
Appeal Decision

Site visit made on 9 September 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/N4720/W/25/3369088

14 Beechwood Shopping Centre, Church Street, Woodlesford, Leeds LS26 8RE

- 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 Amir Karvani against the decision of Leeds City Council.
 - The application Ref is 25/00197/FU.
 - The development proposed is retrospective change of use from hot food take away (sui generis) to drinking establishment with expanded food provision (sui generis) and external seating area with canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the premises were closed for business at the time of my site visit, I observed that the appeal site was available for use as a drinking establishment and an external seating area with canopy had been constructed. It is clear from the plans and evidence that the development that has taken place is the use and structure referenced in the planning application. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the development as set out in the application and the submitted plans.
3. The development includes the change of use of the property, which is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to this element of the application. From the evidence before me and my site visit, I see no reason to disagree. Therefore, the focus of this appeal is the external seating area referred to in the Council's decision notice.

Main Issues

4. The main issues are the effect of the external seating area on:
 - the character and appearance of the existing building and the area; and
 - the significance of the adjacent Woodlesford Conservation Area (the CA), a designated heritage asset, through development within its setting.

Reasons

Character and appearance

5. The appeal site is located centrally within a group of commercial properties that are set back from, but fronting Church Street, a main road that runs through this part of the settlement. The surrounding area is predominantly characterised by

residential development. The commercial properties have a similar, relatively modern design and appearance in comparison to other more traditional buildings in the wider area, including their roof forms, materials and frontages, although there are variations in the building lines fronting Church Street.

6. There is no dispute between the parties that the tree within the appeal site is protected by a Tree Preservation Order. The existing tree has been heavily pruned, and it is subsumed within the structure with an opening in the canopy roof above it. The appellant's Arboricultural Report and Arboricultural Impact Assessment, undertaken with the development in place, indicates that the tree is category C in terms of retention and has a life expectancy of more than 10 years.
7. Prior to the development, the frontage of the appeal site would have been more open, similar to adjacent units. The protected tree would have contributed to the character and appearance of the street scene to a greater degree alongside other trees to the frontage, providing a softer edge to the highway. The development has introduced a new canopy structure over the seating area to the front of the property, which adds an extra element to the stepped and projecting roof form of the appeal site and the buildings within the group. The development also includes boundary treatments, comprising a timber apron, tinted glass balustrading and artificial planting, sited directly up to the adjacent pavement.
8. Due to its scale, materials and the muted colours that reflect the existing commercial frontages, the canopy itself is a relatively modest addition that is not out of keeping with the general form of the building or those adjoining. However, despite the variations in the building lines, the overall impact of the development in this prominent roadside location, including the boundary treatments and the existing tree being integrated and thus constrained within the structure, has resulted in a harder and discordant edge to the site and the highway, which has eroded the previously more open character.
9. Given its position within the structure and the considerable pruning undertaken to accommodate it, the amenity value of the tree and the contribution it makes within the street scene has been significantly reduced. This adversely impacts on the character and appearance of the street frontage in this area. The artificial planting is also out of character with the natural landscaping to the front of other buildings in the area and therefore appears as an incongruous addition within the street scene, which does not adequately mitigate the visual impact of the development.
10. The appellant has directed me to timber decking that has been constructed to the front of Unit 1 up to the pavement of Church Street. I do not have the full details of this or the circumstances under which it was constructed. In addition, from the evidence before me and my observations on site, this does not feature the same extent of built form, enclosure or impact on a protected tree as the appeal scheme. Whilst noting variations to the frontages of the units, I cannot draw any direct comparison with the appeal scheme that would weigh in its favour, and the presence of this does not justify the harm that I have found.
11. For the above reasons, I conclude that the external seating area unduly harms the character and appearance of the existing building and the area. It therefore conflicts with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (the CS) and Policies BD6 and N19 of the Leeds Unitary Development Plan (Review 2006) (the UDP). Amongst other

things, these seek that development delivers high quality design, is appropriate to its context, respects the form of the building, ensures that the siting and scale is in harmony with the adjoining buildings and the area as a whole, and careful attention is given to the design and quality of boundary and landscape treatment.

12. The reason for refusal refers to Policy DBE2 of the Oulton and Woodlesford Neighbourhood Development Plan: 2021-2033 (the NDP). However, I do not find this to be determinative to this main issue as it relates to proposals being in line with existing use classes in this location and supporting the ongoing sustainability of the smaller village centre.

Woodlesford Conservation Area

13. The appeal site, and other adjacent properties to the northern side of Church Street in the immediate vicinity, are situated outside of the CA, but adjacent to its boundary with Church Street. The CA is predominantly residential in character and features areas of open space and some commercial development fronting streets. Within the wider area of the appeal site, the CA exhibits village characteristics featuring the school, church, village green and parish hall. From my observations on site, the significance of the overall CA is derived from its architectural and historic interest.
14. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
15. In this context, due to its street frontage and the degree of intervisibility, the appeal site is within the setting of the CA. Given their layout and more modern appearance, I do not find that the appeal property or the group of buildings in which it sits make a positive contribution to the setting of the CA. Furthermore, the development of the more modern buildings within this location does not affect the ability to appreciate the significance of the CA when considered as a whole.
16. Notwithstanding the harm that I have found to the character and appearance of the building and the street scene, the development does not result in harm to, or loss of, the significance of the CA due to development within its setting. Consequently, it does not conflict with Policy P11 of the CS, Policy N19 of the UDP and Policy DBE1 of the NDP, insofar as they require the conservation, preservation and enhancement of the historic environment and conservation areas.

Other Matters

17. The appellant suggests that the development is reversible. However, they are applying for a permanent permission that results in unacceptable harm to the character and appearance of the building and the area as set out above. I therefore give this argument limited weight in my decision.
18. I have had regard to the appellant's suggested economic benefits of the development. Whilst these are noted, they do not justify the harm that I have identified, and it has not been adequately demonstrated that this development is the only way to achieve those objectives.

19. Where the development has been found to be acceptable by the Council in other respects, these are neutral matters that do not weigh in favour of the development.

Conclusion

20. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR