



Appeal Decision

Site visit made on 9 January 2026

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Appeal Ref: APP/X4725/W/25/3375623

Pear Tree Farm, Water Lane, Woolley, Wakefield WF4 2JQ

- 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 Paul Prager against the decision of Wakefield Metropolitan District Council.
 - The application ref is 24/01193/FUL.
 - The development proposed is for a barn conversion to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a barn conversion to dwelling at Pear Tree Farm, Water Lane, Woolley, Wakefield WF4 2JQ in accordance with the terms of the application, ref 24/01193/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Plans and Elevations – 23-054 01 D; and Arboricultural Impact Assessment.
 - 3) No development shall commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include:
 - Tree protection fencing to BS5837:2012
 - Construction Exclusion Zones (CEZ)
 - Ground protection measures where required
 - Supervision and monitoring arrangements by the project arboriculturistAll works shall thereafter be undertaken in full accordance with the approved AMS.
- 4) The development shall not be occupied until a scheme of replacement planting has been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - Species, size, and location of new planting

- Implementation timetable

The approved planting shall be carried out in accordance with the approved specifications and timetable.

If, within a period of 5 years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

- 5) No development shall commence until a Bat Mitigation Strategy, inclusive of the construction phase, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- Installation of two integrated 2FR Schwegler bat tubes
- Temporary Woodstone bat box during works
- Licensed bat ecologist supervision and pre-works inspection
- Sensitive roof liner specification (1F bituminous felt only)
- Bat roost mitigation post completion monitoring schedule

All works shall thereafter be undertaken in full accordance with the approved strategy.

- 6) The development shall not be occupied until an external lighting design plan has been submitted to and approved by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the plan prior to occupation of the development and shall be maintained as such thereafter, and no additional external lighting shall be installed other than in accordance with the approved details.
- 7) Prior to being used in the development details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are the effect of the proposal on:

- the character and appearance of the area having particular regard to trees and whether the proposal would preserve or enhance the Woolley Conservation Area; and
- bats.

Reasons

Character and appearance and the Conservation Area

3. The appeal site is located within the Woolley Conservation Area (the CA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. The CA encompasses the built historic core of the settlement of Woolley. The area possesses a distinctly rural character with the settlement defined by large, detached dwellings, some of which were former agricultural buildings which further contribute to this rural, agricultural character. As such, the significance of the CA as a heritage asset is primarily derived from its historic layout and architecture of the built environment. However, the presence and level of greenery, including trees, also makes a general positive contribution as it reinforces the rural character of the area.
5. The appeal site forms part of a stone built barn, a former agricultural building associated with the farmhouse, now Pear Tree Farm. Both the original farmhouse and barn illustrate the historic agricultural character of the settlement, contributing positively to the significance of the CA. Backhouse Lane is notably tree lined, inclusive of those along the appeal site boundary, screening the development adjacent to the highway, benefiting the areas rural character, and generally contributing positively to the verdancy of the CA.
6. The Council consider the proposed conversion of the barn to represent a sensitive repair and re-use of the building with the Council's Conservation Officer recommending approval. The Council's concern relates to the effect of the proposal on the trees along the boundary with Backhouse Lane. The proposal would remove 2 beech trees from a larger group, as well as a hawthorn tree to facilitate the creation of an access. The gates would be set back with stone walling behind the remaining trees lining Backhouse Lane.
7. There is disagreement as to the British Standard category and amenity value of the trees to be removed. My observations were that although they are visible from the road, individually they make a limited contribution to the character of the area. If these specimens were removed, the majority of the trees along the boundary with Backhouse Lane would remain and the overriding impression of a tree lined lane and consequent rural character would be preserved. Further, additional planting within the appeal site could be secured through condition to maintain a similar level of tree cover in the vicinity.
8. In addition, the proposed access flanked by stone walling, with greenery would be broadly in keeping with features seen close by in the CA. This would equally reinforce the rural character of the settlement. The access would likely facilitate glimpses of the traditional architecture evident in the appeal building from the road, allowing this aspect of the CA's significance to be appreciated more. Therefore, when taken as a whole, the proposal would preserve the character and appearance of the area and the significance of the CA as a heritage asset.
9. The Council is further concerned that the proposed access could threaten the long term retention of the trees intended to remain. However, the Arboricultural Implication Plan provided shows that the proposed driveway would lie outside the area of the root protection areas (RPA) of the trees that are to be retained, and the associated report confirms that there would be no hard surfacing within those RPAs. I have not seen substantive technical evidence that demonstrates

otherwise. The Arboricultural Impact Assessment recommends the agreement of a method statement to ensure a construction exclusion zone. I am satisfied that this mitigation strategy to protect the retained trees during the construction phase can be secured through condition.

10. Given Backhouse Lane is narrow in nature and serves a relatively low number of properties, traffic levels and speeds are likely to be low. The Highways Development Management for the Council reviewed the submitted plans which include the trees along the boundary which are to be retained and raised no objections. The Council concur with this, stating that the proposal does not raise significant issues for road safety. As such, the retained trees provide adequate sight-lines for vehicles accessing the appeal site. Therefore, it is unlikely that this would pose a threat to the long term retention of the remaining trees. In any event, given the site's location within the CA, any removal of these trees would require an application to the Council.
11. Policy LP54 of the Wakefield District Local Plan 2036 (2024) (Local Plan) says that development that would result in the loss of trees will only be permitted if it can be clearly demonstrated that they do not contribute to the character of a Conservation Area. Nonetheless, the proposed development in this instance does not simply comprise the loss of trees, it also involves the conversion of a traditional building into a meaningful use, the sensitive creation of an access and could secure additional planting. Looking at the development holistically the proposal would preserve the character and appearance of the CA and would not result in any demonstrable harm. On that basis it would conserve the CA in a manner appropriate to its significance in line with national policies to protect the historic environment in the National Planning Policy Framework (the Framework). It would also align with the expectations of the Act.
12. As such, having particular regard to trees, the proposal would preserve the character and appearance of the CA and the wider area. Therefore, it would accord with the relevant provisions of Policies LP63 and LP64 of the Local Plan which require development affecting a designated heritage asset, including its setting, to conserve or enhance the significance of the asset. Notwithstanding some conflict with the wording of policy LP54, I am satisfied that when the Local Plan is read as a whole, the proposal would not conflict with development plan policy on this main issue.

Bats

13. Amongst other things Policy LP51 of the Local Plan seeks to incorporate features that support priority or threatened species such as bats and minimise disturbance to them. PPG reinforces that planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering planning applications.
14. The application was accompanied by ecological information and a survey that showed the site was used occasionally as a day roost for brown long eared bats. All bat species are protected in the UK.
15. There is broad consensus between the parties that the mitigation measures identified would limit the impact such that there would be no significant harm to the long-term conservation status of the bat species that are present. The Council's

Ecologist accepted that planning conditions could be used to secure the mitigation. I have not seen substantive evidence that undermines those findings.

16. On that basis, in the event of an approval the proposal would avoid adverse impact on bats such that it would accord with the development plan requirements, the mitigation hierarchy in the Framework and advice in PPG.
17. The Council refer to derogation tests under the Conservation of Habitats and Species Regulations 2017 (as amended) and assert that the appellant would be unlikely to obtain a mitigation licence from Natural England because the proposal is contrary to the development plan as a whole, with no overriding public interest justification. Specific government guidance¹ does state that local planning authorities should, where a licence is needed, consider whether it is likely to be granted before giving planning permission. This is to avoid circumstances where a developer obtains planning permission but is unable to implement it, as a licence is not forthcoming. It goes on to set out the three relevant licensing tests and confirms that protected species licensing requirements are in addition to the requirements for planning permission. Licences are subject to separate processes and specific policy and legal tests.
18. However, it does not say that failure to meet the licencing tests of itself amounts to a planning refusal reason. Moreover, the concerns of the Council in relation to the character and appearance of the area have already been considered under the first main issue. Given my findings in relation to that issue, I have no reason to doubt that a licence would not be forthcoming.
19. On that basis, given that the evidence indicates adequate mitigation could otherwise be secured to avoid harm to bats, I find no conflict with policy LP51 of the Local Plan.

Other Matters

20. Third parties raise land ownership and restrictive covenants. However, this is a civil matter and goes beyond the scope of what I can consider as part of this appeal.

Conditions

21. The Council declined to suggest any conditions. The appellant provided suggested conditions to which I have had regard. I have also had regard to consultation responses received during the planning application.
22. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition relating to external materials to safeguard the character and appearance of the CA.
23. A condition requiring the submission of an Arboricultural Method Statement is required to prevent damage to trees and in the interests of the character and appearance of the CA. This is required prior to the commencement of development due to the potential effect on trees during the construction phase. A

¹ Protected Species and development: advice for local planning authorities from Natural England and Department for Environment, Food and Rural Affairs, published 6.10.14 updated 7.4.25

condition is additionally required for the submission of a replacement planting scheme to offset the loss of the trees that are to be removed.

24. A condition requiring the submission of a bat mitigation strategy, inclusive of the construction phase, and external lighting scheme are required for the protection of wildlife. This bat mitigation strategy condition also secures bat roost mitigation monitoring and therefore a separate condition for this would be unnecessary. This condition is required prior to the commencement of development due to the potential effect on bats during the construction phase.
25. A condition was suggested to secure a scheme of radon gas protection. There is limited evidence before me to demonstrate why this would be necessary or relevant to planning, or why this matter would not be satisfactorily addressed by the Building Regulations. Therefore, any such condition would be unnecessary and unreasonable.
26. The Council's ecologist has suggested conditions preventing commencement of the development until the appellant provides the Council with details of a European Protected Species Licence (EPSL) or Bat Mitigation Class License, as well as a further condition requiring a bat ecologist provide a toolbox talk to the contractor. It would not be reasonable or necessary to impose a condition preventing development until details of the license, or lack of need of a license has been provided to the Council as this is a requirement under differing legislation.
27. The proposal is within the scope of the statutory framework for Biodiversity Net Gain (BNG). The general biodiversity gain condition is deemed to apply to every planning permission granted. The condition is that the development may not be begun unless a Biodiversity Gain Plan (BGP) has been submitted to the planning authority and they have approved the plan. There is therefore no need for me to duplicate the general BNG condition.
28. Given the above conditions for an Arboricultural Method Statement including tree protection plans and bat mitigation strategy, a separate condition for a Biodiversity Construction Environmental Management Plan would duplicate these and be unnecessary and unreasonable.
29. The proposal is a moderate distance from 11 Backhouse Lane (No 11) with mature vegetation close to the rear elevation of the proposal. As such, any overlooking of the occupiers of No 11 would be limited. Therefore, a condition requiring the upper floor glazing to be obscure glazed and the removal of permitted development rights for new openings is unnecessary and unreasonable.
30. With regards to land contamination, the proposal is considered low risk, there is no indication of any former industrial uses with no infilled land or shallow coal seams marked. Therefore, it is unlikely any contamination will be present and a condition relating to land contamination would be unnecessary and unreasonable.

Conclusion

31. For the reasons given above, the appeal should be allowed.

N Unwin

INSPECTOR