
Appeal Decision

Site visit made on 23 September 2014

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2014

Appeal Ref: APP/N4720/A/14/2223148

Woodlands, Wetherby Road, Scarcroft, Leeds, LS14 3HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by MNI (Scarcroft) Limited against Leeds City Council.
 - The application Ref 13/05880/FU, is dated 20 December 2013.
 - The development proposed is change of use and extension of building to provide A1 retail foodstore at ground floor, retention of offices (Use Class B1) to first floor with external alterations, access, car parking, servicing and associated works.
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Decision

The appeal is dismissed.

Procedural Matters

1. The Council altered the description of development during the course of the application to "change of use of ground floor offices to provide retail foodstore (A1); single storey front and rear extensions; external alterations and associated works including new car parking". However, as the original description of development appears more accurate I have not altered it.
2. An application for listed building consent ref 14/00756/LI has also been submitted to the Council. This does not form part of this appeal and is therefore not before me.
3. The site lies within Green Belt. Neither the Council nor the appellant consider that the proposal constitutes inappropriate development or that it raises any issues in relation to openness. Based on the evidence before me I see no reason to disagree with this stance.

Main Issues

4. The appeal was made against non-determination. Subsequent to the submission of the appeal the Council provided a statement which included details of their intended reason for refusal. This outlined concerns in relation to the accessibility of the location.
5. The site lies within the Scarcroft Conservation Area and within the curtilage of Scarcroft Lodge, a Grade II Listed Building. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66(1) of the same act

states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6. Woodlands is not individually listed but is curtilage listed by virtue of having been within the curtilage of Scarcroft Lodge prior to 1st of July 1948. It is therefore a listed structure. Proposals for development should therefore be considered in proportion to its significance as a curtilage structure.
7. Accordingly, the main issues for the appeal are:
 - Whether the proposal would result in a sustainable pattern of development, having regard to its accessibility;
 - Whether the proposal would preserve the setting of Scarcroft Lodge;
 - The effect of the proposals on the special interest of the listed building known as Woodlands;
 - Whether the proposal would preserve or enhance the character or appearance of the Scarcroft Conservation Area;

Reasons

Sustainable Pattern of Development

8. Together policies SA2, SA5, SP3 and T2 of the *Leeds Unitary Development Plan* (UDP) seek to direct new development to locations which are accessible by means other than the private car. Although the UDP predates the *National Planning Policy Framework* (the Framework), this is consistent with the core planning principle within it which recognises the need to locate significant development in sustainable and accessible locations. The emerging *Leeds Local Development Framework Core Strategy* (Core Strategy) policies SP1 and T2 and associated accessibility standards also seek to concentrate new development within accessible locations. Although this is not adopted policy, the general thrust in relation to accessibility does not conflict with either the UDP or the Framework.
9. The site is located on the A48 on the edge of Scarcroft, close to the office complex located in Scarcroft Lodge. The village itself has a pub but no shops, the nearest being located around 2 miles away at either Thornber or Shadwell. The Local Centre at Slaid Hill provides a number of retail units but is located further away at around 2.5 miles away. The village is characterised by a spacious pattern of development, with properties strung out a considerable distance along Ling Lane, Syke Lane, and Thornber Lane and the centre of the village is around a 10 minute walk from the appeal site.
10. The appellant has provided a sequential assessment with the application and concluded that no alternative suitable sites are available within the catchment area for a retail use. An impact assessment has also been supplied which concludes that the proposal will not have an adverse effect on existing traders within the defined catchment area, which includes businesses at Collingham. The Council do not dispute this, and I have no reason to disagree with this stance.

11. There is a bus stop within a short distance of the site, with a service which runs around every half an hour between Leeds and Wetherby, mostly via Collingham. This falls short of the accessibility standards that accompany policy T2 of the emerging Core Strategy and the general thrust of policies in the UDP. However, having regard to the scale of the facility proposed and the character of the local area, I consider it most likely that the development will predominantly provide convenience or “top-up” shopping. In practice, regardless of the proximity or frequency of public transport to major centres, users of the development would come from a more local catchment which is not readily served by public transport, and are most likely to walk or travel a relatively short distance by car.
12. I note the views of some local residents that the proposal is not needed and that adequate facilities are available within a short drive. However, in providing a local shop where there is currently none the proposal would comply with the aim of minimising journey lengths for shopping for local residents (para 37 of the Framework) and in this regard the proposal would not give rise to significant additional trips in the private car. Furthermore, it would also comply with guidance in the Framework which seeks to promote the development of local services within villages (para 28). On the first matter I therefore conclude that although the proposal would fail to comply with UDP policies SA2, SA5, SP3 and T2 of the UDP and policies SP1 and T2 of the emerging Core Strategy, it would nonetheless comprise a sustainable form of development in accordance with the aims of the Framework.

Heritage Issues

Effect on Scarcroft Lodge.

13. The effect of the proposal upon Scarcroft Lodge is not a matter between the main parties. Although Woodlands has a significant presence at the entrance to the estate, it is not prominently visible in shared views. I therefore share the view of the Council, that given the distance of the appeal site from the principal listed building, the appeal proposal would not impact upon the setting of this Grade II listed building. In this regard its setting would be preserved and in this respect there would be not conflict with guidance within the Framework which seeks to conserve heritage assets in a manner appropriate to their significance.

Effect of the Proposal on Woodlands

14. Woodlands lies on the A58, and along with 2 modest lodge buildings, which flank the access, forms part of the frontage to the entrance to the estate. The building is not detailed in the listing for Scarcroft Lodge but appears to have been historically within the same ownership and is considered to be a curtilage building.
15. I am mindful that it is situated some distance from the main listed property. Nevertheless, it is located adjacent to the two entrance lodges and its front boundary forms part of the boundary to the grounds of Scarcroft Lodge. Much of the ground floor of the roadside elevation is obscured by the boundary wall and this, along with the varied roofscape give the building a fragmented appearance from the roadside. The rear elevation of the building is viewed across a substantial lawned area which is edged with mature trees. It appears to have undergone some alteration from its original form, and is currently

vacant and subject to some vandalism. Nevertheless, the substantial size and regular fenestration presents a pleasing rear façade which when viewed across the open lawn provides an attractive vista. The building has the appearance of a large domestic dwelling, set in established gardens. Although this view is hidden from the main road, it is available on the approach to Scarcroft Lodge, which is commercial use. Although remote from the principal listed building, it nonetheless has presence as part of the wider estate and its appearance contributes to the wider character of the area.

16. The proposal comprises a number of alterations to the building. These would include the erection of a single storey timber clad box in the southern recess. Although this would be simple in form and relatively modest in size, it would nonetheless be clearly visible in views of what would be the main commercial frontage. In views into the site its utilitarian form and alien materials would emphasize its incongruous appearance and detract from the domestic detailing of the building. Furthermore, the removal of the lower portion of the central bay and its replacement with a glazed entrance would reduce the symmetry of this feature.
17. The large number of windows in the building and the horizontal emphasis of the glazing bars within them contributes significantly to the accessible appearance of the building. The replacement of these with windows with larger glazing panes and the closure of a number of existing openings would reduce this. The introduction of signage would also further detract from the domestic character of the building.
18. The development would introduce a new access and turning area and a parking area for around 23 cars. It would also require the provision of a gap within the tree coverage at the entrance to facilitate the access and turning area. The parking would lie immediately adjacent to the building and would separate it from its open setting. I note that as part of the development supplementary planting is proposed. However, this would not offset the impact that the introduction of a substantial area of parking would have on the intimate character of the landscaped setting.
19. All of these elements in isolation would be relatively minor changes to the building and its setting. Nevertheless, when taken together, the proposed changes to windows, the form of the extension, the extent and position of the parking and the tree removal, collectively represent an unsympathetic level of piecemeal alteration. The cumulative impact of this would result in an unacceptable erosion of the character of the listed building. This would amount to material harm.
20. I am also mindful that a previous consent for works to the building was approved in 2011 (ref 11/02963/FU) and that this represented a much larger addition to the original building. However, this consent is no longer extant and limits the weight I can attribute to it.
21. In this regard the proposal would not preserve the special interest or setting of Woodlands, and would conflict with guidance within the Framework which seeks to conserve heritage assets in a manner appropriate to their significance.

Effect of the Proposal on the Scarcroft Conservation Area

22. The effect of the proposal upon the Conservation Area is not a matter between the main parties, although it is a concern of local residents, and is also a matter I have a statutory duty to address.
23. I have found above that the proposal would fail to preserve Woodlands and that it would be harmful to the character of the building. The alterations would be notable in public and private views of the site and would therefore impact upon the appearance of the curtilage listed building and also the character and appearance of the Conservation Area. In this regard it would fail to preserve or enhance the character or appearance of the Scarcroft Conservation Area. It follows that it would be contrary to Policy N19 of the UDP which seek to resist such development.

Conclusion on Heritage Issues

24. The proposal would not effect the setting of the principal listed building Scarcroft Lodge. It would however fail to preserve the special interest and setting of Woodlands, a listed building and would also fail to preserve or enhance the character or appearance of the Conservation Area.
25. The harm identified would amount to "less than substantial harm" which the National Planning Policy Framework (the Framework) advises must be weighed against the public benefits of the scheme. I note that the proposal would bring the building back into use. I also note that it would provide 11 full time and 5 part-time jobs. Given the encouragement in the Framework to respond to opportunities for growth I give this matter considerable weight. However, I note that the sympathetic reuse of the building could potentially be achieved with an alternative scheme. These benefits are not sufficient to outweigh the cumulative harm the proposal before me would cause to the curtilage listed building and to the Scarcroft Conservation Area and its significance as a heritage asset. I therefore conclude the proposal would also fail to comply with the national policy outlined in the Framework.

Other Matters

26. I am mindful of the comments of local residents in relation to highway safety, and I note their fears that the proposal would lead to opportunistic parking and stopping on the A58. However, the Council are satisfied that this issue could be mitigated by the introduction of stopping restrictions. Having regard to the local road layout I have no reason to disagree with this view. I also note the comments of third parties, including the matter of trees, wildlife and drainage, and the potential for anti-social behaviour arising from the potential sale of alcohol from the proposed shop. However, these matters do not lead me to a different view to that outlined above.

Conclusion

27. Although I have found that the proposal would not conflict with the aims of the Framework in relation to accessibility and the provision of a sustainable form of development, it would cause harm to the character of the Scarcroft Conservation Area and the curtilage listed building which would not be outweighed by the benefits of the proposal.

28. Therefore, for the reasons set out above, and having regard to all other matters raised, I dismiss the appeal.

Anne Jordan

INSPECTOR

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