
Appeal Decision

Site visit made on 7 January 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/X4725/W/19/3236727

Yorkshire Scare Grounds Scream Park, Hell Lane, Heath, Wakefield, West Yorkshire WF1 5SG

- 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 Fear Masters Entertainment Ltd against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/00003/FUL, dated 29 December 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as proposed agricultural building for use as refreshment area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt and its effect upon the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area;
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Reasons

Whether the proposal is inappropriate development within the Green Belt and its effect on openness

3. The Government attaches great importance to Green Belts. Paragraph 133 of the National Planning Policy Framework 2019 (the Framework) identifies 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. At paragraph 143, the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

4. Policy D23 (1) of the Wakefield Local Development Framework Development Policies Document (LDFDPD) 2009 states that proposals for redeveloping existing uses within the Green Belt will only be permitted if very special circumstances can be demonstrated or the proposal meets the criteria set out in national planning policy.
5. Policy CS1 (f) of the Wakefield Core Strategy 2009 (CS) relates to the location of development stating that in the Green Belt proposals will conform to national, regional and LDF policies relating to Green Belt. Hence, these policies are consistent with the Framework.
6. The proposal is for the construction of a steel portal frame building for use as a refreshment area to serve an existing leisure and recreation use. The proposed building would be of substantial size measuring approximately 10 metres x 30 metres and with a ridge height of around 4 metres.
7. The proposed building would sit in the north west corner of an open field and close to a boundary fence which measures approximately 2 metres in height. Beyond the fence line there are a number of other buildings of various scale and size which are positioned along the western field boundary and are well screened by established planting. To the north, there is an open field and the eastern boundary follows the line of Hell Lane which sweeps around the southern boundary of the site and provides access via an existing gateway.
8. Paragraph 145 of the Framework states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include *b) 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.*
9. The site is currently used for a range of leisure and recreational uses including 'Airsoft' which is an outdoor sport/recreational use, specialist 'scare' events at Halloween and other community-based leisure events. The proposal would provide a refreshment area and shelter for visitors of these events. In this regard, I consider that the proposal would include, a facility that would be compatible with paragraph 145 (d) of the Framework.
10. The appellant has endeavoured to design a building that would be agricultural in appearance and therefore in keeping with the rural character of the area and I note that the building would sit close to existing buildings and would be largely screened from public view due to the formation of the land and existing planting. Consequently, the visual impact on the openness of the Green Belt would be relatively modest.
11. However, due to the footprint, mass and bulk of the building, the proposal would significantly harm the openness of the Green Belt in spatial terms. Indeed, there is an absence of built development on this part of the wider site and the proposal would introduce a large and imposing building that would be beyond other existing development.
12. Consequently, the proposal would not preserve the openness of the Green Belt, thereby not according with paragraph 145 (d) of the Framework and would

therefore undermine the fundamental aim of keeping Green Belt land permanently open.

13. Overall, I conclude that the proposal would not meet any of the exceptions set out in paragraph 145 of the Framework and would therefore constitute inappropriate development in the Green Belt. Furthermore, the proposal would cause significant harm to the openness of the Green Belt and would undermine the fundamental aim of keeping Green Belt land permanently open. As a consequence, it would conflict with Policies CS1 of the CS, D9 and D23 of the LDFDPD and the Framework. The proposal would also introduce a large building into an area that is otherwise open thus failing to safeguard the countryside from encroachment, one of the five purposes of the Green Belt set out in paragraph 134 of the Framework.

Any other harm- character and appearance

14. The proposal would introduce a significant element of built form into a part of the rural landscape that is otherwise free of development. Whilst the structure would be agricultural in appearance it would nonetheless be large and prominent in the landscape, unacceptably extending beyond the existing built form and encroaching into the open countryside. Whilst I accept the appellant's submission that landscaping would offer partial screening, I do consider that due to the scale, bulk and positioning of the proposal it would have a significantly detrimental effect on the character and appearance of the rural landscape. Whilst it may be possible to include additional planting around or close to the building, I do not consider that this would suitably mitigate the identified adverse effects. Indeed, this in itself would unacceptably change the character of this part of locality which is a more open landscape.
15. For the above reasons, I conclude that the proposal would not accord with the requirements of Policies D9 and D23 of the LDFDPD which seek, amongst other things, to respect and enhance the local character of the surrounding area.

Other considerations

16. I accept the appellant's submission that the proposal would assist in the growth and success of the business which in turn would encourage further visitors, thus benefitting the local economy. I also note the appellant's commitment to the local community in support of local school-based activities. These are positive matters to weigh in the overall planning balance.

Conclusion and Planning Balance

17. I have concluded that the proposal would amount to inappropriate development in the Green Belt. Indeed, the openness of the Green Belt would not be preserved, and the development would lead to some countryside encroachment. These are matters to which I afford substantial weight. I have also found that harm would be caused to the character and appearance of the area.
18. In conclusion, the substantial weight to be given to the Green Belt harm, and the harm caused to the character and appearance of the area, arising from the proposal would not be clearly outweighed by the identified other considerations, or indeed the supportive comments from other interested parties, sufficient to demonstrate very special circumstances. Therefore, and

taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR