



Appeal Decision

Site visit made on 16 May 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal Ref: APP/U2750/W/25/3360632

St Helier, Hilton Road, Seamer, North Yorkshire, TS9 5LX

- 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 Trustees of Nunthorpe Gospel Hall Trust against the decision of North Yorkshire Council.
 - The application Ref is ZB23/01652/FUL.
 - The development proposed is Change of use from (C3) dwelling house to (F1) church.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council included five reasons for refusal in its decision notice. The fourth reason for refusal related to highway safety. The reason for refusal sets out that it could be addressed through the provision of a unilateral undertaking (UU) to ensure that the part of the visibility splay that lies within the control of the owner of the neighbouring property is maintained free of obstruction. This has now been supplied as part of the appeal and I am satisfied that the obligation would achieve this aim. It would be directly related, and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and paragraph 58 of the National Planning Policy Framework (the Framework). The Council considers that this addresses its fourth reason for refusal and that proposal would not result in an adverse impact on highway safety. I see no reason to disagree.
3. The Council acknowledges that the application was submitted before national legislation for mandatory biodiversity net gain had come into effect. The Council considers that the appeal site has limited biodiversity value. Both parties are now in agreement that the fifth reason for refusal, which related to a lack of information with regard to biodiversity enhancement, can be addressed by a planning condition to secure a net gain in biodiversity. I have not been provided with any evidence that would lead me to take a different view. I have therefore determined the appeal on the basis of the following main issues.
4. The application includes two different versions of a plan relating to the parking layout. I have determined the appeal on the basis of the version showing 15 spaces as it is on this layout that the Highway Authority has provided its comments.

Main Issues

5. The main issues are therefore:

- whether the location of the proposed development is appropriate having regard to the requirements of local and national policies;
- the effect on the character and appearance of the area;
- the effect on the living conditions of the occupiers of the neighbouring residential properties.

Reasons

Location

6. St Helier is a detached residential bungalow located on a sizeable plot, that is set back and elevated from road level. The dwelling is accessed from Hilton Road, via a single driveway. It lies within a small cluster of similar properties to the western fringes of the village of Seamer in a broadly rural setting.
7. The proposal seeks to convert the existing residential dwelling to a Gospel Hall, a place of worship for the Plymouth Brethren Christian Church. The proposed Hall would have a formal use for worship twice a week although it would be in use at other times. These services are typically located between 0600 and 0700 (earliest time) on a Sunday morning and 1900 and 1930 on a Monday evening (latest time). Their services include singing of hymns, although there is no amplified singing or playing of music. The Brethren often have smaller, ad hoc prayer meetings in addition to the main services, throughout the week.
8. Some of the residents of Seamer, including those resident in some of the immediate dwellings, are members of the local congregation. In the absence of a local Gospel Hall, these members of the Brethren have been meeting in members of the congregation's own dwellings and using local church halls. The appellant asserts that as a consequence, there is a need for a local Gospel Hall and that this need extends wider than the existing village, as a result of a growth of membership in the area. It is anticipated that the proposed Gospel Hall would serve an area within a 7 mile radius, incorporating several nearby settlements.
9. Policy IC4 of the Hambleton Local Plan (2022) (the HLP) supports new community facilities, including places of worship, where amongst other things, there is an identified local need and it is accessible to the community it intends to serve. Whilst the Council disputes the need within Seamer itself, there is common ground between the parties that, due to the lack of existing facilities nearby, there is a wider local need for this facility within the former District area¹.
10. Policy S1 of the HLP seeks to ensure new development makes a positive contribution towards the sustainability of communities and adapts to and mitigates the impact of climate change. Amongst other things, this would be achieved through sustainable development that supports existing communities, minimising the need to travel and promoting sustainable modes of travel. In addition, Policy IC2 of the HLP sets out that new development should maximise walking, cycling, the use of public transport and other sustainable travel options.

¹ Section 9.1 of Officer Report

11. In terms of minimising travel and the accessibility of the site to the community, there is some dispute between the parties as to whether local residents would walk to the proposal, given the site's position to the edge of the village and on a slope. However, due to the distances involved, the presence of the footway, and location within the 30mph zone, I am satisfied that the proposal would be accessible on foot and by cycle to those living within Seamer.
12. Nonetheless, many of those attending services at the proposed Gospel Hall would be from outside the village and travelling via private car. There are no bus routes to and from Seamer. However, were such routes present, it is highly unlikely that these would operate at suitable times to allow users to access the early morning and evening services at the proposed Gospel Hall.
13. Moreover, I am mindful that the Framework sets out that planning decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport².
14. In my experience, places of worship are typically visited by families travelling together, in addition to the informal car sharing that the appellant argues already occurs. I therefore consider that it is unlikely that the facility will be visited by predominantly worshippers travelling alone by private car. I am also mindful that these journeys are currently taking place in the absence of the proposed Gospel Hall, as members of the Brethren travel to worship in private dwellings within the area. Having regard to the nature of this use as set out above, and that the Framework considers car sharing to be a form of sustainable travel, I am therefore satisfied that the proposal would promote sustainable modes of travel, through car sharing.
15. In summary, I am therefore satisfied that the proposal would meet an identified need for a place of worship within the village and the surrounding settlements, and, whilst not accessible via public transport, this is in part owing to the nature of this use and the times at which services occur. The proposal would nonetheless promote sustainable transport modes in the form of car sharing, and walking or cycling would be possible for those living nearby.
16. For these reasons I therefore conclude that the location of the proposed development is appropriate having regard to the requirements of local and national policies. The proposal would therefore comply with Policies S1, IC2, and IC4 of the HLP, described above.

Character and Appearance

17. The cluster of dwellings that includes the appeal site are separated from the main built form of the village by an open field. Open countryside lies to the north and south and the site sits within a rolling agricultural landscape. However, the appearance of this part of the settlement is not wholly rural: the dwellings here have a somewhat suburban character and their front gardens and driveways are bounded by a mixture of well-maintained hedges and walls. A footway lies forward of the gardens and there is a regular arrangement of telegraph poles and streetlighting. Whilst driveway widths vary, there are several properties with

² Framework paragraph 89.

relatively wide driveways and open frontages here. On the site visit I saw that the road that bypasses the appeal site was relatively busy with traffic.

18. Whilst open fields are visible from nearby the appeal site, my impressions on the site visit was thus that St Helier was located in an edge of village location, amongst dwellings with a suburban character and adjacent to a reasonably busy road.
19. No alterations are proposed to the external elevations of the dwelling, with the main changes arising from the provision of the proposed car parking area which would be located to the side of the dwelling, adjacent to the boundary with Holmleigh. This would be carried out following the removal of buildings that currently lie in this position. The car park would be hardsurfaced, although 4 overflow spaces would be finished in 'grasscrete', a treatment that allows for grass to grow through a solid frame. Whilst this would amount to a large area of hardsurfacing, the driveways to other dwellings nearby, including the immediate neighbour, Holmleigh, also comprise of substantial areas of hardsurfacing. The provision of this large area of hardstanding would therefore not appear particularly discordant in this setting.
20. The Highway Authority has suggested a planning condition requiring the widening of the access in order to allow 2 vehicles to pass, owing to the concentrated nature of the traffic during arrival and departure times. This would lead to a wider access, the precise details of which could be controlled through the condition. However, I am satisfied that acceptable details could be supplied as a wider access would be comparable to adjacent accesses and, given the suburban character of the dwellings here, would not appear out of place. The proposal would not intrude into the rural setting or the surrounding countryside. I note that the Council acknowledges that the landscape and visual effects of the development on the wider area are limited.
21. The proposal would involve the retention of the boundary hedge, albeit realigned to improve visibility. This would screen views of the appeal site from the highway as well as minimising visibility in longer range views. The proposed landscaping would provide additional screening around the parking area. I acknowledge this would take time to establish, after which time it would allow for additional screening of cars parked in the car park. However, I am mindful of the transient nature of this use with the parking area likely only in full use for a relatively short period of time during the week. I am therefore satisfied that any harm arising in the period prior to the establishment of the landscaping would be negligible.
22. Having regard to the location, adjacent to a busy road, on the edge of an existing settlement, I am satisfied that the operation of the proposed use, based around the two main services during the course of the week, would not significantly alter the character or appearance, or distinctiveness of the domestic street.
23. For the above reasons, I therefore conclude that the proposal would not be harmful to the character or appearance of the area. The proposal would therefore comply with Policies E1 and E7 of the HLP which together, and amongst other things seek to provide high quality design that integrates successfully with its surroundings, reinforces local distinctiveness and preserves landscape character. There would also be compliance with Policy IC4 of the HLP insofar as it seeks to ensure new community uses do not detract from the character of the local area.

24. Living Conditions

25. The proposed parking area would be located adjacent to the boundary with Holmleigh which is defined by a high hedge. This area is currently a private garden and includes a pair of timber buildings.
26. The occupants of Holmleigh have raised no objections to the proposal and are understood to be members of the congregation. However, future occupants may not be members of the congregation. My role is therefore to consider the effect of the proposal on the living conditions of current and any future occupants of the neighbouring dwellings.
27. Given the early start time of 0600 on a Sunday morning, the traffic along Hilton Road will likely be very light and the background noise levels at this time are likely to be extremely low. Background noise on a Monday evening would likely be greater but traffic levels would still be low at this time. The occupants of dwellings in a residential area would reasonably expect such low background noise levels to be preserved.
28. The twice weekly usage of the Gospel Hall would lead to up to 15 vehicles accessing the parking area prior to the start of the services with up to 46 people then entering the building. This would generate noise from vehicle's engines as they manoeuvre along the access road and into parking spaces as well as noise from car doors closing. Light from vehicle headlights would also be prevalent at this time. Moreover, even the sounds of low conversation and footsteps arising from those making their way towards the Gospel Hall from their cars may be audible above such low background noise levels, particularly those at 0600.
29. The noise and light arising from these movements occurring in such close proximity to the dwelling and outside spaces at Holmleigh would, in the absence of any evidence that would lead me to conclude otherwise, result in levels of disturbance considerably above that which could be considered reasonable for a residential area on the edge of a settlement such as this. As such, the proposal would cause disturbance to existing and future occupants of Holmleigh, adversely affecting their living conditions.
30. I have had regard to the comments of the Council's Environmental Health Section, however its comments assess the likelihood of the development creating a noise nuisance. Statutory noise nuisances are dealt with under environmental protection legislation, whereas I have a broader duty to consider the living conditions of local residents, having regard to planning policy. Furthermore, an adverse effect on living conditions from noise and disturbance can often occur at lower levels of emission than would constitute a statutory nuisance. My assessment of the effect on living conditions is therefore in its wider context rather than the narrower perspective of statutory nuisance.
31. For the above reasons I therefore conclude that the proposal would adversely affect the living conditions of the occupiers of the neighbouring property of Holmleigh. The proposal would therefore conflict with Policy E2 of the HLP which requires new development to maintain a high standard of amenity for occupants, particularly those in residential dwellings.

Planning Balance and Conclusion

32. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act. In that regard, I appreciate that meeting at specific times of the day is a feature of the way in which the Plymouth Brethren worship.
33. However, in respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the living conditions of nearby occupiers are preserved. Furthermore, the protection of the public interest cannot be achieved by means that are less obstructive of the rights of the congregation. Therefore, whilst I acknowledge the need for a place of worship in order to serve the congregation of the Plymouth Brethren within the surrounding area, I conclude that this is not a matter which outweighs the identified harm to the living conditions of the existing or future occupiers of Holmleigh, contrary to the development plan. Moreover, I have not been provided with convincing evidence that the appeal proposal is the only means of meeting the needs of the congregation within this area.
34. I acknowledge the local support for the scheme, nevertheless, there have also been numerous objections from the local community. I appreciate that the proposal would likely generate some minor benefit to the local economy, whilst there would also be a benefit in terms of improved service provision within the local community and the surrounding area.
35. Nevertheless, whilst I have taken into account the benefits of the scheme, including to the Plymouth Brethren community, these do not justify taking an approach that would be contrary to the adopted development plan, having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR