



Appeal Decision

Site Visit made on 20 September 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/N4720/W/21/3277385

The existing Static Caravan, Land off Goose Lane, Hawksworth Village, Leeds LS20 8PN

- 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 D Skinner against the decision of Leeds City Council.
 - The application Ref 21/01913/FU, dated 5 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed is the change of use of land and static caravan to holiday accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the decision notice which concisely describes the proposal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, any relevant development plan policies and the effect of the proposal on 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 surrounding area;
 - Whether or not adequate access and servicing can be provided; and
 - if it is inappropriate development, 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 the development.

Reasons

Green Belt

4. The appeal site comprises of a small area of land in the Green Belt which contains, amongst other things, a small agricultural building, stable block, raised beds and a static caravan. The land either side of the access track was in use as grazing land for a small number of animals.

5. The revised National Planning Policy Framework (the Framework) stipulates, amongst other things, that development is inappropriate unless it meets one of the exceptions listed in either paragraphs 149 or 150 of the Framework. This is generally reflected in saved Policy N33 of the Leeds Unitary Development Plan Review (UDP) (2006), which also provides a list of exceptions.
6. Paragraph 150 e) of the Framework states that material changes of use are not necessarily inappropriate in the Green Belt provided they preserve its openness and the purposes of including land within it.
7. Openness is an essential characteristic of the Green Belt and has a spatial and visual aspect. Green Belt purposes that appear to be served by the designation of the appeal site within the Green Belt include, amongst others, checking unrestricted sprawl and safeguarding the countryside from encroachment.
8. Although there would be no physical change to the caravan, its use for holiday accommodation would result in an intensification of activity, parked cars, including a space with an electric charging point and a bike shelter. Whilst there is no formally defined amenity space, the use of the external area around the caravan by guests in favourable weather and light from the caravan's occupation by guests at night would be visible from a short section along Goose Lane (the Lane), despite existing planting.
9. There would likely be gaps in rental periods and there would be activity in association with the existing use of the land. However, the intensification of activity and nature of the proposed use would cumulatively result in the site having a more domestic appearance, irrespective of the underlying use class of the proposal or use of conditions tying to holiday occupation.
10. Even if the siting of the static caravan in this location in connection with the existing use of the land is lawful, the intensity of use and visible manifestations from the change of use as described would, visually, result in a small loss of openness overall and an encroachment into the countryside.
11. Consequently, the purposes of this part of the Green Belt would be undermined, and the appeal proposal would not preserve its openness. The proposal would therefore be at odds with paragraph 150 e) of the Framework. Moreover, it would not accord with any of the other exceptions listed in the Framework or Policy N33.
12. There maybe alternative cycle storage solutions to that proposed and I note that the electric charging point was included in response to the Council's comments. However, these alone would not overcome my concerns emanating from the visible manifestations of the occupancy of the caravan.
13. I therefore find that the proposal would comprise inappropriate development in the Green Belt, resulting in a loss of openness and would impact on the purposes of including the land within the Green Belt. As such, it would be contrary to the relevant Green Belt guidance within the Framework and would be at odds with Policy N33 of the UDP in this regard.

Character and appearance

14. The appeal site is located within an undulating landscape characterised by fields bordered by stone walling, interspersed with sporadic farms and

individual houses. The use of the existing land, albeit not for commercial farming purposes, does not appear out of keeping in this rural context.

15. However, the domestic appearance of the site resulting from the proposed use, as previously described, would incrementally erode the rural qualities of the site. It would appear as an isolated, ad-hoc holiday accommodation which would be at odds with, and harmful to, the rural character of this part of the Lane. Although the harm would be localised and, thus small overall, it nonetheless weighs against the proposal.
16. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding rural area. On this matter, the proposal would therefore conflict with the requirements of Policies P10 and P12 of the Leeds City Council Core Strategy (CS), Policy GP5 of the UDP and the provisions of the Framework. These broadly seek high quality design and recognise the intrinsic character and beauty of the countryside.

Access and servicing

17. The Council have not referred to any technical impediment to accessing and servicing arrangements. Guests of the holiday accommodation would utilise the existing access and I have no reason to dispute the access rights associated with this track. Such matters, are, in any event private legal matters.
18. The proposed hard surfaced area, in combination with the existing hard surfacing at the junction from the Lane, would reduce the risk of loose materials being dragged on to the highway. As such, I am satisfied that there would not be an unacceptable highway safety risk from the proposal.
19. The plans show the location of an electric charging point, position of a bike shelter, car parking spaces and turning area. Although no firm details were provided as part of the application, the appellant stipulates that bin storage would not be provided outside. Given the size of the caravan it would not be appropriate to store all refuse within it for guests staying for more than a very short duration. Nonetheless, given the size of the site and other buildings, there is nothing before me to suggest that adequate arrangements and further details, where necessary, could not be secured regarding these matters by way of conditions.
20. I therefore find that adequate arrangements can be made for access and servicing. I therefore find no conflict with the requirements of Policy T2 of the CS, Policy GP5 of the UDP or the Street Design Guide SPD, which amongst other things, require parking provision for cars, motorcycles and cycles in accordance with current guidelines.

Other considerations

21. There would be economic benefits through local spend at shops, eating out or at local tourist attractions. I have no reason to dispute the demand for such holiday lettings and recognise that such accommodation in rural locations can have health and wellbeing benefits. As a single caravan, the overall social and economic benefits would be small. Nonetheless, these benefits weigh in favour of the scheme.
22. No firm details of the suggested significant new native planting have been provided. Whilst a landscaping scheme could be secured by way of a condition

were I minded to allow the scheme, the absence of the extent and scope of such landscaping, and the likely environmental benefits, limits the weight I can afford to this matter.

23. The absence of objections or harm in relation to other considerations, including access and servicing details are neutral matters, weighing neither for nor against the development.
24. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.

Conclusion

25. The proposal would be inappropriate development in the Green Belt. Moreover, I have concluded that there would be a small degree of harm to the character and appearance of the surrounding rural area. This would bring conflict with Policies P10 and P12 of the CS and Policies N33 and GP5 of the UDP.
26. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
27. For the reasons outlined above, the overall benefits would be small and, as such, do not clearly outweigh, either individually or cumulatively, the substantial weight given to the harm to the Green Belt.
28. Therefore, the harm to the Green Belt is not clearly outweighed by any other considerations and the very special circumstances necessary to justify the development do not exist.
29. As such, the proposal would conflict with the development plan when read as a whole and there are no material considerations that would outweigh that conflict.
30. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR