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## Appeal Decision

Site visit made on 4 February 2019

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2019**

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**Appeal Ref: APP/N4720/W/18/3216727**

**Scarcroft Golf Club, Syke Lane, Scarcroft, Leeds LS14 3BQ**

- 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 Mr Michael Thorpe against the decision of Leeds City Council.
  - The application Ref 18/02090/FU dated 27 March 2018, was refused by notice dated 19 June 2018.
  - The development proposed is a portable shelter for practice tee.
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### Decision

1. The appeal is allowed and planning permission is granted for a portable shelter for practice tee at Scarcroft Golf Club, Syke Lane, Scarcroft, Leeds LS14 3BQ in accordance with the terms of the application, Ref 18/02090/FU dated 27 March 2018, and the plans submitted with it.

### Procedural Matters

2. I have amended the description of the proposal to simply describe the development instead of the much longer and detailed description given on the application form. I have also amended the location of development to provide clarity.
3. At the time of my site visit, I saw that the development was complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

### Main Issues

4. The main issues in this appeal are:
  - i) whether the proposal would constitute inappropriate development in the Green Belt
  - ii) the effect of the development on the character and appearance of the area, and
  - (iii) whether, in the event that the development is deemed inappropriate, any other material considerations advanced in support of the development are sufficient to clearly outweigh any harm to the Green Belt, and any other harm, such as to amount to the very special circumstances necessary to justify the development.

### Reasons

5. The site is in a corner of a golf practice area adjacent to the golf club car park. The development comprises a portable shelter which has wheels to manoeuvre the cover to alternative locations, however the shelter is tethered to the ground over a gravelled area which also has an artificial golf tee surface.

*Whether inappropriate development*

6. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (the UDP) sets criteria for approving development in the Green Belt where they comprise one of a number of exceptions set out in the policy or where there are very special circumstances. These exceptions are generally to be found in the National Planning Policy Framework (2019) (the Framework) however criterion bullet point one, refers to, amongst other things "essential facilities for outdoor sports and outdoor recreation".
7. Whilst the Council consider Policy N33 consistent with the Framework, I disagree with respect to criterion bullet point one. There is no reference in Framework to 'essential facilities' in Green Belt. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it complies with a stated exception. Exception (b) states 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. The term 'essential' implies that the proposed facility would be necessary to the functioning of the specific outdoor sports or outdoor recreation. Whereas 'appropriate' implies that the proposed development should be suitable linked, this is not as stringent a requirement as that set out in the requirements of the UDP, for this reason I give significant weight to the Framework.
8. Paragraph 145 of the Framework relates to buildings, a term defined in section 336 of the Town and Country Planning Act (1990) to include any structure or erection, and any part of a building, as so defined. The proposed shelter fixed to the ground has a degree of permanency and would be a structure or erection and therefore could reasonably be regarded as a building for planning purposes.
9. The development provides a cover for people practicing golf and allows the golf club to provides a teaching facility, the development would relate to an appropriate facility for outdoor sport or outdoor recreation of golf. Paragraph 145 (b) requires there to be an assessment of the impact on the openness of the Green Belt and the purposes of including land within it.
10. Paragraph 133 of the Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The development would be seen in the context of trees along the boundary of a corner of the practice range. The development is screened to a degree, however can be viewed from the golf course facilities, neighbouring properties and Syke Lane.
11. The portable shelter is modestly sized, and visually a light weight structure with open front, partial open rear with a mesh material which also forms part of the sides, the top and part of the side is covered by a green polyethylene

material. The mesh allows light to penetrate and minimise the visibility of the structure, the polyethylene material is the most visually prominent part of the shelter. The development is sited in the corner of the practice area which slopes down to the development site.

12. I have carefully considered the development and found that because of the purpose of the structure, modest scale, design and locational backdrop, the inherent spatial and visual effects arising from the development would not harm the overriding sense of openness. My findings are that the proposal would preserve the openness of the Green Belt.
13. There are five purposes for the Green Belt set out at Paragraph 134 of the Framework, these are of a strategic nature which in brief seek to check unrestricted sprawl, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic town and assist in urban regeneration. Due to its scale, location and setting the development would not conflict with the purposes of Green Belt. The development would preserve the important concept of openness, which is at the very essence of defining Green Belt.
14. The development would be an appropriate facility for outdoor sport, outdoor recreation, would preserve openness and would not conflict with the purposes of Green Belt. I therefore conclude that the development would not constitute inappropriate development in the Green Belt. There is no conflict with the Framework which seeks to protect the Green Belt from inappropriate development, preserve its openness and permanence.

#### *Character and appearance of the Area*

15. The development is visually a lightweight simple structure in keeping with a golfing facility. Whilst screened to a degree by trees the development is visible from outside the site, however the mesh and green polyethylene materials against the backdrop of the surroundings minimise the appearance of the development.
16. I conclude that the development would not have an adverse effect on the character and appearance of the area.
17. There is no conflict with Policy P10 of the Leeds Core Strategy (2014) which seeks to ensure developments are appropriate to the location, scale and function. There is also no conflict with the Framework which seeks to ensure developments are sympathetic to the local character and landscape setting.
18. I understand that the Scarcroft Neighbourhood Development Plan (2018-2033) (the Neighbourhood Plan) is now 'made' and forms part of the Development Plan. I find that the development does not conflict with the vision, objectives or plan policies within the Neighbourhood Plan.

#### **Other matters**

19. The risk assessment provided by the Appellant details the likely area for balls to be played, there is low risk to the adjacent housing from the development site. Locating the shelter at the bottom of the slope facing away from the highway and adjacent car park limits any effect on highway safety.

#### **Conclusion and Conditions**

20. For the above reasons I conclude that this appeal should be allowed.
21. Conditions suggested by the Council relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.

*C Pipe*

INSPECTOR