



Appeal Decisions

Site visit made on 8 January 2025

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2025

Appeal A Ref: APP/X4725/W/24/3343688

Horbury Business Complex, Westfield Road, Horbury, Wakefield WF4 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jonathan Bootland against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/00733/OUT.
 - The development proposed is described as 'Outline application for the extensions and renovation work to existing buildings on site, extending and improving the existing office provision and partial change of use to E(b) Cafe and C3 Residential flats. The scheme also includes the construction of a new detached office and leisure building including an external rooftop pool, and various public realm improvements (outline application with Landscaping as reserved matter).'
-

Appeal B Ref: APP/X4725/Y/24/3343697

Manor Road Workspace & Depot Manor Road, Horbury, Wakefield WF4 6HH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jonathan Bootland against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/01850/LBC.
 - The works proposed are described as 'Extension and renovation work to existing vacant Grade II gas decontamination centre with 'floating' glazed box extension above creating new offices and the change of use of the existing ground floor into E(b) Cafe.'
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs was made by Mr Jonathan Bootland against Wakefield Metropolitan District Council. This application is the subject of a separate decision.

Preliminary Matters

4. On 12 December 2024, the Government published a revised version of the National Planning Policy Framework (the Framework). As the changes do not affect the main issues of this appeal, I have not sought the views of the main parties in coming to my decision.
5. There are two appeals which relate to the same development proposal on the same site, although Appeal B relates only to the proposed works to the listed

building. For expediency, I have dealt with both appeals in the same decision letter.

6. Appeal A is submitted in outline form with landscaping subject to a future reserved matters application. I have proceeded on this basis, understanding that matters relating to landscaping are submitted with limited information at this time.

Main Issues

7. The main issues are as follows:

- For both appeals - whether the proposal would preserve the listed building or any features of special architectural or historic interest which it possesses
- For Appeal A only - whether the proposal would provide sufficient parking provision to ensure highway safety is maintained in the area.

Reasons

Listed Building

Special Interest and Significance

8. The Horbury Gas Decontamination Centre (GDC) is Grade II listed and was evidently constructed in 1939. It is predominantly single storey and is constructed of red brick with notable features such as the flat roof and water tank tower to its southern elevation, of which the listing description¹ states are typical features of a building of this type. The two projecting former air locks to either end are also still intact, although I understand from photography submitted by the appellant that generally speaking the internal areas are in a state of disrepair due to a lack of maintenance and former use for storage.
9. I have had due regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which place a statutory duty on the local planning authority or the Secretary of State to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
10. From all that I have seen and read, the special interest and significance of the GDC is derived predominantly from its historic and architectural interests. Historic interest is drawn from its war time origin and the ominous original purpose of the building to treat victims of gas or chemical weapons during enemy attacks. This has links to wartime history but also communal value to residents of local areas who would have treated there should it have ever been needed.
11. Architectural interest is drawn from the building's utilitarian form and appearance, which would have been dictated by financial constraints of the time which meant averting resources towards the war effort. Its original materials and fabric are evidently largely unchanged, while its simple form and probable hasty construction is evident through its legible character, which contributes considerably to its special interest. Moreover, the design is evidently reminiscent of similar buildings which were constructed throughout

¹ List Entry Number: 1462139

the country at a similar period, as shown in some of the examples given in the appellant's Heritage Statement. The form, flat roof and prominence of the water tank tower is displayed in these, while the general scarcity of remaining examples of this type of structure further adds to its special interest and significance.

Effects of the Proposal

12. The proposal seeks to change the use and convert the GDC to a café along with external seating areas and landscaping. Furthermore, the plans include the erection of an additional storey formed of glass and steel to accommodate offices. I understand that amendments were made during the application process, which has resulted in a lower overall height of the proposed glass structure, among other things.
13. While repairs to the building may be beneficial given years of neglect, the introduction of an overtly modern materials such as glass would harmfully alter the simple appearance of the building and in particular its flat roof. This simple form was born of necessity and is crucial to understanding the historic context of the building. While I see no issue with the change of use and repurposing of the building in principle, the proposal would diminish the legibility and understanding of the listed building as a whole. Moreover, the extensive use of glazing for the extension would also appear incongruent with the relatively simple spread and design of fenestration which the building displays at present.
14. The height of the extension would be approximately 6m. Alongside harmfully altering the simple form and proportions of the listed building, this height would also rise above the water tank tower, undermining the primacy of this important feature that is readily associated with this type of structure. While the glass is referred to as 'light weight', there is nothing before me to indicate whether it would be permeable or opaque. It seems inevitable that in order to offer users of the office some privacy, screening would be required. This would accentuate its impact and the additions would ultimately overwhelm the original building.
15. This lack of detail is concerning in general and there are scant details of some important aspects of the scheme, such as any ventilation and extraction equipment which would inevitably be required for a café, specific details of materials, pipework and details of repairs or restorations to the windows, airlock door, brickwork, and the existing roof. I note some of these were raised by Historic England in their consultee response. I therefore cannot agree that the design is 'high quality' without sufficient detail to enable this understanding.
16. Similarly, there is nothing before me to indicate whether the building could withstand the increased structural load of the extension as there is no structural survey before me. There are sketches of general approaches to attaching the structure to the building, but this mentions penetrations into historic fabric. It is therefore unclear how it can be concluded that the impact of any enabling services will be negligible on the historic fabric. To my mind, the existing roof is part of the historic interest of the building and the loss of historic fabric alongside harm to the simple form and proportions of the building would be significant.

17. It is imperative that proposals are accompanied by drawings and specifications of sufficient detail to illustrate and/or describe the proposed works/developments in order to avoid any uncertainty over the extent of what is proposed, and to allow a robust assessment of any consequent effects. This lack of information casts significant doubt over their individual impacts both physically and their subsequent appearance. This is highly undesirable in general terms, but especially given that the property is a Grade II listed building for which great weight is given to their conservation.
18. I am mindful of the duties arising from the Act, and I am unable to assess whether these parts of the overall proposal would preserve the special interest of the listed building. Nor could I reasonably draw any conclusions against the relevant sections of the Framework. Whilst I note that the Council did not refuse the applications in these terms, I have reached my own conclusion on the evidence before me which is borne out of a lack of detailed information and certainty over any resultant impacts.
19. The appellant suggests that further information could have been requested via condition attached to a grant of permission/consent with regards to materials and structural elements. While this is not uncommon for extra information on materials, there are fundamental concerns regarding the design as a whole. To that end, requesting further details to ensure no harm would not meet the test of being reasonable given there is nothing before me to indicate this is even achievable at this stage.
20. My attention is drawn to another development at Furze Lodge in London. This was also a disused gas decontamination centre which has been converted. Although it appears from the photograph to have had more changes to its form implemented than the proposal before me, I have no further information on this development, such as what the end use was or full plans/drawings. As such, I cannot be certain that it compares to the proposal before me, which I have assessed on its own merits.
21. I therefore conclude that the proposal would not preserve the Grade II listed building or any features of special architectural or historic interest which it possesses and would thus fail to satisfy the requirements of sections 16(2) and 66(1) of the Act for the reasons given above.
22. The proposal would also be contrary to the provisions of the Framework with respects to the historic environment and policies 63 and 64 of the Wakefield Local Development Framework Development Policies (DP) (adopted April 2009), which seek to ensure that development proposals affecting a designated heritage asset, including its setting, shall conserve or enhance the significance of the asset, among other things.

Heritage Balance

23. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case, the level of harm would be less than substantial. Despite not being Grade I or II* listed, this harm weighs considerably against the scheme.
24. Turning to paragraph 215 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

25. Notwithstanding its listed status, the reuse of an existing building and additional café and office space would be worthy of some moderately positive weight in favour of the scheme. There would be further limited weight from proposals to increase public engagement with the building and discovering its history.
26. While the appellant states that the proposal would represent the optimum viable use, there is nothing before me to indicate why. There are two uses proposed for the building and the Planning Practice Guidance (PPG) advises that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. From the plans before me it is clear that the least harmful use would be the café given it could occupy the ground floor with minimal intervention².
27. However, it would seem that the office space exists to help make the café viable and without that element of the scheme, the café would likely fail that test of viability. I note the appellant concurs as much. Despite reference to a sequential test, there is nothing before me to indicate that office space is required in the Council area in general. As such, if this space was to go unused, particularly in light of shifting working patterns, the uses of the building would not remain viable.
28. Moreover, there is clear need for trade from the wider development of the site and the enhancement of the setting of the listed building. I note the appellant concludes as much in their appeal statement. Without this, the optimum use would not appear to be viable. As such, there is nothing convincing before me to substantiate that the proposal would represent the optimum viable use of the building. There is also little information on any other public benefits which may accrue. As such, the benefits as presented to me would not outweigh the harm I have identified.

