



# The Holywell News

Volume 4 - Issue 10 - March 2017

# VICTORY FOR COMMON SENSE

So after an agonising wait of some three weeks we finally received the fantastic news we'd been waiting for!

The planning inspectorate held an informal hearing at Halifax Town Hall on Thursday February 2nd - to determine the appeal made by Mr Gale regarding the refusal of planning permission made by the council in March 2016.

This was a long hard day for us and followed weeks of preparation for the event.

But Mr Keith Manning who heard the appeal comprehensively dismissed it, which is of course exactly the outcome we desired.

Inside this edition you'll see a complete report of the whole event and an analysis of where we are now.

But first of all we need to say thank you to some special people!

**NEW  
SHAREHOLDERS  
WELCOME**

## The brilliant Scott Stemp!

Scott advised us on all the legal matters surrounding the appeal and we're completely indebted to him for this.

You can read Scott's thoughts on the appeal decision inside this newsletter, but he simply is the best!



## Our very own Mark Stead!

Mark has worked tirelessly on this campaign and was part of our 'front bench' team at the hearing.

Articulate, eloquent and measured as always, Mark made some very pertinent observations and comments throughout the day.



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# Planning appeal hearing

## Halifax Town Hall February 2nd 2017

So the appeal hearing commenced in the town hall at 10.00 am and we had a number of people attending.

Our team consisted of barrister Scott Stemp, John Walsh and Mark Stead, with further support from Chris Judd, Beverley Smith-Walsh, David Humphreys, Ian Whiteley and Graham Gent. Councillor Chris Pearson was also in attendance and made some very strong points to the appeal inspector Mr Keith Manning.

We also had former planning committee chairman David Hardy supporting us.

Mr Gale was accompanied by his wife Cheryl, estate agent Jonathan Holmes (who left shortly after the start) and structural surveyor David Hough.

The council were represented by solicitor Noel Scanlon and senior planner Claire Dunn.

After outlining the preliminary matters Mr Manning decided to move away from the proposed agenda at the request of Mr Gale.

He wished to read out a lengthy statement of the case but shortly after commencing the council solicitor Mr Scanlon brought this to a halt. Mr Scanlon pointed out that we had an agenda and it should be followed.

So each party then gave a brief statement on the most important points of the case from their perspective.

The rest of the morning was taken up with a number of legal issues - and particular reference to policy CF5 of the Calderdale RCUDP. Obviously Scott was in his element at this point!

Planning appeal hearing - Halifax Town Hall February 2nd 2017

After the lunchbreak we then got down to the debate about viability, need, possibilities and prospects.

We put forward a very strong case on behalf of the community, the work we've done so far and the far reaching support we've received.

Mr Gale and Mr Hough questioned us at length about the business plan, and Mark clearly explained the relevance of it is a strategic document.

We then made a very compelling case regarding the location of the Holywell Inn, the demographic of the area, the factors relevant to the success of a public house and examples of other successfully run community pubs.

Mr Gale was clearly unaware of the recent developments of his 'contact' at the Rock Hotel. We emphasised how important this point should be considered as to his knowledge of the area.

As the hearing drew to a close the council were asked if they had heard anything new that would now change their decision to refuse the original application, and Mr Scanlon answered with a very emphatic no!

Following the closing comments a site visit took place in Holywell Green, at which Mr Manning suggested that all the attendees walk down to the Rock Hotel - and more importantly back up!

And then our wait for a decision began . . .



And on Monday February 27th that decision arrived by e-mail.

Obviously we were confident that the appeal would be dismissed but of course we had to be patient!

We also hoped that the reasons for dismissal would be comprehensive.

We could not have had a better result!

Keith Manning wrote a 15 page document explaining his reasons for dismissing the appeal.

He made it clear that if Holywell Green is a distinct village from either Stainland or West Vale the Holywell Inn certainly lies at its centre. He had undertaken the walk to Stainland the day before the hearing and remarked that it would not be pleasant at night or in bad weather. He also stated that the gradient involved on walking to the Rock 'would be more of a deterrent even supposing its management were successful in making it attractive to a wide range of local customers.'

Reference is also made to the lack of trading accounts and anecdotal evidence from a former landlord but Mr Manning explains that the Holywell at first sight would not seem to be the sort of establishment where such a decline would be expected. It is not isolated within the countryside but neither is it in a marginalised urban area.

Superficially at least it is an attractive, solid looking establishment at the heart of the village in a prominent location on a main road and evocative of the best welcoming traditions of such establishments.

Mr Manning went on to state that as a traditional public house and with realistic expectations as to purchase price, the Holywell Inn could well have a future along the lines of its historic use. Clearly, that assumes competent management and adequate entrepreneurial flair. Crucially, however, that goes directly to the acquisition cost for any party seeking to run it as a viable business, whether for a conventional wetted local only or as a more ambitious and diverse enterprise.

Referring to our group Mr Manning stated 'Given the history, track record to date and profile of the HCP, which has been responsible for a variety of initiatives to bring the community together with the ultimate object of securing control of the Holywell Inn and running it as a community enterprise, I am in no doubt that the necessary commitment potentially exists within the community to do exactly that.'

Throughout this whole campaign we have stuck rigidly to our belief that policy CF5 of the Calderdale RCUDP is relevant to this case and on that point Mr Manning stated 'Policy CF5 is the most directly relevant policy of the development plan. It is quite specific and in this instance there would be a clear breach of its terms and intentions if the appeal were to be allowed. That policy, moreover, is entirely consistent with the intentions of paragraph 70 of the Framework.'

We couldn't possibly have expected a better outcome!



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SHAREHOLDERS  
WELCOME**



# who we are

## COMMITTEE MEMBERS

Committee Members  
 John Walsh (Chair)  
 Chris Judd (Vice Chair)  
 Heather Stead (Secretary)  
 Beverley Smith-Walsh (Treasurer)  
 Mark Stead (Director)  
 Peter Lassey  
 Graham Gent  
 Ian Whiteley  
 Linda Whiteley  
 David Humphreys  
 Chris Pearson  
 Rob Chevalier

## SOLICITORS

Julian Bond  
 Glaisyers Manchester

## ACCOUNTANTS

Barlow-Andrews Bolton

## BARRISTER

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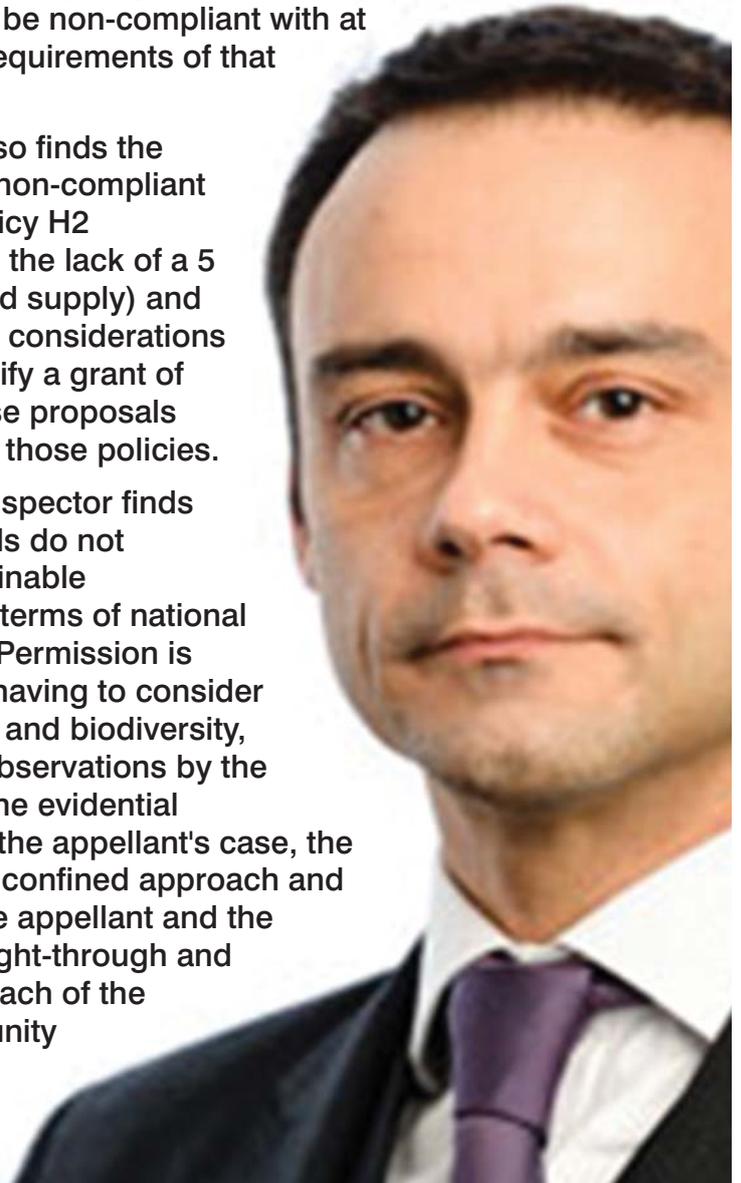
# And the analysis from Mr Stemp...

"A strong, well-reasoned and considered decision letter which affords full weight to policy CF5 and then finds the proposals to be non-compliant with at least 3 of the 4 requirements of that policy.

The Inspector also finds the proposals to be non-compliant with housing policy H2 (notwithstanding the lack of a 5 year housing land supply) and finds no material considerations which would justify a grant of planning for these proposals which contradict those policies.

In addition the Inspector finds that the proposals do not constitute "sustainable development" in terms of national planning policy. Permission is refused without having to consider the issue of bats and biodiversity, with additional observations by the Inspector as to the evidential inadequacies of the appellant's case, the constrained and confined approach and experience of the appellant and the committed, thought-through and thoughtful approach of the Holywell Community Pub group.

An excellent result."



We're now more determined than ever to bring back this public house to the benefit of all local residents and beyond! Our community events programme for this year is already being discussed and of course you are more than welcome to attend our regular meetings. Next one is on Thursday March 9th at the White Swan in Outlane as normal. Please join us at this very important time.