



Appeal Decision

Site visit made on 3 February 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Appeal Ref: APP/X4725/W/25/3375451

Unit 3 - Unit 4 Victoria Works, Elder Grove, Wakefield, Yorkshire WF2 9AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr A Sattar against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 24/00264/FUL.
 - The development proposed is change of use from Class E to F1.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Class E to F1 at Unit 3 - Unit 4 Victoria Works, Elder Grove, Wakefield, Yorkshire WF2 9AS in accordance with the terms of the application, Ref 24/00264/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The location of the appeal site in the above banner heading has been taken from the appeal form as this accurately describes the location of the site.
3. The description of development in the above banner heading has been taken from the application form. The Council's decision notice does however include associated works, and I have determined the appeal accordingly.
4. A Noise Assessment has been prepared and submitted with this appeal. It does not alter the scheme as submitted and the Council has also had the opportunity to comment on this. I do not therefore find my acceptance of this report to be prejudicial to interested parties, and I have taken this into account in reaching my decision.
5. I understand from the evidence before me that the use as described above has already taken place onsite. I have determined the appeal accordingly.

Main Issue

6. The main issue of the appeal is the effect of the development on residential amenity with particular regard to noise.

Reasons

7. The appeal site relates to a single storey detached building (with loft space) located to the south side of Elder Grove within Wakefield. The site is located within a predominantly residential setting, with residential properties located to the north, east and west of the site. To the south is Balne Lane Social Club. Access to the site is gained off Elder Grove, and there is an area of hardstanding to the front and

side of the building used for parking purposes. There is also an area of overgrown land to the west.

8. The development seeks planning permission for the change of use from a gymnasium (class E(d) to a multi-use community centre (class F1) and the creation of an extended hardstanding area and associated works. As set out above, I understand that the use has already taken place on site, but I did not see any evidence of the extended hardstanding area and associated works having taken place at the time of my site visit. The development supports a range of activities including but not limited to a daily prayer space. The maximum capacity of visitors is between 200-300 and the opening hours are proposed to be between 8am and 10pm, 7 days a week.
9. I appreciate that the uses associated with a multi-use community centre could possibly harm the amenity of nearby residents by way of noise and disturbances. This is due to the close relationship that exists between the appeal site and the nearby residential properties as well as the nature of the associated activities including comings and goings etc. That said, I am mindful that the former use was indeed a gymnasium which is a commercial use at this site which would have also had a level of capacity and comings and goings etc. The appellant has confirmed that no external loudspeaker is used at this facility to amplify calls to prayer only an internal standard PA system which can be controlled via an appropriately worded planning condition. The appellant has also confirmed that there will be no prayers before 7am with the opening times being beyond this time which could also be conditioned to ensure this. I am aware of the number of objections received as well as the Council's concerns in relation to noise disturbances at unsocial times including large number of people attending after 11pm and before 7am. However, a condition only allowing the facility to operate between the hours of 8am – 10pm, 7 days a week means that noise should not be taking place at unsociable hours. The appellant confirms that the premises would not operate 24 hours a day and this could indeed be controlled by an opening hours condition.
10. A Noise Assessment has been prepared and submitted with this appeal. It confirms that the noise impact, as per the audio recordings taken during some of the community meetings, was well below the levels that would be considered to cause any adverse impact on the surrounding residential properties. Noise from vehicles arriving to park at the venue and external patron noise was also minimal and would not be considered to have any adverse impact on the local noise sensitive receptors.
11. For the above reasons, I am sufficiently satisfied that subject to appropriately worded planning conditions, the development would not unacceptably harm residential amenity with particular regard to noise. It therefore accords with Policies LP56 and LP67 of the Wakefield District Local Plan, 2024 which together, amongst other matters, requires proposals to have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users. For the same reasons, the development also accords with Chapter 12 of the National Planning Policy Framework (the Framework) relating to achieving well-designed places.

Other Matters

12. There may be alternative places of worship elsewhere and within central Wakefield as well as other community buildings, but this would not alter my findings on the scheme I am considering. Concern has been raised regarding ecology but given the nature of the scheme and that the proposals are required to provide a 10% uplift in biodiversity net gain then I do not raise any particular concern in this regard. Such can indeed be controlled via a planning condition.
13. Concern has also been raised regarding matters of overlooking and privacy. However, it is not considered that there would be any direct overlooking from the host building, that would affect residential amenity. Visitors looking into surrounding residential properties would be a civil matter between landowners, visitors and local residents. In terms of concerns raised regarding crime and disorder, I have attached a planning condition requiring a security management and maintenance plan to be submitted to and approved by the Local Planning Authority in order to minimise the risk of crime. I have also conditioned boundary treatments which will need to be submitted for approval in the interests of residential amenity and crime and safety. Matters relating to house prices is not a material consideration which is relevant to the determination of this appeal.
14. I am aware of the concerns relating to parking and traffic in the area as well as highway safety issues. The development however includes 40 car parking spaces which I understand greatly exceeds the requirements of the Council's Street Design Guide. The Council's highway's officer has also confirmed that taking into account the proposed use and maximum number of visitors on site, sufficient parking would be provided. I have attached a condition to ensure that the parking spaces on the appeal site are marked out, to prevent visitors of the appeal site parking on the surrounding areas.
15. There is permit parking restrictions along the surrounding streets although this is only limited to a couple of hours a day from Monday to Fridays (10:00 until 11:00 and 14:00 until 15:00). Outside these restricted hours, there is unrestricted parking on the surrounding streets that people could utilise, should the proposed parking area be at full capacity. Based on the evidence before me, I am not convinced that the use would exceed the parking numbers provided for. This is because of the highly sustainable location of the site within a predominantly residential setting, a short walk from Wakefield City Centre. The use is also one which serves local residents who would likely walk to the site, but those travelling from elsewhere can easily access the site via the road networks and public transport routes. Cycle parking would also be provided to encourage cycling, and I have conditioned such provision.
16. Additionally, the restrictions nearby are limited to a couple of hours a day and visitors will be aware of such restrictions and thus should not park in such spaces if not a permit holder. I have attached a planning condition requiring a car parking management plan, to help manage overspill risks and potential impacts on amenity. This will also ensure the free and safe use of the highway. I find that this condition along with the marking out of car parking spaces are sufficient in alleviating concerns raised in this regard.
17. The Council's highway's officer has requested a financial contribution to review the current Traffic Regulation Order which is in place relating to the parking

restrictions. However, when considering the above, I do not find this to be reasonably necessary in the particular circumstances of this case.

Conditions

18. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. The standard time for commencement is not necessary given that the use has already taken place onsite. A plans condition is necessary for the avoidance of doubt. A condition relating to electric vehicle charging points is necessary in the interests of promoting sustainable travel opportunities. A condition relating to the surfacing of all vehicle and pedestrian areas is required in the interests of amenity and traffic safety. The appellant has suggested an alternative wording and timescale for condition 3 which relates to surfacing. However, I find the wording and timescales to be appropriate and reasonable for this site particularly given the concerns raised regarding highways safety and residential amenity. I do not find the appellant's suggested condition relating to a staged approach to be a workable solution for this site. This is because the final surface finish should be what is agreed and implemented at the site within the timescales specified to ensure amenity and highway safety rather than a temporary solution first. This would not be a logical approach for the site and is likely to be more costly overall.
19. A Car Parking Management Plan is necessary to ensure the free and safe use of the highway. Cycle parking is necessary to ensure adequate cycle facilities are provided. Conditions relating to a landscaping scheme and boundary treatments are necessary in the interests of amenity and crime and safety. I find it necessary to condition a security management and maintenance plan in the interests of crime and safety. Conditions relating to biodiversity are required in the interests of mitigating ecological harm and providing for a measurable biodiversity net gain. The requirement to restrict external sound amplification systems or similar and an opening hours condition are necessary in the interests of protecting residential amenity.

Conclusion

20. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be carried out strictly in accordance with the following plans/documents unless required otherwise by this decision or its attached conditions.

Location Plan

Proposed Plans and Elevations Drawing No. ST24.202-P-1103

Proposed Site Plan Drawing No. ST24.202-P-1001 Rev B

Biodiversity Accounting Assessment - 22569/JF

BNG Metric

BNG Conditions

- 2) Within three months from the date of this decision, details of the locations and types of electric vehicle charging points shall be submitted to the Local Planning Authority for approval in writing. The approved electric vehicle charging points shall thereafter be fully installed within six months from the date of their approval and shall thereafter be retained.
- 3) Within three months from the date of this decision, details of the surfacing for all vehicle and pedestrian areas, and the marking out of the car parking bays, shall be submitted to the Local Planning Authority for approval in writing. The approved surfacing and parking bays shall thereafter be fully implemented within two months from the date of their approval, which shall thereafter be retained.
- 4) Within three months from the date of this decision, details of a Car Park Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall include the following information: i. details of events ii. details of car parking allocations, e.g. accessible EV, car sharing spaces and how these are to be managed, iii. how car park usage is to be monitored iv. how overspill parking is to be prevented on the adjoining public roads.

The use hereby approved shall be operated in accordance with the approved management plan.

- 5) Within three months from the date of this decision, details of cycle storage facilities for at least seven cycles shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall detail the design, materials, location, size, and scale of the intended cycle storage facilities. The approved scheme shall then be implemented within three months from its approval, which shall thereafter be retained.
- 6) Within three months from the date of any approval, details of a landscaping scheme shall be submitted for approval in writing to the Local Planning Authority. The landscaping scheme shall include 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). The scheme shall detail the phasing of the landscaping and planting.

The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing within the first available planting season following its approval. 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.

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 thereafter be retained as soft landscaped areas and used for no other purpose.

- 7) Within three months from the date of this decision a scheme detailing the boundary treatments for the site shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be fully implemented within three months from its approval and shall thereafter be retained.
- 8) Within three months from the date of this decision, a scheme detailing measures to minimise the risk of crime and meet the specific security needs of the development shall be submitted to the Local Planning Authority for approval in writing.

The approved scheme shall be fully implemented within one month from the date of its approval, which shall thereafter be retained.

- 9) Within three months from the date of this decision, a biodiversity gains plan shall be submitted to the Local Planning Authority for approval in writing. 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.
- 10) Notwithstanding the submitted information, within three months from the date of this decision, details of a Biodiversity Retention and Enhancement Scheme shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include full details of the areas of land within the site to be provided for ecological enhancement, and any associated features to be incorporated within the development including full details of:
 - a) the location, extent and habitat type of areas which are proposed to be (i) retained and enhanced and (ii) created, for the purposes of enhancing the ecological value of the development site,

- b) works to facilitate the enhancement and establishment of the proposed habitats, including any contouring, soiling, seeding, cultivation, planting or drainage works to be undertaken,
- c) planting specifications for any shrubs, trees or hedgerows to be provided,
- d) soil depths, soil composition and specifications, cultivation methods, seed mixes and seeding methods,
- e) any fertilisers or herbicides proposed to be used,
- f) any paths, fencing or other features which will be provided to ensure that the risks associated with any public access to the land which has the potential to damage ecological features is minimised,
- g) features to facilitate the use of the site, and passage through the site, by fauna, including nesting and roosting boxes (the number, type and location) as well as details for invertebrates and hedgehog highways,
- h) an implementation and maintenance programme.

The approved Biodiversity Enhancement and Retention Scheme shall thereafter be implemented, operated and adhered to in accordance with the approved implementation schedule and all ecological features comprised within the approved scheme which shall thereafter be retained and maintained.

11) No external sound amplification systems, tannoy systems or other similar external loudspeaker systems shall be installed/operated at any time.

12) The use hereby permitted shall not be open to visitors at any time except between the hours of 08:00 and 22:00 Mondays to Sundays (including public and bank holidays).

End of schedule