Parking and Highway Safety

29. The appeal site forms part of a larger, mixed-use complex and comprises converted buildings used for a variety of businesses, the listed GDC and hardstanding. Although outside the red line boundary of the appeal site, the wider complex also includes the former town hall building and a library, with vehicular access taken between the two buildings from Westfield Road. A one-way system is in operation, and vehicles egress onto Manor Road to the east.
30. Appeal A seeks outline planning permission comprising several elements. These include extending and changing the use of the GDC to form a café at ground floor level with office space above contained within a new glass and steel structure. The converted buildings on the north of the site would be extended and include two dwellings and office space, while a new building would be constructed roughly midway between the two existing buildings on the site. This would include leisure uses including a gym and spa, as well as further office space. The proposal would also include a more formal parking

² Paragraph: 015 Reference ID: 18a-015-20190723

arrangement within the site, with the existing access and egress arrangements retained.

31. Evidently, there are two parking standards which are applied by the Council depending on the location of development in either a town centre or out-of-town-centre site. I note this is not disputed, although which standard should be applied is. The figures given are inconsistent; the appellant's appeal statement advises 42 spaces would be required for a town centre standard and 10 for the out-of-town requirement, while the Transport Statement (TS) advises 41 spaces would be required for an out-of-town standard. In both approaches, the lower standard of 10 spaces has been applied, for which the proposal would exceed.
32. However, the proposals map of the adopted LP clearly defines the town centre boundary of Horbury. Both the TS and appeal statement argue that the appeal site is on the edge of this boundary, although I understand the distance from the town centre is some 230 metres (m). It is therefore not a marginal decision, and it is clear to me that the appeal site is not within the defined town centre. While there may be some characteristics of a town centre environment in the local area, such as the town hall lying adjacent, the out-of-town standards should therefore be applied.
33. Set against this requirement, some of the proposed uses of individual buildings would be compliant and supply enough parking spaces. However, the 29 spaces proposed would fall significantly short of either the 41 or 42 spaces needed. I also share the concern of the Council that the 3 spaces shown on the site plan within the Council-owned library car park are outside of the red line boundary of the appeal site and would therefore be liable to future changes in layout of the library car park or access rights. This would only exacerbate the issue at hand, and while the appellant provided a rough sketch of a potential amended layout to the parking area, this would require fundamental changes to the built form of the site for which I do not have full plans.
34. The consequence of insufficient parking provision within the proposed development would mean visitors who could not find a place to park would seek to find space on neighbouring streets. The site plan indicates that vehicles would continue to egress onto Manor Road, which would therefore be tried first.
35. I observed on the site visit that parking pressures along both Manor Road and Medlock Road were high, despite the midday hour. Due to the narrow width of Manor Road and parked vehicles, it would not be possible for two vehicles to pass one another safely. Drivers seeking to park would need to stop and manoeuvre into a space if available. I have had regard to the parking survey of the TS, which observed comings and goings on a given day. However, this study period ceased at 6pm. There is no data to indicate how many people were seeking to use the car park after this hour, which would be especially relevant given that is when most people would want to use the gym and spa facilities after traditional working hours. This would also be when residents who usually park on Manor Road would be home after work and pressure for parking would be at its highest. This would hinder the safe and efficient operation of the highway due to increased numbers of vehicles using this road leading to potential conflict.

36. Furthermore, I observed on the site visit that the exit of the car park to Manor Road has restricted views to either side caused by parked vehicles. Although vehicles travelling along Manor Road would be doing so at low speeds, egressing vehicles would likely be forced to edge out into the road to gain suitable views in either direction. This would add to the risk of collision while also further restrict the free flow of traffic. The Council may not have asked for visibility splays to be provided during the application process, but this was made clear in the officer report, and I do not have these before me at this stage either. There were no objections from the Council's highways or transportation teams, although the concerns expressed in the officer report are clear. There is a lack of substantive information on these matters, and I therefore share the concerns of the Council and local residents that it has not been demonstrated that the proposal could operate in a manner conducive to highway safety.
37. It is claimed that the proposal was designed primarily for the use of local people. However, it is unclear as to what in particular makes it locally focussed. Although I accept some local people may use the facilities, it seems to me that the lack of parking is a consequence of the confined nature and overdevelopment of the site rather than a design consideration. Furthermore, I disagree that not providing enough parking would encourage the use of public transport or cycling, and there is nothing to substantiate that assumption before me. While some people may walk or use buses which stop nearby, this would not be as attractive an option in inclement weather or during evening hours when buses are less frequent.
38. It is also suggested that the proposed office space would be marketed to individuals rather than a business with multiple employees. However, the long-term viability of the site would likely mean that the offices could not be marketed in such a restrictive manner. While the appellant advises the Council did not ask for trip generation data which would relate to the business types proposed, it is incumbent on them and their chosen experts to ensure these matters are addressed. As it is, I have very little to demonstrate how many trips to the site based on the proposed business types would occur. This is vital data to aid in the understanding of impacts.
39. As such, I must proceed on the basis that private vehicles would likely remain the prevalent method of travel in these situations and the improper management of parking would lead to highway safety concerns in the surrounding areas as set out above. While it is claimed that there have been a low number of accidents in the vicinity in the last 5 years, there have nevertheless been 2 instances on Westfield Road and the lack of accidents does not mean the local highway would be safe. Moreover, I understand that until recently the appeal site was used informally for parking by members of the public at the discretion of the landowner. This has evidently ceased now, and I saw on the site visit that the land was fenced off. The appellant advises that any displacement of vehicles has therefore already occurred, and the introduction of the proposal would not exacerbate parking pressures in the area. However, the introduction of such leisure facilities would inevitably increase visitor numbers to the area. This would be required to ensure the proposal would be viable in the first place.
40. The TS advises that the parking survey showed that visitors at present tend to park and frequent whichever business they have travelled for, therefore not

staying for a sustained period. However, a large part of the viability argument for the GDC in particular is the complementary use of all facilities. This would lead to longer stays by design and it is unclear as to how this would lead to a quicker turnover of available parking spaces.

41. Taken together, based on the evidence before me the proposal would not provide suitable parking provision which would lead to increased risks to highway safety. This would be contrary to policies SP13, SP15, LP27 and LP56 of the LP which seek to ensure suitable access to and within the development whilst not presenting an unacceptable impact on highway safety, or severe residual cumulative impacts on the surrounding highway network, among other things. The proposal would also be contrary to the advice in paragraph 115 which seeks to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

42. A large part of the appellant's case concerns the Council's handling of both the planning application and listed building consent. Some of these matters have been addressed in the costs application. However, none of these affect the planning merits of either case and it is not my role to mediate fallouts of this type in the determination of either a section 78 or section 20 appeal.

Planning Balance and Conclusion

43. I have found harm with regards to the special interest and significance of the GDC in both appeals which would not be outweighed by the public benefits of that proposal. Added to this, I have also found that insufficient parking provision would cause harm to highway safety through the outline application proposal. These additional matters weigh against the scheme significantly.
44. I appreciate there would likely be some benefits of the wider scheme. There would be additional office space and two dwellings to add to the Council's existing stock. I have nothing before me to indicate that either is in short supply, although they are worthy of limited positive weight in favour of the proposal regardless.
45. There would be further limited benefit from the initial construction period to a contractor and materials suppliers, alongside the subsequent ongoing financial boost to any business which may operate in future at the site. There may also be some limited societal benefits to the area with increased leisure offerings.
46. However, taken together the benefits are not sufficient to outweigh that conflict. The proposal would conflict with the development plan as a whole, as well as the advice in the Framework and relevant sections of the Act. Accordingly, for the reasons given, I conclude that the appeals are dismissed.

C McDonagh

INSPECTOR