



Appeal Decision

Site visit made on 19 May 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Appeal Ref: APP/N4720/W/24/3357659

Newall Church Hall, Newall Carr Road, Otley LS21 2AF

- 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 Richard Houldsworth [B Houldsworth and Sons Ltd] against the decision of Leeds City Council.
 - The application Ref is 23/07393/FU.
 - The development proposed is the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure at Newall Church Hall, Newall Carr Road, Otley LS21 2AF, in accordance with the terms of the application reference 23/07393/FU and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs is made by Mr Richard Houldsworth [B Houldsworth and Sons Ltd] against Leeds City Council. This application is the subject of a separate decision.

Preliminary Matters

3. I am aware from other casework that the former administrative area of Harrogate District Council is now part of North Yorkshire Council (NYC). I have therefore referred to it as such in my decision.
4. During the appeal process it came to my attention that part of the site may be allocated as local green space (LGS)¹. The parties views were sought on this matter and I have taken them into account in reaching my decision.
5. Additional and amended plans have been submitted during the appeal process to clarify the elevations and floorplans of the dwelling proposed at plot 1². This is essentially the same house type as at plot 2, albeit a handed version. The plans seek to clarify the external treatment of the dwellings that were shown on the site layout plan. As the relationship between the proposed development and

¹ With reference to G1606 Prince Henry's Grammar School Grounds, as shown in Appendix 15 of the Otley Neighbourhood Plan (ONP) 2021 and the Otley Neighbourhood Plan Map.

² Proposed site plan SK 001-9; House type A.2 – GA Plans and Elevations SK 002-5 and SK 004-1.

neighbouring houses was discernible from the original site plan, I am satisfied that there would be no prejudice to interested parties from accepting the updated drawings.

Main Issues

6. The main issues in relation to this appeal are;
- i) Whether the development of a designated natural green space would accord with the development plan; and
 - ii) The effect of the proposal on the significance of Newall Church Hall as a non-designated heritage asset (NDHA).

Reasons

Green Space

7. The appeal site comprises a detached church hall set to the front of a long, linear and largely undeveloped plot that has the appearance of unmanaged scrub land. The Leeds Site Allocations Plan (SAP) 2019, designates the appeal site as an area of natural green space, and this is protected from development subject to criteria specified in Policy G6 of the Leeds Core Strategy (CS) 2019. Whilst most of the appeal site is unallocated in the Otley Neighbourhood Plan (ONP), it does appear to designate the eastern-most section as LGS³, a matter I will come back to later in my decision. All 3 documents form the development plan for the Leeds City Council (LCC) area.
8. The appellant suggests that there is conflict between the CS and ONP due to the lack of consistent allocation of the appeal site. It is important to recognise the difference in designations with the SAP allocating natural green space and the ONP LGS. The supporting text to Policy GE6 of the ONP advises that LGS allocations are, *'in addition to and distinct from any green space protection policies included in the Leeds Local Plan.'* The ONP is not therefore required to duplicate the designation of the CS. Therefore, any proposal for development is subject to the provisions of Policy G6 of the CS and [my emphasis] Policy GE6 of the ONP.
9. Although a protection policy, Policy G6 does permit development on existing green space where 1 of 3 criteria are met. That includes circumstances set out in G6(i) where, *'there is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment.'* The Council considers the analysis area to be the Otley and Yeadon Ward.⁴ It suggests that whilst there is a surplus within most typologies, there is currently a deficit of 10.68 hectares of natural green space in this area. The development of the appeal site for housing would thus increase the deficit further.
10. I am advised that the ONP covers land within both the LCC and what is now the NYC area. The Council advises that the area outside the LCC boundary contains an area of natural green space known as 'Otley Plantation.' If added to the analysis area, the Council is clear that there would become a surplus, rather than

³ As detailed in Policy GE6 and shown in the map of the Prince Henry's Grammar School Grounds local green space allocation at Appendix 15 of the ONP.

⁴ As suggested within the last paragraph of page 5 of the Council's statement of case.

a deficit of natural green space. It is the Council's position that only land within the LCC area should be taken into account. I agree that it is reasonable to define the analysis area as being within the LCC administrative area and more specifically the particular ward, given that the green space policies of the SAP and CS would have been formulated by evidence from its own local authority area. The loss of natural green space arising from the proposal would exacerbate an already deficient provision, such that I am clear that the proposal conflicts with Policy G6 of the CS.

11. Having said this, whether or not the Council does not calculate land supply for other uses outside of the LCC area, I cannot overlook the fact that the Neighbourhood Area for the ONP was defined as an area larger than the Otley parish, inclusive of land within the NYC administrative area. This was considered to provide a more sensible boundary for planning purposes. I therefore think it would be remiss not to include the Otley Plantation in the consideration of green space provision in Otley, given that it has been deemed to fall within the Neighbourhood Area as a green space of appropriate quality.
12. As indicated above, the evidence points to a surplus of natural green space within Otley. The erection of dwellings on an open site would not significantly undermine such provision, despite being designated as natural green space. In this regard, my conclusions in relation to the matter of natural green space are consistent with those of the Inspector in the Ash Grove appeal⁵. There is no evidence before me that there has been a significant change in the policy context since the decision was made in 2022, such that it could be deemed to be immaterial.
13. The appeal site is not a particularly large parcel of land and the majority of the green space is located to the rear of the Hall. Views from Newall Carr Road are limited due to the presence of existing built form, topography and tree planting, although views are likely to be more apparent when the trees are not in leaf. Views are also possible from within the recreation ground to the south but here the appeal site is seen in the context of and against the backdrop of existing housing development to the north. The Council has accepted that the community use of the Hall is redundant and there are no public footpaths across the land which is now in private ownership. For these reasons, I consider that the appeal site makes a limited contribution to green space provision locally.
14. The entirety of the appeal site was put forward for allocation in the ONP as LGS under site reference G771. This was alongside site G1606 for the designation of parts of the Prince Henry's Grammar School (PHGS) grounds. It is clear from the draft allocation plans that both sites although adjoining, were entirely separate entities⁶. At this point in time, the Independent Examiner (IE) was clear that the areas of land concerning the designation of LGS were adequately identified⁷. The appeal site failed to meet the criteria for allocation and the site was ultimately rejected⁸, whilst the PHGS parcels were accepted and thus designated as LGS.
15. The IE recommended a modification to the ONP to include maps of the areas of land designated as LGS, so that decisions on planning applications could be made with a high degree of predictability and efficiency. However, the map contained

⁵ Appeal decision reference APP/N4720/W/22/3304440.

⁶ Contained within the Submission Draft Site Allocations Plan extract as provided by the appellant's email dated 30 May 2025.

⁷ Paragraph 127 of the ONP Independent Examiner's Report dated 10 June 2019.

⁸ Extract from the Local Green Space Assessments that formed the evidence base for the ONP as shown at paragraph 5.21 of the appellant's statement and as submitted by email dated 30 May 2025.

within Appendix 15 of the ONP identifying the G1606 allocation for PHGS differs from that which was contained within the Submission Draft Site Allocations Plan (SDSAP). It includes a small section of the appeal site and thus part of the G771 site that was rejected as LGS. There is no evidence before me to indicate why such a change may have occurred.

