



Appeal Decision

Site visit made on 4 November 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/X4725/W/25/3371719

25 Milton Street, Wakefield WF2 8TL

- 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 Wajid Ali (Wajid Ali Charity) against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 20/00032/FUL.
 - The development proposed is for a 3 storey rear extension, alterations to the existing roof and conversion to form a hostel (*sui generis*).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The rear extension was in place at the time of my visit. The appeal proposal has been referenced as a part retrospective development in the submissions before me. For clarity, I have dealt with the appeal as a proposal based on the submitted plans.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the availability of employment land,
 - the effect of the proposed development on the character and appearance of the host building and the area,
 - whether the proposed development would provide satisfactory accommodation for its future occupants with regards to bedroom space, privacy, sunlight and outlook,
 - the effect of the proposed development on flood risk,
 - the effect of the proposed development on protected species, and
 - the effect of the proposed development on neighbouring occupiers at 20-30 Lawefield Lane with regards to daylight, outlook and privacy.

Reasons

Employment land

4. Policy LP6 of the Wakefield District Local Plan (Local Plan) sets out the land within Employment Zones shall continue to be occupied primarily by or be developed for employment use. It further details that alternative uses will need to demonstrate there is no reasonable prospect of the site being utilised for an employment use by providing robust evidence.
5. The appellant has stated that marketing has been undertaken for several years, but no information has been provided to demonstrate the lack of demand for office space or an alternative commercial use. Whilst the appeal site may be in an out-of-town location with limited parking, in the absence of substantive evidence that the site cannot satisfactorily support employment uses, I find the development subject of this appeal would result in the loss of employment land in a location where Local Plan Policy LP6 envisages such land to continue to be occupied by an employment use.
6. Although the building on the appeal site was constructed as a block of residential terrace units, the lawful employment use of the site is not disputed. The proposed use would also generate some employment, but this would not negate harm from the loss of employment land in a location where the Local Plan sets out to protect such uses.
7. I therefore conclude that the appeal proposal would have an unacceptable impact on the availability of employment land. As such, it would be contrary to Local Plan Policy LP6, which seeks, amongst other matters, to protect employment land.

Character and appearance

8. The appeal property is a two-storey building situated in an area that is predominantly formed of similar scale buildings and which utilise red brick as the main facing material. This built form contributes to the consistent character of the area.
9. The three-storey extension, with its shallow, almost flat roof would result in a bulky, box like form to the existing building which has a traditional pitched roof. It would be an incongruous addition, which given its width across that of the existing building, would dominate the rear of the site. The development would be seen from various public vantage points, including Milton Street and Carlton Street, where it would appear visually harmful.
10. I therefore conclude that the proposal would have an unacceptable adverse effect on the character and appearance of the host building and the area. As such, it would conflict with Local Plan Policies SP23 and LP56 of the Local Plan, which seek, amongst other matters, to protect and enhance the district's built environment. It would also be contrary to Paragraph 135 of the National Planning Policy Framework (Framework), which seeks development that is sympathetic to local character.

Living conditions – future occupiers

11. The appeal proposal would provide a total of 11 bedroom areas, but many of these would be small rooms or combined spaces with living areas. Whilst the proposal relates to the creation of a hostel and not new dwellings as referenced in Local

Plan Policy LP3, it is necessary, despite the proposal being intended as temporary accommodation, to ensure there would be no significant detrimental impact on existing or prospective users, which this proposal would fail to do due to the insufficient size of most of the bedroom areas.

12. To the rear of the appeal site is a two-storey office building¹. Although the rear extension is built up to the southern boundary, as the neighbouring property is not in residential use, I do not consider there would be any harmful overlooking. However, the proximity of some of the proposed ground floor windows to this neighbouring building would result in an oppressive environment within the respective rooms and unduly constrained levels of light to the detriment of future occupiers.
13. I therefore conclude that the proposed development would fail to provide satisfactory accommodation for its future occupiers with regards to bedroom space, sunlight and outlook. As such, it would be contrary to Policies SP23, LP56 and LP67 of the Local Plan and Paragraph 135 of the Framework, which seek, amongst other matters, a high standard of amenity for existing and future users. Although reference is made to Local Plan Policy LP3 in the decision notice, this is not directly relevant to this proposal as the policy relates to new dwellings.

Flood risk

14. The appeal site is situated within Flood Zones 2 and 3. Although it contains an existing building, the proposal would introduce a vulnerable hostel use in an area that is partly at high risk of flooding.
15. Reference has been made to significant investment in upgrading Westgate Beck and there being no evidence of flooding on Milton Street. However insufficient information has been provided regarding the risks and the effects of flooding at the site, including on flood resilience measures, the flood hazard to the ground floor sleeping accommodation and on the residual flood risk.
16. I therefore conclude that there is insufficient information to assess the flood risk posed by the development, and it would therefore be contrary to Policies LP29 and LP30 of the Local Plan, which seek, amongst other matters, to avoid development that is at unacceptable risk from flooding. It would also be contrary to Section 14 of the Framework, which seeks to ensure that development is directed away from areas at highest risk of flooding.

Protected species

17. The Council has identified the appeal site as being in a Bat Layer Zone and there is potential for protected species being present. Although the Appellant may not have seen any bats, in the absence of an assessment or report that considers the potential effects on protected species, I do not have sufficient information before me that there will not be any adverse impacts on bats.
18. I therefore conclude that there is insufficient information to assess the impact of the proposed development on protected species. As such, it would be contrary to Policy LP51 of the Local Plan and Paragraph 192 of the Framework, which seek, amongst other matters, for an appropriate ecological assessment to be submitted and to protect biodiversity.

¹ referenced as 20-30 Lawefield Lane

Living conditions – neighbouring occupiers

19. The Council has raised concerns on the impact from the proposal on the existing west elevation windows on the neighbouring building at 20-30 Lawefield Lane. It is common ground that this neighbouring site is an office building that has been used as a Probation Centre. Given that the use of this neighbouring site is not residential, it follows that there would not be a detrimental impact on residential amenity.
20. I therefore conclude that the proposal would not result in unacceptable harm to neighbouring occupiers at 20-30 Lawefield Lane, and as such, there would be no conflict with Policies SP23, LP56 and LP67 of the Local Plan or Paragraph 135 of the Framework.

Other Matters

21. The appellant has raised concerns on the length of time taken to determine the application and that the Council failed to engage with the agent or owner. In relation to reasons for refusal 5 and 6, although the Council validated and proceeded to determine the application without seeking further information, it would have been clear to the appellant when the decision was issued the concerns around insufficient information in relation to flood risk and protected species. These matters do not however have a bearing on my decision-making with regards to the main issues, and I can confirm that I have dealt with the appeal on its own merits.
22. The proposal would enable a registered charity to provide accommodation and support, and whilst this matter weighs in its favour, it would not however outweigh the harms that I have identified in relation to five of the main issues.
23. Reference has been made to other nearby planning permissions that have been granted for residential use. The circumstances of those cases, including whether they are within an Employment Zone, are not however before me, and it is not therefore clear whether they are comparable to the appeal proposal. I have, as set out above, considered the appeal on its own merits.

Conclusion

24. There would be no harm in relation to the effect of the proposed development on neighbouring occupiers, but this is a neutral matter.
25. The proposed development would be harmful in relation to the availability of employment land, in relation to character and appearance, by failing to provide satisfactory accommodation for its future occupiers and in relation to flood risk and protected species. It would conflict with the development plan 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.

F Rafiq

INSPECTOR