



Appeal Decisions

Site visit made on 11 February 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal A: APP/X4725/W/24/3352034

Moto Hospitality Northbound, Bramley Lane, Bretton Wakefield WF4 4LQ

- 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 Moto Hospitality Limited against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/02034/FUL.
 - The development proposed is erection of a drive thru restaurant unit with access, parking, landscaping and other associated works.
-

Appeal B: APP/X4725/W/24/3357940

Moto Hospitality Northbound, Bramley Lane, Bretton Wakefield, WF4 4LQ

- 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 Moto Hospitality Limited against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 24/01151/FUL.
 - The development proposed is erection of a drive thru restaurant unit with access, parking, landscaping and other associated works.
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for erection of a drive-thru restaurant unit with access, parking, landscaping and other associated works at Moto Hospitality Northbound, Bramley Lane, Bretton Wakefield, WF4 4LQ in accordance with the terms of the application, Ref 23/02034/FUL, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of a drive thru restaurant unit with access, parking, landscaping and other associated works at Moto Hospitality Northbound, Bramley Lane, Bretton, Wakefield WF4 4LQ in accordance with the terms of the application, Ref 24/01151/FUL and subject to the conditions in the attached schedule.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ only in respect to the red line boundary, which in the later application excludes the wider Motorway

Services Area (MSA). To avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

4. Concurrent appeals have also been submitted for similar schemes on the southbound carriageway on a separate parcel of land. Whilst I am also the Inspector for these appeals, I have considered these proposals independently.
5. The revised National Planning Policy Framework (the Framework) was published in December 2024 and it was further updated in February 2025. Of relevance to this appeal, it introduced the concept of grey belt land. An update to the Green Belt chapter in the Planning Practice Guidance was published in February 2025. I have sought comments from both parties in this regard and this has informed my decision.

Background and Main Issues

6. The reasons for refusal relevant to Appeal A (original application) were that the proposal constitutes inappropriate development which would have a harmful impact on the openness of the Green Belt. The second reason for refusal was that insufficient information had been provided which clearly demonstrated that 10% Biodiversity Net Gain (BNG) could be provided on site. As this additional information does not materially evolve the scheme, I am content to accept its submission for information purposes and am satisfied that no party with a potential interest in the outcome of the appeal is prejudiced by me doing so.
7. The application relevant to Appeal B sought to address the reasons for refusal relating to the original application. As part of this application the red line boundary was revised. The appellant also submitted a small sites metric and biodiversity net gain report, which was further revised during the determination of the application on the basis of the reduced area within the revised red line boundary. The revised Small Sites Metric indicated that the scheme would see a change from 0.0144 habitat units to 0.1564 habitat units. Based on this information the Council's ecology officer raised no objections to the proposal subject to a pre-commencement condition for a biodiversity gain plan and landscape and ecological management plan. The revised application did not include a reason for refusal in relation to BNG.
8. Therefore, the main issues are:
 - in Appeals A and B, whether the appeal site is grey belt land; and if the appeal site is grey belt land, whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; and
 - in Appeal A only, whether the proposal would provide appropriate net gains in Biodiversity.

Reasons

Whether the appeal site is grey belt land

9. The appeal site is an area of tarmac which forms part of the car park area within the site of the northbound MSA. The site is elevated from that of the motorway and enclosed from wider views by mature landscaping. The services comprise the main service station building, along with a separate petrol station and hotel.

10. The proposal seeks to erect a drive thru on an area currently used for parking. It is proposed that the drive thru would be operated by Greggs bakery who would relocate from the main building to allow a further operator to take up this space.
11. The site is within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.
12. The Framework states at paragraph 155 that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where, amongst other things, it would utilise grey belt land. The Glossary to the Framework defines grey belt land as land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to certain purposes of the Green Belt identified by paragraph 143 of the Framework. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
13. The main parties agree that the appeal site constitutes PDL, and based on my observations, I concur. However, in order to conclude whether the appeal site comprises grey belt land, I must also assess whether it strongly contributes to Green Belt purposes a), b) and d).
14. Purpose a) to check the unrestricted sprawl of large built-up areas. The appeal site is located on an area of car parking within the confines of the existing MSA which includes a number of buildings, structures and hard standing. The site is visually contained from the wider countryside beyond by landscaping, which restricts development. The site therefore does not strongly contribute to Green Belt purpose a).
15. Purpose b) to prevent neighbouring towns merging into one another. The appeal site is separated from the nearby urban areas by a distance of approximately 2km. As set out above, the site is visually contained from the wider countryside and would not result in the loss of visual separation between neighbouring towns. The site does therefore not strongly contribute to Green Belt purpose b).
16. Purpose d) is to preserve the setting and special character of historic towns. Based on the evidence before me the appeal site does not form part of the setting of a historic town. The site therefore does not strongly contribute to Green Belt purpose d).
17. The appeal site is not located in an area which is covered by or affects other designations where areas of grey belt would be covered by or affect other designations in footnote 7. Based on the evidence before me and my own observations, I conclude that the site meets the definition of grey belt with regards to purposes a), b) and d) in paragraph 143 of the Framework.

Inappropriate development

18. Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of the following apply;

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
19. Policy LP62 of the Wakefield District Local Plan (2024) (LP) states that proposals for redeveloping existing uses within the Green Belt will only be permitted if very special circumstances can be demonstrated or the proposal meets the criteria set out in national planning policy.

Green Belt Purposes a)

20. The Policies Map of the LP shows an extensive expanse of undeveloped land between the MSA and main built-up areas. The appeal site is modest in size in comparison to the extent of the Green Belt and comprises previously developed land. Therefore, the remaining countryside would be safe from encroachment. As set out above there would be no conflict with the other Green Belt purposes set out in paragraph 143 of the Framework. Consequently, the development would therefore not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.

Demonstrable Need b)

21. The proposed development would provide a new drive thru which would expand the existing offer available at the motorway services. As well as a drive thru, the proposal would also include a customer seating area, which would provide motorists with opportunities for taking a break from driving in addition to the existing offer already available at the MSA.
22. Based on the submitted evidence I am not satisfied that the drive thru is essential for the functioning of the motorway nor that it would be better from a road safety perspective as drivers would not necessarily stop and rest to consume their purchases. Nevertheless, I recognise that the proposal would also include a seating area, which would increase the overall space available for travellers to take rests and would provide additional choice for the users of the MSA. I note that 80% of the 114 MSA sites already have a drive thru, which indicates that they are becoming part of the established offer, with an expectation from consumers for such services. The drive thru would also provide travellers with convenient and efficient methods to obtain food and drink and also enhance the local economy by creating jobs. Moreover, the drive thru would provide a more convenient option for those travelling with reduced mobility.
23. Therefore, given the lack of this type of facility at present, the additional seating which would be provided and that it would expand the choice of food and drink on offer for motorists, I am satisfied that there is a demonstrable unmet need for this type of development in this location. Therefore, the proposal meets criterion b) of paragraph 155 of the Framework.

Sustainable Location (c)

24. Paragraph 110 of the Framework seeks to focus development in locations which are or can be made sustainable. However, MSA's are specifically designed to meet the requirements of motorist users. The parties agree that the MSA is in a strategic location which together with the southbound services, sit astride the M1. Given its distance from the main urban areas, where there are alternative facilities available, the proposal would provide for motorist users and be a sustainable location for the type of development proposed. Therefore, criterion c) of paragraph 155 of the Framework is met.
25. The Council has referred me to an appeal for land to the North of Bilborough Top Services¹, which is also located within the Green Belt. Reference has also been made by the appellant and responded to by the Council to caselaw examples relating to openness. However, as the approach to Green Belt set out in the Framework has been changed, these examples are no longer directly relevant to this appeal.

Golden Rules d)

26. As the proposal does not comprise development for housing, the Golden Rules set out in paragraph 155d) are not applicable.

Overall

27. All of the relevant criteria contained in paragraph 155 of the Framework are met. Consequently, the proposal is considered not inappropriate development in the Green Belt as set out in paragraph 155 of the Framework and therefore complies with Policy LP62 of the LP.

Appeal A - Biodiversity Net Gain

28. Policy LP51 of the LP states that where development is permitted the Council will require developers to create new or replacement habitats with a minimum net gain of 10% of the current ecological value of the site using the DEFRA Metric. The Wakefield District Biodiversity Net Gain Supplementary Planning Document (2024) provides detailed guidance on how at least 10% BNG could be achieved through development in the district.
29. As part of the appeal the appellant submitted a Small Sites Metric which indicates a total net percentage change of +954.09% in habitat units.
30. Since the original application was submitted the mandatory requirement for developers to deliver BNG of 10% has come into force. Although this does not apply to Appeal A, it is recognised that conditions to secure BNG are appropriate. Despite the differences in site area relevant to the two appeals, I am therefore satisfied that appropriate BNG could be achieved subject to the condition suggested by the Council in relation to Appeal B, which is taken from the 1990 Act (see below).
31. Therefore, the proposal would provide appropriate net gains in Biodiversity. Hence, the proposal would not conflict with Policies LP51 and LP53 of the LP

¹ APP/N2739/W/22/3300273

which amongst other things requires development to achieve a minimum net gain of 10% of the current ecological value of the site.

Conditions

32. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance (PPG).
33. In order to meet legislative requirements, a condition shall be imposed to address the period for commencement (1). I have imposed conditions relating to approved plans for the avoidance of doubt (2, 13 and 16). A condition relating to approved materials is required to protect the character and appearance of the area (3).
34. I have combined the Council's suggested conditions relating to a pre-commencement foul and surface water drainage scheme and drainage strategy into a condition relating to foul and surface water drainage for consistency (5) which is required to mitigate potential flooding. To protect the amenity of local residents, a condition is required in relation to finished floor levels (4). In order to ensure risks from ground gases and land contamination and stabilisation are minimised, conditions are required relating to site investigation, remedial stabilisation works, verification report and signed declaration (7, 8, 10 and 11).
35. In the interests of promoting sustainable travel a condition is required in relation to Electric Vehicle Charging Points (6). In the interests of highway safety, a condition is required in relation to wheel washing (9).
36. A condition relating to BNG is not necessary for Appeal B by virtue of paragraph 13 of Schedule 7a of the 1990 Act, as every planning permission granted is deemed to have been granted subject to the wording in 13(2). Therefore, the standard conditions apply to Appeal B. In the interests of mitigating ecological harm and to deliver 10% BNG, conditions are required for Appeal A in relation to biodiversity and landscape and ecological management plan (14 and 15). To ensure a well laid out landscaping scheme in the interests of amenity a landscaping condition is required (12).

Conclusion

37. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR

SCHEDULE OF CONDITIONS

Appeals A and B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with following documents and drawing nos:

Drawing No: PL-07 Rev B, Drawing No: PL-08 Rev A, Drawing no: PL-09 Rev B, Drawing No: PL-10 Rev B,
Greggs Drive-Thru Ventilation Statement, Drainage Strategy – Reference 8824, Dated September 2023,
Phase 1 and CMRA – Reference 084545-CUR-00-XX-T-GE-001 Rev P0, dated 15/09/2024,
Highways Technical Note – Reference 8824, Dated September 2023,
Green Belt Openness Assessment dated May 2023,
Greggs Lighting Report – Reference SHD1142,
Phase II Ground Investigations Report – Reference 084545.101-CUR-XX-XX-T-GE-00001 Rev P01, dated 11/07/2024,
Shallow Workings Treatment Strategy – Reference 084545-CUR-XX-XX-T-GE-0003 Rev P01, dated 12/07/2024
Ecological Constraints Survey – Reference ECO03338 Rev 2, dated 14/09/2023.

- 3) The development hereby approved shall be carried out in accordance with the external materials as detailed on the 'Proposed Greggs Unit Elevations (Northbound Carriageway)' drawing (reference PL-08 Rev A).
- 4) The development hereby approved shall be carried out in accordance with the finished floor levels as detailed on the 'Proposed Greggs Unit Section (Northbound Carriageway)' drawing (reference PL-10 Rev B). The approved levels shall thereafter be retained.
- 5) Notwithstanding the contents of the Drainage Strategy prepared by MJM Consulting Engineers dated 13/10/2024, development shall not commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be in accordance with the PPG Hierarchy of Drainage Options. The flowrate from the site shall be restricted to brownfield flowrate based on a rainfall of 30mm/hour reduced by a minimum of 30%. Surface water attenuation shall be provided for the minimum 1 in 100-year return period storm, including an allowance for climate change (currently 45%). Calculations for the attenuation scheme must be submitted. No part of the development shall be brought into use until the flow restriction works within the approved scheme have been completed.
- 6) Prior to the commencement of construction works, details of Electric Vehicle Charging Point(s) shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging Point(s) shall be installed in accordance with the approved details prior to the development being brought into use which shall thereafter be maintained and retained.
- 7) The construction of any building hereby approved shall not take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each have been submitted to and approved, in writing, by the local planning authority:
- The on-going monitoring of the ground gas regime at the site and assessment of risks to the future properties should be carried out as

identified in the Phase II Ground Investigation Report [Curtins, 11 July 2024, Ref. 084545.101-CUR-XX-XX-T-GE-00001-Rev-01]

- ii. The results of the monitoring and the detailed risk assessment referred to in (i) and, based on this a remediation strategy giving full details of the remedial measures required and how they are to be undertaken and verified.
- 8) No above ground development shall commence until remedial stabilisation works to address land instability arising from shallow coal mining legacy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be fully carried out in accordance with the approved works.
- 9) Development (including demolition, construction, engineering and/or other operations) including works for site investigation and site preparation approved by this permission shall not commence until washing equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The washing equipment shall be fully operational and shall be used to clean all vehicles to ensure that they are free from mud and debris before they leave the site at all times during the carrying out of such works until its completion. Any mud or debris from the site which is deposited on to the highway during this period of works shall be removed immediately.
- 10) No part of the development hereby approved shall be brought into use until a verification report demonstrating completion of the approved gas protection measures has been submitted to and approved, in writing, by the Local Planning Authority. The installation and verification of the gas protection measures should be in accordance with Verification Requirements for Gas Protection System, YALPAG, Version 1.1, December 2016].
- 11) Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.
- 12) The development hereby approved shall not be brought into use until a scheme detailing the hard and soft landscaping, tree/shrub planting including the indication of all existing trees and hedgerows on and adjoining the site (details of any to be retained) has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme, where required, shall include the incorporation of underground system, complete with a specification of an appropriate soil type and soil volume to encourage successful tree growth. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas and used for no other purpose. All trees shall be procured and planted in accordance with British

Standards BS 8545:2014, with the nursery provider demonstrating Plant Healthy Certification and/or an adopted biosecurity policy.

Appeal A only

13) The development hereby permitted shall be carried out in accordance with documents and drawing nos:
Drawing no: 230077 PL-01, Drawing no: 4102 Rev P02, Drawing no: 230077 PL-03, Drawing No: PL-05 Rev C, Drawing no: PL-11 Rev B,
Small Sites Metric dated February 2024
Design and Access Statement 23-01577 October 2023.

14) Development shall not commence unless and until a BNG plan has been submitted to and approved in writing by the Local Planning Authority. The biodiversity gain plan must include details of the following:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre-development biodiversity value of the onsite habitat,
- c) The post-development biodiversity value of the onsite habitat,
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development, and
- e) Any biodiversity credits purchased for the development.

The approved BNG plan shall be implemented, retained and maintained in accordance with the approved details.

15) Notwithstanding the submitted information, development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include as a minimum the following details:

- a) A description and evaluation of all ecological features to be managed.
- b) Ecological trends and constraints that might influence management.
- c) Aims and objectives of management.
- d) Management actions for achieving the specified aims and objectives including enhancement measures.
- e) Preparation of a maintenance schedule (including an annual work plan capable of being rolled forward over a 30-year period).
- f) Details of the body or organisation responsible for the implementation and long-term maintenance of the plan.
- g) Legal and funding mechanism(s) by which the implementation and long-term maintenance of the plan will be secured.
- h) Ongoing monitoring and remedial measures.
- i) Prescriptions for management actions, including reinstatement/enhancement of work areas, haulage/access roads and site compounds.

j) Timeframes for management.

The approved LEMP shall be implemented, retained, and maintained in accordance with the approved details.

Appeal B only

16) The development hereby permitted shall be carried out in accordance with documents and drawing nos:

Drawing no: PL-01 Rev B, Drawing No: PL-03 REV C, Drawing no: PL-05 Rev E, Drawing no: DR-L-4102 P03, Drawing No: 4103 Rev P01,
Small Sites Metric dated July 2024
Design and Access Statement dated May 2024.

END OF SCHEDULES