



Appeal Decision

Site visit made on 11 September 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/N4720/W/20/3253187

Land at Cliff Top Park, Selby Road, Garforth, Leeds LS25 2AH

- 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 The Berkeley Leisure Group Ltd against the decision of Leeds City Council.
 - The application Ref 19/01283/FU, dated 28 February 2018, was refused by notice dated 19 March 2020.
 - The development proposed is described as the use of land as a campsite with erection of ancillary building and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - ii. The effect on the openness of the Green Belt.
 - iii. The effect of the proposed development on the living conditions of the occupiers of neighbouring properties with particular regards to noise and disturbance.

Reasons

Inappropriate Development

3. The proposal is for a change of use to a camp site and the erection of a single amenity block. Both parties consider that, as the proposed building and change of use would provide facilities for outdoor recreation, the proposal would fall within the relevant exceptions detailed in paragraphs 145 and 146 of the National Planning Policy Framework (the Framework), subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. Based on the evidence before me I find no substantive reason to disagree.
4. To conclude this main issue in accordance with the guidance set out in the Framework, subject to preserving the openness of the Green Belt and not

conflicting with the purposes of including land within it, the proposed development is not inappropriate development.

Openness of the Green Belt

5. The appeal site is open and undeveloped, consisting of two level grassed fields separated by the access road to the Cliff Top Park and bounded by mature trees and hedges. Save for the screening effect afforded by the boundary treatment, there are views into the site from the adjacent road and surrounding open countryside.
6. Given the transitory nature of tents; that occupancy rates at the site would vary and be limited to a maximum of 44 pitches; varying throughout the year and restricted only to tents, some limited access tracks and car parking, I consider that the effect on the openness of the Green Belt of the camp site use would be very limited.
7. The new amenity block is of limited dimensions and located to the rear of the site adjacent to the boundary. As a result, I consider that the new building would not adversely affect the openness of the green Belt.
8. Paragraph 133 of the Framework indicates that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. Given the location of the site in open countryside and the limited effect on openness that I have outlined above, I conclude that the proposal would not result in the spread of the urban area or erode the overall openness of the Green Belt.
9. Therefore, the proposed development would not be contrary to, saved Policy N33 of the Leeds Unitary Development Plan Review and the provisions of the Framework that, amongst other matters, seek to protect the openness of the Green Belt.

Living Conditions

10. As shown on the submitted plans, the gravel access tracks and tent pitches are set off the boundary with the adjacent residential dwellings, benefiting from proposed additional tree screening. However, the refuse collection point and the ancillary building accommodating the site office, toilets and shower facilities that would inevitably attract residents of the campsite, are located in close proximity to the neighbouring residential properties.
11. The appellant has submitted a Noise Assessment and a basic Noise Management Plan. The Noise Assessment, acknowledges that "noise from the campsite may be audible during the night-time and worst case hour during the day between road traffic movements on Selby Road (A63)."
12. The scenarios subject to assessment appear to relate only to comings and goings from the site by car and conversations between guests. No other activity appears to have been assessed such as the erection of tents or children playing, the latter being a specific concern raised by the occupiers of neighbouring properties.
13. The Noise Management Plan (NMP) outlines a number of stringent restrictions that are recommended to minimise the risk of disturbance to nearby residents and which the appellant suggests could be controlled by a suitably worded condition. The Council states that such a condition would not accord with the

guidance set out in the Framework with regards the enforceability of such a condition.

14. I have been provided with no substantive evidence as to how the restrictions identified in the NMP would operate, how they could reasonably be enforced and the subsequent effect that this would have upon noise levels.
15. On the basis of the evidence before me I am not satisfied that it has been demonstrated that the appeal scheme would create satisfactory living conditions of the occupiers of neighbouring properties with particular regards to noise and disturbance.
16. Consequently, I find that the proposed development is contrary to policy P10 of the Core Strategy (2019), saved policy GP5 of the Unitary Development Plan Review (2006) that amongst other matters seeks to protect the living conditions of residents.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR