

Appeal Decision

Site visit made on 7 September 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/N2739/W/16/3147769

Land north of Main Street, Monk Fryston, Leeds

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Scrogs Wildlife against the decision of Selby District Council.
 - The application Ref 2015/1137/FUL, dated 14 September 2015, was refused by notice dated 11 February 2016.
 - The development proposed is erection of a polytunnel, siting of a storage container and siting of a portable classroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt;
 - (b) The effect on the character and appearance of the site and its semi-rural setting;
 - (c) Whether the proposal would give rise to risks to the safety of users of the site given its past use for waste disposal; and
 - (d) The effect on the site's nature conservation value.

Procedural Matter

3. A revised site layout drawing submitted with the appeal shows the three proposed buildings grouped more closely in the centre of the appeal site. This has been prepared in response to the Council's concerns about impact on the openness of the Green Belt. However, as this plan has not been subject to any consultation with those who were consulted on the original planning application I am unable to take it into account. Accordingly, the appeal must be determined on the basis of the proposal as submitted to and considered by the Council.

Reasons

Green Belt

4. The appeal site comprises a former quarry and landfill site which has been restored by means of land profiling, site capping, the extensive planting of
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native trees and the creation of footpaths within the site. The additional planting of willow and other trees by the appellant has taken place on a relatively small proportion of the total site area and these trees are grown and coppiced for use in the rural craft courses run on the site. I consider that these activities are ancillary to the lawful use of the site as a nature conservation area in accordance with the planning permission granted in 2012 (Ref 2011/0462/COU) and do not constitute a separate use for forestry purposes. The officer report for that application indicates that the permission provides for public access to the site and for visits by school and other groups for the purposes of recreation and environmental education. The lawful use can be accordingly be treated as being for outdoor recreation for the purposes of applying the policies within the adopted development plan and the National Planning Policy Framework (Framework) with regard to the control of development in the Green Belt.

5. Policy SP2 of the Selby District Core Strategy (2013) (Core Strategy) states that development in the Green Belt must conform to Policy SP3 and national Green Belt policies. Policy SP3 states that, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated very special circumstances to justify a grant of permission. The policy defers to national policy in the Framework in respect of what constitutes inappropriate development.
6. The proposed polytunnel would be fixed by means of ribs inserted into the ground by about 0.5 metre. The storage container and classroom building would not be fixed to the ground but the proposal seeks permission for their permanent siting and lifting equipment would be required to remove them from the site. For these reasons all three elements of the scheme should properly be considered to be buildings as defined in section 336 of the Town and Country Planning Act 1990 and should accordingly be assessed against the policy tests set out in paragraph 89 of the Framework.
7. Paragraph 89 states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt other than in a limited number of exceptions. One of those exceptions, set out in the second bullet of the paragraph, is the provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
8. The proposed polytunnel is to be used for newly planted willow and as a resource for education on cultivation for school and other group visits. The classroom would substantially improve the appellant company's facilities for the provision of rural craft courses and environmental education to such groups. The container is proposed for the storage of tools and equipment used in the courses and in the general management and maintenance of the site; the need for secure storage facilities is readily apparent given that the site is screened by dense woodland and not overlooked by any residential properties.
9. I am satisfied that all three elements of the scheme would comprise appropriate facilities for the recreational use of the site, whether this be by means of passive recreation to observe and experience wildlife or through participation in the learning of rural crafts and about environmental issues and management. Their provision would support the beneficial and sustained use

of the site as a site of nature conservation value and as a recreational resource over the long term and would enhance the beneficial use of the land for this purpose in accordance with paragraph 81 of the Framework.

10. The erection or siting of any building on Green Belt land where no building or other structure currently exists must reduce openness to some extent. However, paragraph 89 is expressly concerned with the erection of buildings and the second bullet clearly contemplates that circumstances may exist where the effect of a new building or buildings would be limited to the extent that the openness of the Green Belt is preserved.
11. The proposed polytunnel would be a light weight structure of low maximum height and of translucent appearance and its overall effect on openness would be negligible. The storage container and proposed classroom would both be larger and of more solid appearance but would be of modest scale. Individually, these would have a limited footprint and height and, contrary to the Council's comments, I consider that the proposal to site these separately with open space in between would serve to minimise their combined effect. They would have some effect on the currently open feel of the grassed area within the centre of the site but this would be limited; however this is a very small part of the larger site and the effect on the spatial dimension of openness in respect of the appeal site as a whole would be minimal. The topography and vegetation within the site are such that the proposed buildings would be very well screened from the site access and parking area and, due to the extensive woodland belt to the site perimeter, they would be unlikely to be visible from outside the site even in the winter months. The effect on the visual dimension of openness would also be minimal. Accordingly I find that the proposal would preserve the openness of the Green Belt in this location.
12. I accept that the site is outside of the development limits of Monk Fryston and lies within the open countryside but the erection of the three buildings as proposed would not alter the use of the site and they would be centrally located in what is an extensive area of woodland and other vegetation. The proposal would not represent an encroachment of built development into the countryside or the sprawl of a large built up area; neither would it affect any of the other purposes of including land in the Green Belt.
13. For these reasons I conclude that the proposal would fall within the exception set out in the second bullet of paragraph 89 and would not constitute inappropriate development in the Green Belt. It would comply with the policies in section 9 of the Framework and would not require any specific justification having regard to paragraphs 87 and 88. The proposal would also comply with Core Strategy Policies SP2 and SP3 which seek to protect the Green Belt from inappropriate development.

Character and appearance

14. I consider that the width and density of the woodland planting to the site perimeter would make it unlikely that the proposed buildings would be seen from outside of the site even in the winter season when most of the trees would not be in leaf. Due to the topography and vegetation within the site, they would also be largely hidden in views from the site access and the visitor car parking area. However, visitors are encouraged to walk along the paths into and through the woodland and the other parts of the site, and the central area where the buildings would be sited would be the focus of the visit for

those coming to the site to participate in one of the rural craft courses or other educational activities. The proposed buildings would, therefore, be seen by the majority of visitors to the site.

15. Although the appearance of the polytunnel would be in keeping with what those visitors might see and experience on the rest of the site, the proposed container and classroom would stand out as hard and unattractive structures which would be out of place in the pleasant, semi-rural landscape and setting of the appeal site. My experience is that such structures are usually of metal construction and of box like appearance and I agree with the Council that these would have an urbanising effect on the semi-rural landscape. Although such buildings may not be uncommon on quarry and landfill sites such uses are commercial uses which are normally of limited duration whereas what is proposed here is their permanent siting in an area which has been restored and is being managed for its high environmental value.
16. I consider that both the storage container and classroom would be out of keeping and that the appellant's proposal to paint them green would not provide adequate mitigation for the significant adverse effect they would have on the character and appearance of the site. Whilst I recognise the need for the proposed buildings I consider that the appellant's requirements could equally well be met through the use of other building forms which would be both more in keeping with the attractive, semi-rural landscape and more in sympathy with the site's role and significance as an area of environmental and nature conservation value.
17. I therefore find that the proposal would cause significant harm to the character and appearance of the site and its semi-rural setting would conflict with Core Strategy Policy SP19 which seeks that all new development should be of a high quality of design which has regard to local character and positively contributes to the area's identity. It would also conflict with saved Policy ENV1 of the Selby Unitary Development Plan (UDP) which states that, in considering development proposals, account will be taken of a number of matters including the standard of design in relation to the site and its surroundings.

Safety of users

18. The site was formerly used as a landfill site but the available evidence is that the operation of the site was subject to appropriate regulation and that it has been restored in accordance with an approved restoration scheme. The officer report on the 2011 application makes it clear that the proposed use as a nature conservation site would involve access by the general public and visits by school and other groups and the potential risks associated with such a use were considered in connection with that application. Based on the additional information provided by the applicant at that time these risks were deemed to be acceptable on the understanding that no disturbance would be caused to the cap covering the deposited waste or to the top soil.
19. The siting of the proposed storage container and classroom building would not involve the construction of any foundations or ground disturbance. The insertion into the ground of the ribs that would support the polytunnel would cause some limited disturbance to the topsoil but this would be over a small area and to a limited depth. In my judgment the risks associated with that limited, and very localised, disturbance could satisfactorily be managed by

means of a condition requiring appropriate investigation of this part of the site prior to those works being carried out.

20. The availability of the classroom may possibly lead to an increased number of group visits but the activities in which such groups would be involved would be much as they are now and I do not consider that this would necessarily result in any increased risk to users. As the appellant has confirmed that no facilities requiring a foul drainage system are proposed and that rainwater would be left to soak into the ground as it does now there would be no increased risk to contamination of groundwater or nearby water courses.
21. Accordingly I find that the risks to the safety of users of the nature conservation area would be limited and could be managed by means of a suitably worded planning condition. No conflict would therefore arise with saved UDP Policy ENV2 in this respect.

Nature conservation

22. Although managed for its nature conservation value the site has no national or local designation and no specific protection in national or local planning policy. Core Strategy SP18 does, however, include the requirement that developments should retain, protect and enhance features of biological interest.
23. Although no detailed assessment has been carried out, my observations from my site visit would suggest that the proposal would achieve this objective by siting the proposed buildings within a small part of an open grassed area with little other vegetation and seemingly very little ecological value compared to the other parts of the 11 acre site. It is reasonable to accept that the appellant has a good level of knowledge as to the relative value of the different parts of the site and it is clear that the site as a whole is being managed with a view to preserving and enhancing its ecological value. The risk of any harm to that value from the appeal proposal would, therefore, be very small. Indeed, insofar as the proposal would help the appellant to sustain and enhance the management of the site for its nature conservation value, the long term effect would be positive.
24. Accordingly, I find that there would be no conflict with Core Strategy Policy SP18 or with saved UDP Policy ENV1 insofar as that policy is concerned with the protection of wildlife habitats.

Conclusions

25. The proposal would not be inappropriate development in the Green Belt and would assist in sustaining and enhancing the beneficial use of the site for nature conservation and outdoor recreation in accordance with paragraph 81 of the Framework. However, whilst no harm would arise in respect of ecological interests or public safety, the form and design of the proposed storage container and classroom would be out of keeping with the semi rural landscape of the site and its surroundings and would cause significant harm to the character and appearance of the site and its semi-rural setting. For this reason the proposal would conflict with the development plan and, in accordance with paragraph 11 of the Framework, should be approved only if material considerations would support a grant of planning permission contrary to the provisions of the plan.

26. The proposal would benefit the users of the site by providing better facilities for school and other group visits and would benefit the appellant by enabling more effective management of the site. However, whilst I accept that these are important benefits, I am not persuaded that they could be secured only through the erection of buildings of the discordant and unsympathetic form and design that has been proposed. Accordingly, I find that the find that these benefits would not outweigh the harm that would be caused to the character and appearance of the site or the resultant conflict with the development plan.
27. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should fail.

Paul Singleton

INSPECTOR