, criteria a), b) and c) of LP Policy LP48 has not been met. Furthermore, as the proposal does not include any alternative facility of equivalent or better standard on-site or in an equally accessible location, criterion d) is not met. Accordingly, the proposal conflicts with LP Policy LP48.
10. I acknowledge that the proposal would lead to the residential reuse of the building, and that, as set out at paragraph 90 f) of the National Planning Policy Framework (the Framework), residential development often plays an important role in ensuring the vitality of centres. For the reasons given above, I cannot be certain that there is no demand for a pub within the LC or for a community facility that would be a main town centre use. In such circumstances, the permanent loss to residential development, as proposed, would erode the vitality and viability of the shopping centre in the long term. Consequently, it would undermine the LCs role in the shopping centre hierarchy, which is to provide local services, particularly food and drink, as well as top-up shopping. This harm would not be outweighed by the contribution that residential development would make to the health of the LC.
11. I therefore conclude that the proposal would have a harmful effect on the provision of community facilities within, and on the vitality and viability of, the LC, due to the loss of a valued community facility. As such, it would conflict with LP Policy LP48 referred to above. It would also conflict with LP Policy LP13 which is not supportive of proposals that have a significant adverse impact on the vitality and viability of a centre or compromise its role and function, and Policy 9 of the Holme Valley Neighbourhood Development Plan which seeks to protect and enhance local community facilities.

Other Matters

12. The appellant indicates that the Council has a 3.96-year supply of housing and that the latest Housing Delivery Test results show that the Council has delivered 54% of its housing requirement. Such figures are not disputed by the Council, and it acknowledges that paragraph 11d) of the Framework therefore applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
13. The appellant refers to the site being a target for anti-social behaviour, including fly tipping. However, little evidence is before me to demonstrate that this is a significant issue.

Planning Balance

14. The proposal would provide two- and three-bedroom houses to the local supply and contribute towards the Government's aim of boosting the supply of housing and would make an effective use of previously developed land in a location that has good access to services and facilities. However, as the contribution would only be four dwellings, the proposal would not address the under delivery and consequent shortfall in housing in a meaningful way. Accordingly, this benefit only carries moderate weight. For the same reason the economic and social benefits arising from the proposal, including the contribution it would make to the vitality of the LC as referred to above, also carries moderate weight.
15. On the other hand, the proposal will result in the permanent loss of a valued community facility which is contrary to policy. It would also conflict with paragraph 98 of the Framework which states that decisions should guard against the unnecessary loss of valued facilities and services, and ensure that established shops, facilities and services are retained for the benefit of the community. Given that the proposal conflicts with adopted policy that is broadly consistent with the Framework, the harm due to the loss of a community facility is a matter of considerable weight.
16. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, so the proposal does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) ii) of the Framework.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
18. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR