
Appeal Decision

Site visit made on 9 March 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/N4720/W/19/3243044

Land at Newhold, Garforth, Leeds, West Yorkshire LS25 2HL

- 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 Anthony Lumb (L&C Leisure Ltd) against the decision of Leeds City Council.
 - The application Ref 19/04638/FU, dated 22 July 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the change of use of vacant land to storage facility including double garage, storage units, boundary fence and pole mounted flood lights and CCTV.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The change of use of the land and the erection of the boundary fence and pole mounted floodlights and CCTV have already taken place and I have determined the appeal on this basis.
3. The first reason for refusal indicated that as the development was not considered to be an employment use it had a harmful impact in reducing the supply of employment land. The Council have confirmed that they now accept that the storage facility is an employment use and that consequently they are no longer pursuing the first reason for refusal. I have determined the appeal on this basis.

Main Issues

4. The main issues in the appeal are the effect of the development on:
 - Highway safety; and
 - The character and appearance of the area.

Reasons

Highway Safety

5. Prior to the development taking place I understand from both parties that the appeal site was a vacant piece of land. It is situated on a small industrial estate, at the junction of Newhold and Spring Close, with Newhold being the sole access for the estate and a small number of houses. The Council have

indicated that the junction of Newhold and Aberford Road, which is a "Strategic Route" leading to the motorway is sub-standard in a number of ways. This is based on the requirements for industrial roads in the *Street Design Guide Supplementary Planning Document (adopted August 2009)* (SDG).

6. The inadequacies of the junction include its radius, the visibility splay to the north, the carriageway width and gradient as well as the fact that it only has a footway on one side. Given this, although the estate was allocated for employment in the *Leeds Unitary Development Plan Review 2006 (adopted July 2006)* (UDP), and this has been carried forward into the *Site Allocations Development Plan Document (adopted July 2019)*, Policy E3B(4) of the UDP states clearly that no further industrial proposals will receive permission until highway improvements are made.
7. The appellant has stated that the gradient is not unusual for roads serving commercial development and that visibility splays of 2.4m x 70m can be achieved at the junction. It is stated that this is appropriate for a road with a 30mph limit. However, the Council have stated that as a "Strategic Route" the visibility splays should actually be 2.4m x 90m. From what I observed, I agree with the Council that the junction is sub-standard not only in terms of visibility but in the other ways set out above.
8. The appellant's evidence indicates that the storage facility attracts traffic on a daily basis. These movements may be limited in number, but as the land was previously vacant land, the use has increased the movements at this junction.
9. Whilst the accident data may show no personal injury collisions in the immediate vicinity in the last 10 years, I am not persuaded that this shows that the junction is safe. Given that it is deficient in a number of ways the potential for accidents, whether they include personal injuries or not, is significant. Thus, I consider that any intensification of the use of this junction, as has been caused by the development, is detrimental to highway safety.
10. In addition, the access to the storage facility itself is inadequate. The location of the shipping containers in close proximity to the gated access is such that there is insufficient space for 2 vehicles to pass each other, compromising safety for vehicles entering and exiting the site. Furthermore, visibility when leaving the site is restricted by vegetation and the boundary fence.
11. Therefore, I consider that the development has an unacceptable impact on highway safety. Accordingly, it would be contrary to Policy T2 of the *Leeds Core Strategy (adopted November 2014) (as amended by the Core Strategy Selective Review 2019)* (LCS) which requires that new development should be adequately served by existing highways or improvements to the highway network. It would also be contrary to Policies GP5 and E3B(4) of the UDP which require that development should maximise highway safety and that no further industrial development should take place at Newhold until highway improvements are provided.

Character and appearance

12. The storage facility consists of 27 shipping containers located around the edge of the site and a double garage. Open storage of items such as a boat,

trailers and empty and full gabions was also evident at the time of my site visit. However, the position of these items was such that views of them were limited. The industrial estate comprises mainly single storey light industrial buildings, and in this context the storage facility does not have an adverse visual impact.

13. The green mesh fencing that surrounds the site is more attractive than some of the unpainted palisade fencing found around many of the units. Nonetheless the coiled barbed wire at the top of it has a detrimental impact on the appearance of the site. Given the prominent position of the site, at the junction of Newhold and Spring Close, relatively close to the entrance of the estate, this creates a negative and hostile tone for the wider area. As the majority of other units on the estate are able to provide adequate security without the use of barbed wire coils, I am not persuaded it is essential to provide adequate security to the facility.
14. The two pole mounted flood lights are visible on approaching the site from various directions as they stand above the neighbouring buildings, but their slender nature means they are not prominent features. I accept that other floodlighting in the area may generally be mounted on buildings. Nonetheless, given that floodlighting is not only a security measure but provides lighting for those using the site at either end of the day and particularly in winter, I consider it does not exacerbate the hostile environment created by the barbed wire.
15. The pole mounted CCTV is lower in height than the floodlighting and the building on the adjacent site. As such, there is limited visibility of it from outside the site and it does not have a detrimental visual impact on the area.
16. All in all, whilst I consider that most elements of the scheme are visually acceptable, the barbed wire coils on top of the fence results in the development having an adverse impact on the character and appearance of the area. Consequently, it conflicts with Policy P10 of the LCS which requires developments to have a high quality of design that respects and enhances the character of the area.

Other Matters

17. It has been highlighted that the facility provides valuable storage space for businesses who lack capacity at their premises, and thus supports the local economy and both direct and indirect job creation. Be that as it may, there is no evidence that this is the only location in the area where such a facility can be provided.

Conclusion

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

Alison Partington

INSPECTOR