



Appeal Decision

Site visit made on 6 August 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/N4720/W/19/3229437

Land adjacent to Unit F, Hollin Park Court, Calverley, Leeds, West Yorkshire LS28 5NB

- 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 Mark Richardson of Holly Park Caravan Storage against the decision of Leeds City Council.
 - The application Ref 19/00900/FU, dated 9 February 2019, was refused by notice dated 8 May 2019.
 - The development proposed is described as 'B8 use of caravan storage'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Richardson of Holly Park Caravan Storage against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matters

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a change of use of land to store caravans (B8 Use). The Council dealt with the proposal on this basis and so shall I.
4. I observed that the development has already taken place and I have dealt with the appeal on that basis.
5. The Council adopted their Core Strategy Selective Review Development Plan Document on 11 September 2019. The parties were subsequently invited to comment on these local policy changes in relation to the appeal. The Council confirmed that these policy changes are of no relevance to the appeal and the appellant made no observations in this regard.

Main Issue

6. The main issue in this appeal is the effect of the change of use on the living conditions of nearby residents, with particular regard to noise and general disturbance.

Reasons

7. The appeal site is a large area of hardstanding adjacent to a small cluster of existing light industrial units which include a metal railings manufacturer,

caravan servicing business, vehicle repair place and a granite worktop supplier. Vehicular access to the appeal site is from Upper Car Lane via a single width road alongside Hollin Park Court, a small residential close comprising of five detached dwellings on the western side of the lane.

8. The appeal seeks permission for a change of use to allow the storage of up to 30 caravans at the site, however, during my visit I observed that 45 caravan parking bays were clearly marked out and in use with numbered markers from 1 to 45. At the time of my visit 24 caravans and 4 motorhomes were being stored at the site along with a tractor, 2 vans, a horse transporter and a minibus. The appellant suggests that 3 or 4 caravans enter and leave the site each week with this increasing during the peak caravanning season from late spring and throughout the summer. He suggests there would be hardly any traffic movements during the autumn and winter months.
9. All vehicle movements to and from the appeal site are via the narrow lane leading off Upper Car Lane and passing within very close proximity to residential properties on Hollin Park Court. 1 Hollin Park Court fronts onto the lane with No 5 being at a right angle to it. The entry into Hollin Park Court also provides the only vehicle passing place along the lower length of the access lane and therefore provides refuge for passing vehicles and caravans.
10. Each caravan owner is provided with their own key to gain access to the site which is via a gate over the access lane to the rear of 5 Hollin Park Court and at the main entrance to the storage compound at the top of the lane. While the appellant has suggested opening times of 8am to 6pm every day, given that each customer has their own key to the site, it is in effect operating with 24 hour unrestricted access every day.
11. The caravan storage use commenced in May 2018 and I understand from a number of representations put by interested third parties that there can be caravan movements in the early hours of the morning and late into the evening. This can involve noises from engines running, vehicles stopping and starting, gates being opened and closed and the likely clattering noise of vehicles under tow with the associated screeching of breaks and revving of engines as caravan owners manoeuvre their caravans along the incline of the lane.
12. Substantial evidence has been provided which shows the difficulties caravans have in negotiating the narrow lane and its junction with Upper Car Lane. I have been alerted to occasions where residents of both Hollin Park Court and Upper Car Lane have been disturbed by caravan owners requesting that residents' vehicles be moved to facilitate caravans manoeuvring into and out of the site, occasions when the manoeuvring of caravans has caused damage to property and occasions when the use of the passing place along Hollin Park Court has blocked access to residents' properties and caused congestion. The evidence in this regard is both substantial and compelling, and I have no reason to doubt its validity having observed the narrow constraints of the lane, the access arrangements and the proximity of the neighbouring residential properties at Hollin Park Court.
13. Although the stated number of vehicle movements associated with the appeal proposal are relatively low and likely to be largely seasonal, the close proximity of the dwellings at Hollin Park Court would exacerbate any disturbance caused to residents by passing vehicles. Similarly, its unrestricted 24 hour access

- provides the potential for noise and disturbance from vehicle movements late into the evening, during the early hours of the morning, during the weekend and on public holidays, when residents can reasonably expect peace and quiet.
14. The appellant advises that the site is monitored by CCTV 24 hours per day and that caravan owners are advised of the 8am to 6pm opening times. However, this appears to have done little to avert caravan owners from arriving and departing from the site outside of these hours and is not a physical restriction that could adequately control access to the site.
 15. I have considered the use of conditions that might limit the opening hours of the site and restrict access to it via securing the gate across the lane to the rear of No 5. In this regard, I agree with the Local Planning Authority (LPA) that such conditions would be difficult to enforce, and it is not certain that the appellant has control over the gate to the rear of No 5 in order to sufficiently restrict access, especially as this is not included within the application boundary. Therefore, such conditions would not pass the tests set out in paragraph 55 of the National Planning Policy Framework (the Framework) as they would be unreasonable and impractical to enforce.
 16. Consequently, I find that the increased use of the access road in such close proximity to neighbouring residential properties is resulting in significant noise and disturbance by users of the caravan storage facility. It follows, therefore, that the use of the site for caravan storage, as proposed, causes significant harm to the living conditions of nearby neighbouring residents contrary to saved Policy GP 5 of the Leeds Unitary Development Plan (Review 2006) and the associated requirements of the Framework which together seek to resolve detailed planning considerations including access and avoid any loss of amenity.

Other Matters

17. The appellant suggests that there has been no material change of use at the appeal site from its former use as a place to store cars. Although, the appellant's actions, in applying for planning permission for a change of use, appear to contradict this. In any case, I have not been provided with any substantive evidence to support this claim and it is beyond the scope of a Section 78 appeal to consider this matter. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal.
18. I give little weight to the appellant's claim that the previous use would have resulted in over 400 vehicle movements per day as I have no evidence of this nor can I be certain that such vehicle movements would be comparable to that of the appeal proposal. I have instead considered the appeal on the basis of what is proposed and its consequent effects.
19. The appellant argues that an occupier of a neighbouring industrial unit has been granted a Heavy Goods Vehicle Operator's Licence which, along with existing regular movements of traffic to and from these industrial units, suggests that the access road is suitable to accommodate the proposal. However, these matters do not weigh in favour of the proposal and do not provide a justification for the harm I have identified.

20. In support of the proposal my attention has been drawn to former Planning Policy Statement 4: Planning for Sustainable Economic Growth. As a document cancelled by the introduction of the National Planning Policy Framework, I give this little weight in my consideration of the appeal.
21. The appellant alleges that the LPA have failed to adequately respond to requests made under the Freedom of Information Act 2000 in relation to this appeal. Any lack of compliance with this legislation is not a matter for me to consider and instead the appellant should direct their concerns to the LPA in the first instance and, if required, to the Information Commissioner's Office.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Jeff Tweddle

INSPECTOR