
Appeal Decision

Site visit made on 23 December 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/W4705/W/19/3237964

Land off Keighley Road, Silsden, West Yorkshire

- 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 Jonathan Smith against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 18/04940/MAF, dated 15 November 2018, was refused by notice dated 16 April 2019.
 - The development proposed is new caravan and cabin park on former agricultural land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit, a number of timber structures were present on part of the site which had the appearance of those shown on drawing 003. Notwithstanding any works carried out to date, I have considered the appeal on the basis of the proposal as shown on the submitted drawings which, the Council has confirmed, were those which formed the basis of its decision.
3. A draft Neighbourhood Plan (NP) for Steeton with Eastburn and Silsden has undergone public consultation, although as it has not yet been made the weight I afford to it is limited. However, I have had regard to the emerging NP insofar as specific matters raised within it have been brought to my attention.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including with regard to protected trees;
 - whether the proposed development would be acceptable with regard to flood risk within the site and elsewhere;
 - the effect of the proposed development on biodiversity, including protected species; and

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal relates to an area of land on Keighley Road between the settlements of Silsden and Steeton. The site is surrounded by open fields, and on three sides by the River Aire and Silsden Beck.
6. Permission is sought to use the land as a caravan and cabin park. The proposal includes the installation of 10 timber cabins with an associated parking area, and the creation of 15 caravan touring pitches.
7. The Framework considers new development inappropriate within the Green Belt except in certain specified circumstances. Those include material changes in the use of land (such as changes of use for outdoor sport or recreation) (paragraph 146 e) and the provision of appropriate facilities (in association with a change of use) for outdoor recreation (paragraph 145 b). In both cases, those exceptions are subject to the caveat that the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
8. Saved Policy GB1 of the Replacement Unitary Development Plan for the Bradford District (the RUDP) states that permission will not be given within the Green Belt other than for certain specified purposes. However, whilst generally consistent with the Framework in seeking to protect the Green Belt from inappropriate development, Policy GB1 pre-dates it, and differs from it in aspects of its wording and the exceptions set out therein. I have therefore had regard to Policy GB1 insofar as it is consistent with the Framework, but attach greater weight to the Framework as a material consideration.
9. Policy SC7 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (the Core Strategy) states that the Green Belt has a valuable role in conserving countryside. It is thus consistent with the Framework, which states that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
10. Whilst each of relatively limited volume individually, the cumulative volume of the 10 cabin structures and, consequently, their effect on the spatial openness of the Green Belt, would be significant. Furthermore, their scattered layout across the northern part of the site would represent a significant extension and encroachment of built development into the countryside, contrary to one of the purposes of the Green Belt.
11. The siting of up to 15 caravans on the site, together with the parking of vehicles and the potential proliferation of paraphernalia such as outdoor seating in association with them, and with the cabins, would have a further cumulative erosive effect on the openness of the Green Belt. The caravan pitches may not be occupied all year round. However, they would cause harm to openness at those times when they were. Furthermore, even when they were not occupied, the access and hard-surfaced areas and the cabins within the site would still remain, and the use would thus still reduce the openness of the Green Belt.

12. I observed that, despite mature vegetation around parts of the site boundaries, the site is visible from parts of Keighley Road and the A629 nearby, from the public right of way which runs across adjacent fields to the west and north west of the site, and from Belton Road further to the north.
13. A number of willow trees have recently been planted in and around the site, and further planting is proposed. However, at the time of my visit, when those trees were not in leaf, views into and over the site were possible from those nearby and more distant vantage points. The proposed planting may provide some further screening. However, on the basis of the evidence before me and my own observations from the various vantage points which surround the site, I am not convinced that it would prevent public views of the site altogether, and I consider that glimpses and views of the development would be possible, even during the summer months. Consequently, the development would also have an adverse effect on the visual openness of the Green Belt.
14. The proposed development would therefore not preserve the openness of the Green Belt, and would represent a significant encroachment into open countryside, contrary to the purposes of including land within the Green Belt. The proposal would therefore not meet the exceptions criteria within paragraphs 145 b) or 146 e) of the Framework.
15. Paragraph 145 g) of the Framework states that the construction of new buildings may not be inappropriate in the Green Belt in circumstances where it represents the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
16. The evidence before me indicates that a sewage works which formerly occupied the site ceased operations in the 1960s, and that its associated structures had been removed by the mid-1980s. The site is now predominantly open, contains willow trees and an agricultural storage building, and had sheep grazing on it at the time of my visit. The site's current form and appearance are thus consistent with the appellant's description of its use as agricultural, a use which does not fall within the definition of PDL in the Framework. Therefore, having regard to its current condition and use, and the period which has passed since those previous structures were demolished, I conclude that the site is not PDL and that paragraph 145 g) does not apply.
17. In any event, notwithstanding any structures which may once have stood on the site, the development would have a greater effect on openness than the *existing* development on the site. Consequently, even were I to consider the site PDL, the criteria in paragraph 145 g) would not be met.
18. Therefore, for the reasons given, whilst proposed for the purposes of outdoor recreation, I conclude that the development would not meet the exceptions in paragraphs 145 or 146 of the Framework, or those in RUDP Policy GB1 insofar as they are consistent with it. The proposal would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt, and which should not be approved except in very special circumstances.

Character and appearance, including protected trees

19. The site is within the Airedale Landscape Character Area (LCA) as defined in the Council's Landscape Character Supplementary Planning Document (the

SPD), and within the Floodplain Pasture Landscape Character Type within that LCA. Amongst the key characteristics of the Floodplain Pasture identified in the SPD are its prominent expanses of flat land, with the River Aire marked by a sinuous line of trees meandering slowly across the plain. I observed that the wide, undeveloped landform of that flat valley floor floodplain, interrupted only by occasional, scattered dwellings or farmsteads, and by the road and railway lines which follow its course, is thus distinctive from the valley sides, where settlements have grown up and where the built form is more regular and suburban in its nature.

20. With its relatively level profile, boundary planting alongside the River Aire and the gently meandering Silsden Beck, and a generally open appearance, containing only trees and a single agricultural building, the site displays many of those key characteristics of the Floodplain Pasture LCT. The site is visible within the context of its wider surroundings from nearby and more distant vantage points and, in its existing open, undeveloped form, makes a significant contribution to the character, appearance and distinctiveness of that wide, open valley floor.
21. The cabins would be laid out in a relatively regularly-spaced alignment, extending across a significant expanse of the northern part of the site. They would thus have a highly regular and somewhat regimented appearance and layout which would be at odds with the informal, scattered nature of other development within the surrounding valley floor, and the flowing, sinuous curves of the vegetation alongside the adjacent watercourses. They would therefore appear as a highly incongruous form of development, which would not preserve the character or appearance of the appeal site or the wider surrounding landscape.
22. Very little information has been provided with regard to the size or layout of the proposed caravan pitches and any associated parking or external areas. However, as it appears from the submissions before me that the pitches would be positioned between the recently-planted willow trees, which themselves are laid out in a grid-like pattern, those areas would therefore also likely have some degree of formality and regularity to their layout. In any event, the siting of up to 15 caravans in that area, together with their associated parking and external areas, would further erode and detract from the generally informal layout and open appearance of the site and its surroundings for a significant period of the year, even if they were only occupied during the spring and summer months as has been suggested.
23. As set out above, the site is visible from numerous nearby and more distant public vantage points and, whilst existing and proposed planting within and around the site may provide some screening, I am not convinced that it would substantially or consistently prevent views of the development altogether. Rather, I consider that public views of the development and its wider Floodplain Pasture surroundings would remain, and that it would appear discordant when viewed within that wider context for the reasons given.
24. The SPD identifies that the prominence and openness of the Floodplain Pasture landscape make it very sensitive to change, and that there are no other expansive areas of floodplain in the District. In that context, the harm to the otherwise open and informal character of that wider landscape which would arise as a result of the development proposed in this case would be significant.

25. The existing trees close to parts of the site boundaries are protected by a Tree Preservation Order (TPO). Most of those existing trees follow the meandering line of the beck, and thus are an important characteristic of the site and the wider LCA. However, whilst those and other trees within and around the site are identified in the appellant's tree survey plan, many are not shown on the proposed site layout plans.
26. The caravan pitches, and most of the cabins, would be located well away from those existing mature trees, and thus unlikely to affect them. However, several cabins in the eastern part of the site, including those numbered 6, 7 and 8 on the proposed site layout drawings, would be located very close to a bend in Silsden Beck and a number of large mature trees within the site adjacent to it. As those trees have not been plotted on the proposed site layout drawing, I cannot be certain of their exact position in relation to those proposed cabins, or that the works to install those structures could be carried out without harm to those trees or their root systems. Consequently, I cannot be certain that all of those trees would remain, or that their contribution to the character and appearance of the site would thus be maintained.
27. I am advised that new hedge planting has taken place around the site, and that dry stone walls have been repaired and replaced in various locations. Such measures would have landscape benefits, and contribute to landscape improvement priorities identified in the SPD. However, those benefits would not be sufficient to outweigh the significant harm to landscape character which I have identified in this case.
28. The willow planting within and around the site would contribute to tree cover within the landscape. However, the arrangement of that planting, in a regular, grid-like pattern, contrasts notably with the informal and often sinuous groups and belts of tree planting which characterise the surrounding valley floor. Its contribution to preserving or enhancing that existing character, and thus the weight I afford to it as a visual benefit to offset or mitigate the effects of the proposals, is therefore limited.
29. Therefore, for the reasons given, I conclude that the proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings, and I cannot be certain that the works could be carried out without adverse implications for protected trees. The proposal would therefore conflict with Policies DS1, DS2, EN4 and EN5 of the Core Strategy. Amongst other things, those policies state that development should be informed by a good understanding of the site and its context, retain existing landscape features and make a positive contribution towards the conservation of the landscapes within the District, and that the Council will seek to preserve and enhance the contribution that trees make to the character of the District.

Flood risk

30. The Environment Agency's (EA's) flood maps identify the site as Flood Zone 2, and the surrounding land as Flood Zone 3. However, the Council's Strategic Flood Risk Assessment (SFRA) identifies the site as Flood Zone 3b (Functional Floodplain as defined in the PPG¹). As a more vulnerable use² which, Table 3 of

¹ Paragraph Reference ID: 7-065-20140306

² PPG Paragraph Reference ID: 7-066-20140306

the PPG advises, should not be permitted in Flood Zone 3b³, the proposal would not be acceptable on the basis of the SFRA designation.

31. The appellant's Flood Risk Assessment (FRA) suggests that the main plateau of the site is above the 1 in 100 year flood level for the adjacent watercourses. However, whilst I understand from photographs and anecdotal evidence that the site did not flood during a recent flood event in December 2015, the figures in the FRA are based on modelled flood levels from 2008. Consequently, I cannot be certain that evidence provides an accurate picture of the current situation, or reflects the most recent PPG guidance in that regard, thus limiting the weight I afford it.
32. However, even if the site was within Flood Zone 2, the Framework requires a sequential approach to the location of development, stating that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed change of use does not fall within those types of development to which the sequential test does not need to be applied⁴. Furthermore, the PPG clarifies that the sequential approach should be applied first to guide development to Flood Zone 1, then Zone 2, even though Table 3 indicates that more vulnerable developments may be appropriate in Flood Zone 2⁵.
33. The appellant's submissions state that there are no other sites 'in this location' which can offer a safe tourist facility for caravans and cabins. However, I have not been provided with details of the extent of the location referred to and therefore the area searched, or of any other sites which have been considered in that regard. On the basis of that very limited information, it has not been demonstrated that there are no alternative, suitable, available sites within Flood Zone 1 which could accommodate the proposed development. The appellant may not own any other sites. However, that alone is not sufficient to demonstrate that no other such sites are available, and carries little weight.
34. The appellant states that the cabins and caravan pitches would provide funding to supplement the willow-growing operation on the site. However, I have not been presented with any substantive evidence demonstrating that the viability of that enterprise is directly reliant on the cabin and caravan use, or that the use must be located on the same site as that willow-growing business even if that were the case. In considering whether the sequential test would be passed, I therefore afford the matter little weight.
35. Therefore, on the basis of the evidence before me, the sequential test would not be passed even if the development were within Flood Zone 2.
36. The appellant's evacuation plan identifies the access drive between the site and Keighley Road as the evacuation route from the cabins and caravans in the event of a flood. However, whilst the appellant's submissions indicate that he has never seen the track flood, it is within Flood Zone 3 on the EA's maps, and on that basis I consider that the possibility of that area flooding and preventing safe egress from the site could not be ruled out altogether. Furthermore, the evacuation plan appears to rely on calling or texting occupants of the caravans and cabins in a flood event. However, it is not clear how or whether that would

³ Table 3. Paragraph Reference ID: 7-067-20140306

⁴ PPG Paragraph Reference ID: 7-033-20140306

⁵ Paragraph Reference ID: 7-067-20140306

account for the possibility that people may switch off their phones whilst sleeping, when they would be most vulnerable from flooding. Therefore I am not satisfied that a safe escape route could be guaranteed for future occupants in a flood event, even if the site itself were not flooded.

37. I have been referred to the potential benefits of recent tree planting in terms of slowing flood water. However, I have not been presented with any site-specific evidence regarding the likely effects of the particular planting carried out and, in any event, that would not alter my conclusions regarding the sequential test or the evacuation plan for the development.
38. My attention has been drawn to the use of neighbouring fields within Flood Zone 3 for uses including sports pitches, car boot sales and other occasional events. However, as those uses drawn to my attention would not comprise more vulnerable uses, they are not directly comparable to the current appeal proposal with regard to flood risk, and their presence does not alter my conclusions in that regard.
39. Therefore, for the reasons given, I conclude that the proposed development would not be acceptable with regard to flood risk within the site and elsewhere. The proposal would therefore conflict with Policy EN7 of the Core Strategy which, amongst other things, states that the Council will ensure that any new development in areas of flood risk is appropriately resilient and resistant, and that it will not permit development in areas shown as functional floodplain in the Bradford SFRA.