16. The appellant advises that this eastern portion of the appeal site has never been part of the PHGS grounds, is physically and visually separated by boundary treatments and inaccessible to school users. This chimes with historic mapping presented to me and my observations on site⁹. The Council does not dispute the appellant's position but suggests that the allocation of the eastern section of the appeal site as LGS should not be dismissed as an error.
17. From the evidence presented it appears that it was never the intention for the appeal site as a whole to be allocated as LGS. The LGS assessment did not identify any landscape, historical or evident practical local or community value despite its former use as a Church Hall and its location on the site of land associated with the former Newall Old Hall. Only limited local wildlife/green infrastructure value was attributed. The conclusion overall was that the entirety of the appeal site was not demonstrably special to the local community and thus it was deemed that it should not be allocated as LGS. It cannot be the case that a whole site is not of sufficient worth to warrant allocation as LGS, but that a smaller part within it was of value. That would stretch the normal interpretation of what is reasonable and logical. The Council has not provided any clear explanation as to why there may have been a change in circumstances from the SDSAP.
18. Consequently, I find that the evidence base for the non-allocation of the whole extent of the appeal site is strong and unambiguous, whilst the reasons for the inclusion of the eastern section in the G1606 allocation are deficient. It is not therefore clear that the LGS designation of the eastern portion of the appeal site as shown in the ONP map, accords with the requirement of paragraph 106 of the Framework.
19. Notwithstanding the above, I am mindful that Policy GE6 of the ONP would allow the development of areas designated as LGS providing that very special circumstances are demonstrated. The policy does not prescribe particular situations that would amount to very special circumstances, such that it is a matter of judgement. It seems to me that the considerations outlined above and taken together, are sufficient to provide the very special circumstances (VSC) necessary to justify the loss of this particular area of natural green space, and limited area of LGS, even if such a designation could be deemed to apply. In addition, the plans indicate that the proposed dwellings would lie outside of the portion of the site affected by the LGS designation. Only gardens would be located in this area, such that whilst there would be a change, the verdant openness would not be unduly affected. In light of the VSC, the proposal would not be contrary to Policy GE6 of the ONP.

Conclusion – Loss of Green Space

20. For the reasons given, I find that the development of a designated natural green space would conflict with Policy G6 of the CS and the SAP, as set out above.

⁹ 1934 OS map extract as contained at Figure 5 of the M. B Heritage's Built Heritage, Statement of Significance document.

However, it is reasonable to include the Otley Plantation in the analysis area for natural green space provision.

21. I have identified a number of site-specific factors that indicate the appeal site makes a limited contribution to green space provision locally. Moreover, there is strong evidence before me to demonstrate that the entirety of the appeal site was not deemed suitable for designation as LGS. It therefore seems to me that very special circumstances have been demonstrated to indicate that the proposal would comply with Policy GE6 of the ONP.
22. The evidence presented also indicates that the scheme would further comply with Policy H2 of the CS which permits the development of non-allocated greenfield land for housing, if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment and, it does not have intrinsic value as amenity space or for recreation or nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area. The proposal would also accord with Policy GP5 of the Unitary Development Plan Review (UDPR) 2006, which seeks amongst other things, to avoid a loss of amenity.

Setting of NDHA

23. Paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the proposal. In weighing applications that directly or indirectly affect NDHA's, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
24. The parties agree that Newall Church Hall is a NDHA. It seems to me that the majority of its significance arises from its communal historical interest and aesthetic composition as a building of local stone in the Arts and Crafts style. Presenting an attractive gable end with leaded windows to Otley Road, the Hall appears as a distinct building constructed in 1927 as a Sunday School for Otley Parish Church. It therefore forms an important built feature of the suburban expansion of the townscape of Otley. The significance of the Hall also stems to a degree from its setting. This comprises residential development to the north and west, as well as undeveloped scrub land to the east and a recreation ground to the south.
25. The Framework is clear that in determining applications, decision-makers should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation¹⁰. The scheme proposes to retain and sensitively convert the Hall into 2 dwellings without any extension or substantial alterations. This is to be commended. Indeed, the Council confirms that the retention and sympathetic conversion of the Hall to housing is a positive element of the proposal.
26. The Hall is principally appreciated in views from Newall Carr Road where the front and southern side elevations are particularly prominent. The open and undeveloped land to the rear is not overtly visible in connection with the Hall in such views. Although the appeal site can be seen from within the recreation ground to the south, at the time of my visit the tree coverage around the Hall

¹⁰ Paragraph 210(a) of the Framework.

largely obscured it from open view. It is however, acknowledged that it may be more visible at times when the trees are not in leaf.

27. The erection of 4 dwellings to the rear of the Hall would inevitably indirectly affect the heritage asset by eroding the extent of green space to the east. However, the Council has not suggested that the proposed dwellings would unduly intrude or dominate the Hall, due to their proposed scale or siting. The plans indicate that an enclosed garden area and car parking courtyard would form intervening features between the rear elevation of the Hall and the nearest detached dwelling, such that a degree of physical and visual separation would be maintained. The design of the dwellings and their materiality would be appropriate for their context which includes the neighbouring houses on The Crescent to the north. The foreground to the Hall in views from the south would remain as the open recreation ground.
28. Although the appellant has suggested that the development of the land to the east is required to ensure the longevity of the NDHA, they have not provided a financial appraisal of the scheme to demonstrate that there would be a conservation deficit arising from the conversion of the Hall. I have not therefore considered the proposal as a form of enabling development.
29. From the evidence presented, the Council has accepted that there is a proven lack of interest for the use of the Hall for community purposes. It appears to suggest that it could support the conversion of the Hall to dwellings without the development of the green space to the rear. Be that as it may, that is not the proposal that is before me and the effect of the development on the setting of the NDHA requires a different assessment to the loss of green space.
30. Taken in the round I consider that whilst there would be change, the significance of the NDHA would not be diminished to an extent that would be materially harmful to it, through development in its setting. The erection of the 4 new-build dwellings to the rear of the plot, would not in themselves change the authenticity of how the NDHA is experienced from within its surroundings. It would remain as a detached building with all of the key features that contribute to its significance remaining and being enhanced through the proposed conversion scheme.
31. For these reasons, the proposal would not unduly harm the significance of the NDHA. The proposal would be in accordance with Policies H2, P10 and P11 of the CS and Policy BE8 of the ONP. Together these policies seek to ensure that locally significant undesignated assets and their settings, will be conserved and enhanced and that sympathetic enhancement will be supported.
32. It is not clear that Policy GP5 of the UDPR relates to heritage matters and therefore I have not concluded against this policy. It would not have altered my conclusions in any event, given the support I have found within the policies identified above.

Other Matters

33. The Council in its statement refers to the proposal causing harm to the multifunctional wildlife, amenity and recreational network function of the Riverside-Weston Corridor (RWC) that forms part of the Local Green Infrastructure of Otley, contrary to Policy GE2 of the ONP. This is not specifically mentioned in the Council's officer report or its decision notice. Policy GE2 seeks to ensure that development proposals do not harm the function of Local Green Infrastructure

Areas (LGIA) as part of a multifunctional wildlife, amenity and recreational network. It goes on to say that any development within LGIA's must include measures to enhance or extend it. The Council has not advanced any evidence to demonstrate the particular function of the RWC LGIA.

34. It is clear from the ONP map that much of the area designated as part of the RWC already contains buildings and from the ordinary reading of Policy GE2, that it does not preclude development in any form. There is no evidence before me to indicate that the appeal site has particular value in amenity terms given its limited visibility, proximity to existing built form and lack of access. The appellant's evidence is clear that no adverse effects are expected on retained ecological features. Biodiversity Net Gain (BNG) would be achieved on-site including enhancements for wildlife such as bat boxes and hedgehog holes.
35. Based on the evidence presented, I am not satisfied that the proposal would harm the function of the LGIA. It therefore follows that I find no conflict with Policy GE2 of the ONP. In addition, the appellant's detailed ecological and biodiversity information advises the loss of grassland and trees to the proposed development would have a 'not-significant adverse effect at the local level' on the Extended Leeds Habitat Network (ELHN), such that the proposal would be compliant with Policy G9 of the CS. The proposed additional tree planting within the appeal site would have a positive effect on the ELHN.
36. The scheme makes provision for BNG both on and off-site. Off-site measures include tree planting within the recreation area to the south of the appeal site. This land is not within the appellant's ownership and it is not clear from the evidence before me, that the owners of the recreation ground would accept the diversion of open recreation land to a planted area. I have not been presented with a mechanism to secure this provision such as a S106 agreement. Nor am I convinced that a Grampian condition would meet the 6 tests of conditions, specifically being enforceable and relevant to the development permitted. Neither party has suggested a suitably worded condition and I am conscious that interested parties would not have had the opportunity to comment on this matter. Without compelling evidence to the contrary, I cannot be certain that the proposed off-site planting could be secured and maintained in the future for its intended purpose. However, the scheme would still deliver BNG on-site such that I do not find the off-site provision to be necessary. This matter attracts moderate weight.

Representations

37. I have given careful consideration to the representations made regarding the proposal that have not been referred to in the Council's reasons for refusal.
38. While some parties have welcomed the retention and reuse of the existing Hall for housing, others have suggested it should be retained for community use. Evidence before me indicates that the Hall was marketed for community use for at least 12 months with no meaningful offers for such purposes. No evidence has been presented to indicate that the price was prohibitive and that it stifled realistic ownership for community use purposes. The Council accepted the loss of the Hall for community use and there is no compelling evidence before me to suggest I should take an alternative view.
39. Interested parties have raised concerns regarding the quality of the design and layout of the scheme. The submitted plans indicate the provision of detached and

semi-detached dwellings which are prevalent forms of housing development in the wider area. They include dual-pitched roofs with projecting 2-storey gable features and a generally balanced window to wall ratio, with subtle detailing including stone heads, cills and corbels. Honey coloured stone and slate for the facing materials, subject to approval by condition, would further add to the quality of the buildings.

40. The layout of the scheme is somewhat constrained by the linear nature of the plot. However, units 3 and 4 have been sited to terminate the vista along the new access drive, car parking would be distributed throughout the site so that it would not be dominant and retained trees would be supplemented with new planting. I acknowledge that some existing trees would be removed, particularly to enable the creation of the proposed access. However, more trees would be planted than would be lost. It is accepted that the replacement trees would typically be immature specimens that would take time to establish but this would ensure the green infrastructure is compatible with the duration of the proposed development. It seems to me that the proposed design and layout has been carefully considered in relation to its context which includes the NDHA of the Church Hall.
41. Inevitably the construction of new dwellings on an undeveloped site would alter the relationship with existing properties. Nonetheless, the plans indicate that a suitable distance in excess of the minimum stated by the Council's Neighbourhood for Living SPG, would be maintained between the principal elevations of units 1 and 2 and the existing dwellings on The Crescent, which are also located at a higher land level. Whilst units 3 and 4 would be sited alongside No 15 The Crescent and contain 1 ground floor and 1 first floor side facing window each, the former would be screened by the proposed boundary treatment, with the latter being a bathroom window. The proposed dwellings would be set sufficiently away from the northern boundary of the appeal site with additional retained and proposed planting to filter views. The privacy of existing occupiers would therefore not be unduly compromised.
42. There is no reason to suggest that future occupiers of the proposed development would behave in an unneighbourly manner resulting in an unacceptable level of noise for existing residents. Even if the occupation would give rise to increased comings and goings along the access road, they would be short-lived activities. Vehicles would be travelling at low speeds given the nature and the short distance of the road. The use of external space associated with residential properties is not an inherently noisy use, and gardens often sit cheek by jowl with other neighbouring dwellings where you can hear other occupants' conversations or activities. Noise and disturbance generated from construction activities would be temporary and therefore not a sufficient reason to withhold planning permission.
43. I am also satisfied that the position and separation distances from the northern boundary of the appeal site with the dwellings on The Crescent would be sufficient to prevent any loss of outlook, daylight or overshadowing of garden areas. The effect of the development on property values is not a material planning consideration that I can take into account in the determination of this appeal.
44. Concerns have also been raised by interested parties in relation to highway matters including the safety of the proposed access, limited visibility and net loss of on-street car parking. The Framework at paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impact would be severe.

45. The highway impact of the proposal was assessed during the planning application process through the submission of a Highway's Supporting Statement. Thus, there is detailed technical evidence before me to demonstrate that there would not be harm to highway safety as a result of the proposed development. The trip generation from a small housing scheme would not result in a severe impact on the capacity and operation of the highway network, and the proposed visibility splays would be sufficient given the recorded speeds on Newall Carr Road. Any loss of on-street car parking would be minimal, and there is nothing to suggest displacement elsewhere would prevent the free-flow of traffic or cause obstructions to pedestrians. In light of this and in the absence of any objection from the Highway Authority, there is compelling evidence that the impact of the proposed development would be acceptable in highway terms.
46. The appeal site along with the recreation ground to the south are known to have contained historic development as the site of the former Newall Old Hall. The results of the geophysical survey indicate that the archaeological potential of the site is deemed to be low. I am satisfied that any residual archaeology matters could be adequately dealt with by way of a planning condition, if the scheme is deemed to be acceptable in all other regards.
47. As the planning application was submitted prior to the 12 February 2024, the development is exempt from mandatory 10% BNG requirements. The Council is clear in its officer report that the submitted BNG assessment demonstrates that the proposal would result in a positive on-site gain, sufficient to meet the requirements of Policy G9 of the CS and ONP Policy GE5. There is no evidence to lead me to a different view in respect of this matter.
48. The appellant has supplied an Ecological Impact Assessment which includes a preliminary protected species survey and bat surveys. The results indicate that whilst bats were seen to use the appeal site for commuting and foraging, they were not roosting in the Hall or a particular tree that could have had roosting potential. Although the scheme proposes a limited amount of tree loss, it would not have a significant adverse effect on bat populations as they do not provide a continuous corridor to the wider landscape. Mitigation including the use of bat boxes and appropriate lighting are considered suitable and no other technical evidence has been presented to indicate the proposals would harm any protected species including bats.
49. Whilst understanding the concerns regarding pressures on local services such as school places and local healthcare, there is nothing before me to indicate that a small-scale scheme of 6 dwellings would have a significant impact on such provision individually or cumulatively. Nor is there any suggestion that financial obligations would be required by local planning policies to improve these services.
50. An interested party suggests that the stepped northern boundary of the appeal site is incorrect. However, the site location plan appears to match other plans including the historic maps accompanying the Heritage Impact Statement as well as those within the ONP and its supporting evidence base. Irrespective of this, land ownership is a private matter for the parties involved. There is no substantive evidence that the public have a legitimate right of access across the appeal site.
51. There is nothing before me to indicate that the Council has not exercised its duty in respect of the publicity requirements for planning applications, as laid down in

Article 15, Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Planning Balance

52. The development of the appeal site for housing would conflict with Policy G6 of the CS and the SAP as it would increase the deficiency of natural green space within the analysis area of the Otley and Yeadon Ward. Nonetheless, the loss of protected green space for housing would be outweighed by the provision of alternative and surplus green space as identified within the ONP, taking into account the limited contribution of the appeal site in green space terms. There is compelling evidence before me that the loss of the natural green space would not diminish provision locally. In this regard, the proposal would not conflict with the Framework's aims at paragraph 104(a). I also consider that this, along with the identified site-specific factors outlined above and as the appeal site was not considered suitable for designation as LGS, amounts to VSC necessary to justify the loss of a small area of LGS, if such a designation could be deemed to be valid. Thus, I have not found conflict with Policies H2 of the CS and GE6 of the ONP.
53. Section 38(5) of the Planning and Compulsory Purchase Act (2004) states that, *'if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.'* The ONP is the most recent document to become part of the development plan and thus, the conflict must be resolved in favour of the ONP. I attribute limited weight to the conflict with the SAP and Policy G6 of the CS.
54. The proposal would provide 6 new well-designed dwellings within an existing residential area. Neither party has suggested that the Council cannot demonstrate a 5-year housing land supply. Nevertheless, the proposal would contribute towards the Government's objective of significantly boosting the supply of homes.
55. I observed that there are a number of facilities within a short distance that would be accessible on foot or by cycling including a school, public house, convenience store and recreation ground. I also observed that a bus service is accessible from Otley Road. This would mean that the future occupiers of the development would not be reliant on the private car for access to facilities to support day-to-day living. They would also provide economic support through spending in local shops, in addition to temporary economic benefits during the construction period. These matters attract moderate weight.
56. The Framework seeks to protect assets of particular importance such as LGS. However, the development would amount to the limited infilling or redevelopment of previously developed land and the re-use of a building of permanent and substantial construction. No dwellings would be located within the LGS, only gardens. Substantial harm to the verdant openness of the LGS would not occur.
57. I have also found that the proposed development would not unduly harm the significance of the NDHA. It would enable the retention and re-use of the Church Hall through a sympathetic conversion to 2 new dwellings. This enhancement is a positive attribute of the scheme. The economic, social and environmental benefits arising from the provision of 6 new homes in an accessible location carry moderate positive weight.

58. Collectively, these considerations carry significant positive weight in my assessment. Whilst there is limited conflict with the SAP and Policy G6 of the CS, the proposal would accord with the development plan, when read as a whole. Even if this was not the case, there are material considerations of significant weight that would be sufficient to outweigh the limited conflict with the development plan.

Conditions

59. I have considered the Council's suggested conditions and altered the wording where necessary to ensure compliance with paragraph 56 of the Framework and the Planning Practice Guidance.
60. Along with the standard time limit and to list the plans in the interests of certainty, conditions are imposed to require the submission of external walling and roofing materials and compliance with the approved hard and soft landscaping schemes, in the interests of consistency of appearance. Similarly, conditions to ensure the provision of access roads, footpaths and car parking spaces are laid out and retained within the site for their intended use, and the provision of drainage in accordance with the approved details are necessary and relevant to the development permitted. The provision of EV charging points whilst largely a prerequisite under UK Building Regulations, are also required by local planning policy. However, it would be onerous to require the appellant to provide a scheme of details for such provision. I have amended the Council's wording accordingly to ensure provision is nonetheless made prior to occupation of the dwellings.
61. I have further included a condition requiring the provision of a lighting scheme given the appellant's ecological evidence which advises of the need to minimise the impact of external lighting on protected species that may use the appeal site for foraging purposes.
62. The withdrawal of permitted development rights for alterations, extensions and outbuildings is considered necessary to ensure that future development continues to preserve or enhance the significance of the NDHA. Likewise, a condition to prevent the occupation of the new build dwellings until the Church Hall has been converted would ensure that the benefit of bringing this building back into use would be secured.
63. I am satisfied that prior to commencement conditions are required in relation to contaminated land, the provision of a statement of construction practice, the protection of retained trees, compliance with the WSI and the provision of a biodiversity improvement plan. The appellant has accepted the need for these conditions¹¹ which are required in the interests of the safety of the site for human occupation, highway safety and amenity, the prevention of harmful activities within the identified tree protection areas, the preservation of archaeology and the interests of biodiversity enhancement.

Conclusion

64. For the reasons given above, the appeal is allowed.

M Clowes - INSPECTOR

¹¹ As agreed in the email from the appellant to the Planning Inspectorate dated 8 August 2025.

***** Schedule of Conditions *****

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;

Location Plan 001

Proposed Site Plan SK001-9

House Type A.1 - GA Plans & Elevations SK004-1

House Type A.2 - GA Plans & Elevations SK002-5

House Type B – GA Plans & Elevations SK003-2

Proposed Conversion of Existing Church Hall SK005

Proposed Removal of Pedestrian Guardrail & Reinstatement of footpath drawing number AMA/20795/SK/012 P01

Indicative traffic regulation order drawing number AMA/20795/SK/014 P01

Soft landscape proposal Rev I

Hard Landscape Proposals Rev A

Additional planting and habitat enhancement plan Rev F, only insofar as it relates to the site edged red.

- 3) No development shall commence until a Phase II Site Investigation Report for land contamination has been submitted to and approved in writing by the Local Planning Authority. Where the remediation measures are shown to be necessary in the Phase I/II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use, has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been submitted to and approved in writing by the Local Planning Authority.

- 4) If remediation is unable to proceed in accordance with the approved remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. The site or phase of a site shall not be brought into use until such time as all verification information has been submitted to and approved in writing by the

Local Planning Authority. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such.

- 5) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence, assessment and verification information shall be submitted to, and approved in writing by the Local Planning Authority prior to the site being brought into use. Only soil that has been tested in accordance with the approved methodology and deemed suitable for use shall be brought to the site. In the event that no soil or soil forming materials have been brought to site, written confirmation shall be submitted to the local planning authority for written approval.
- 6) No development shall commence until a Statement of Construction Practice (SoCP) has been submitted to and approved in writing by the Local Planning Authority. The SoCP shall include full details of:
 - a) Construction vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures;
 - b) Methods to prevent mud, grit and dirt being carried on to the public highway;
 - c) Measures to control the emissions of dust and dirt during construction; and
 - d) How the SoCP will be made publicly available by the developer for the duration of the construction period.The approved SoCP shall be implemented at the commencement of works on site and development shall thereafter be carried out in accordance with the approved details until all building works are complete.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with the British Standard BS 5837: Trees in relation to design, demolition and construction - recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full prior to the commencement of any construction or site clearance works, with 7 days written notice given to the Local Planning Authority that the protection measures are in place. The tree protection measures shall be retained thereafter until all construction and ground works are complete.
- 8) No equipment, machinery or materials shall be used, stored or burnt within any tree protection area as identified within the tree protection plan. Ground levels

within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services.

- 9) Prior to the commencement of the development, a Biodiversity Improvement Plan shall be submitted to and approved in writing by the local planning authority. All approved features and landscaping shall be carried out and installed prior to first occupation of any dwelling hereby permitted and retained in the manner as approved thereafter.
- 10) No development including demolition or ground clearance shall take place until the approved archaeological investigation (WSI) has been carried out in full. Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI shall have been undertaken in accordance with a programme and methodology of site investigation and recording and timetable that shall first have been submitted to and approved in writing by the local planning authority. This shall include the programme for post-investigation assessment and subsequent analysis, publication and deposition of resulting material. The development shall be carried out in accordance with the approved details.
- 11) Notwithstanding the approved drawings, prior to the construction of exterior walls above damp-proof course level, details and samples of all external facing walling and roofing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
- 12) Prior to the first occupation of any dwelling hereby permitted, the hard and soft landscaping shall be implemented in accordance with Soft Landscape Proposal (Rev I) and Hard Landscape Proposal (Rev A). If within a period of 5 years from the date of the planting of any tree/hedge/shrub, that tree/hedge/shrub or any replacement, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location in the first planting season thereafter.
- 13) The approved conversion of the former Newall Church Hall shall have first been completed and the 2 dwellings within it available for occupation, prior to the first occupation of any of the 4 new-build dwellings hereby permitted.
- 14) No dwelling hereby permitted shall be occupied until the means of access for vehicles, pedestrians and cyclists and car parking spaces have been laid out, surfaced and drained in accordance with the approved plans. Such routes shall be retained for their intended purpose thereafter.
- 15) The development hereby permitted shall be carried out in accordance with the drainage proposals shown in AMA Flood Risk Summary and Drainage Strategy dated May 2024. Surface water discharge from the development is restricted to 3 l/s for storm events up to the 1 in 100-year return period with climate change

allowance. The works shall be implemented in accordance with the approved scheme before the occupation of any dwelling hereby permitted.

- 16) No dwelling shall be occupied until an electric vehicle charging point has been installed for each dwelling hereby permitted. The charging points shall be retained thereafter.
- 17) No dwelling shall be occupied and no external lighting shall be installed, until a scheme for all external lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include the number, design, height, location and intensity of illumination of all external lighting. The lighting installation shall then be implemented in accordance with the approved details and retained thereafter.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, E, F and G of Part 1, and Class A of Part 2, of Schedule 2 to the Order, shall be undertaken.