Biodiversity

40. Although no watercourse runs through the site, much of it is closely surrounded by the River Aire and Silsden Beck. The appellant's Extended Phase 1 Habitat Survey Report (the Habitat Survey) identifies features within those watercourses which would provide suitable habitat for water voles, otters and white clawed crayfish, with records of the latter two species being present in the vicinity of the site. The Habitat Survey also identifies that trees within and adjacent to the site, including alongside Silsden Beck, have the potential to support roosting and foraging bats.
41. Much of the development would be located away from those adjacent trees and watercourses. However, the cabins in the eastern part of the site would be very close to part of Silsden Beck and trees alongside it. Those trees are not identified on the proposed site layout plans, and there is little detail on those drawings regarding the nature or extent of any works or lighting associated with the installation or use of those cabins. However, given their proximity to the adjacent watercourse and trees, and in the absence of any substantive evidence to the contrary, I consider that there is potential for the development and occupation of those cabins and any associated external areas to affect protected species in those trees and the adjacent watercourse.
42. The Habitat Survey also identifies records of ground nesting birds, including lapwing and curlew, using the site. Development works within the site could therefore also affect those species. However, in the absence of any detailed survey work to ascertain whether ground nesting birds are present or, specifically, to rule out their presence in those areas where the cabins, touring pitches and associated external areas are proposed, the likelihood of the development also affecting those species cannot be ruled out.

43. On the basis of the evidence before me, I therefore consider there to be a reasonable likelihood of protected species being present and affected by the proposal. However, in the absence of detailed surveys to identify whether and where those species are present within and close to the site, I cannot assess the extent of any such effects or whether they could be satisfactorily mitigated. There is therefore an unacceptable risk that the proposed use could significantly harm those protected species identified. Circular 06/2005⁶ states that ecological surveys should only be left to coverage under planning conditions in exceptional circumstances, which I do not find to exist here.
44. Recent tree and hedgerow planting may have some biodiversity and air quality benefits. However, from the limited evidence before me I am not satisfied that the works proposed can be carried out without harm to protected species within the site or its vicinity, or that the recent or proposed planting would provide satisfactory mitigation for any adverse effects which may arise in that regard.
45. Therefore, for the reasons given, I cannot be certain that the proposed development could be carried out without harm to biodiversity, including protected species. The proposal would therefore conflict with Policy EN2 of the Core Strategy, which states that proposals that may have an adverse impact on important species need to be assessed with regard to the potential for adverse impact and the extent to which appropriate measures to mitigate any potentially harmful impacts can be carried out. The proposal would also conflict with the Framework which states that, if significant harm to biodiversity cannot be avoided or adequately mitigated, planning permission should be refused.

Other considerations

46. The site is close to nearby settlements and public transport links, and the proposal would contribute to the provision of visitor accommodation in the area, and to the local economy through visitor spending in local businesses, as well as providing a more diverse source of income to the agricultural enterprise on the site. The use would also generate a small number of employment opportunities. Such benefits would weigh in favour of the scheme, and I afford them moderate weight.
47. Given the degree of separation between the site and the Grade II listed bridges on and adjacent to Keighley Road, the development would not harm those heritage assets or their settings. On the basis of the evidence before me I am satisfied that the development would be unlikely to have adverse implications for the safety of highway users. However, the absence of harm in those regards is neutral rather than a factor weighing in favour of the proposal.
48. It has been suggested that the cabins could be sited on the land and used to house animals in association with its agricultural use. However, as those structures do not appear to have the benefit of any planning permission or prior approval, I afford that suggestion little weight as a fallback position.
49. I have been referred to an appeal decision relating to the change of use of land to a campsite and the erection of 2 amenity blocks in the Green Belt elsewhere in the country. However, from the limited information before me, it appears that fewer physical structures were proposed in that case, and I cannot be

⁶ Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System.

certain that its circumstances were directly comparable in all other respects to those in the case before me. In any event, I have determined the current appeal on its own planning merits.

50. Whilst noting concerns raised by the appellant with regard to the time taken by the Council to respond to correspondence during the course of the application, and delays to the determination of the application, I have considered the appeal on its planning merits, and such matters do not alter my conclusions on the main issues above.

Green Belt Balance

51. The Government attaches great importance to Green Belts. Therefore, substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case I have found harm to the Green Belt by reason of the proposed development's inappropriateness, harm to the openness of the Green Belt and harm to the character and appearance of the appeal site and its surroundings. Furthermore, on the basis of the evidence before me, I conclude that the proposed development would not be acceptable with regard to flood risk within the site and elsewhere, and I cannot be certain that the development could be carried out without harm to biodiversity, including protected species. Balanced against that are the other considerations discussed above. However, for the reasons given, those do not clearly outweigh the harm I have identified.
52. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with the Green Belt protection aims of the Framework, and those of RUDP policy GB1 and Core Strategy Policy SC7 insofar as they are consistent with it.

Conclusion

53. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR