



Appeal Decision

Site visit made on 30 November 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/X4725/W/21/3280767

Yorkshire Scare Grounds Scream Park, Hell Lane, Heath Wakefield, 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 Mr Chris Walton against the decision of Wakefield Metropolitan District Council.
 - The application Ref 19/01395/FUL, dated 11 June 2019, was refused by notice dated 12 February 2021.
 - The development proposed is described as a "retrospective application for a steel construction building for Airsoft sports use and Yorkshire Scare Grounds Halloween event use".
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Decision

1. The appeal is allowed, and planning permission is granted for a steel construction building for Airsoft sports use and Yorkshire Scare Grounds Halloween event use at Yorkshire Scare Grounds Scream Park, Heath Wakefield, WF1 5SG in accordance with the terms of the application, Ref 19/01395/FUL, dated 11 June 2019, and the plans submitted with it.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the appeal development, I have used it in my heading and decision above.
3. The appeal development has already taken place, and I was able to see it during my site visit.

Main Issues

4. Having regard to the location of the site in the Green Belt, the main issues are;
 - whether the appeal development would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies,
 - the effect on the openness of the Green Belt, and
 - the effect of the appeal development on the character of the area, including the intensity of the built form.

Reasons

Whether inappropriate development

5. Paragraph 149 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt is inappropriate except for limited exceptions.
6. The Council does not dispute that the site is used for leisure and recreation, stating that the site is “part of the curtilage of a site used for leisure/recreation”, and is “predominantly” used for Airsoft, but also for events and shows. The appeal development does therefore fall under the exception in paragraph 149b of the Framework. This is apparently consistent with the findings of a previous Inspector dealing with a proposal on this site.
7. The exception at paragraph 149b of the Framework is a two-stage one, allowing for development such as this one, as long as the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Openness

8. The revised Framework states 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”. Openness is an essential characteristic of the Green Belt and the effects of the appeal development upon it stand to be considered in light of the paragraph 149b test in the Framework.
9. The site as a whole is well screened from longer views, with well-established site boundaries providing effective screening even at the time of my site visit in Autumn. In addition, changing land levels provide further screening of the wider site. Turning to the specific location of the appeal development, it is itself well-screened within the site, being set in a reasonably deep former railway cutting, itself largely filled with, and surrounded by, trees and hedgerows. The colour of the building, its height and scale relative to the wider site, former railway cutting, and surroundings also limit its visual effect. As such, I am satisfied that the appeal development does not affect the visual openness of the Green Belt.
10. For the same reasons, coupled with the obvious containment of the site within its physical and visual boundaries and constraints (notably the former railway cutting and the boundary to Hell Lane) I find that the appeal development would not harm the spatial openness of the Green Belt.
11. Taken together, these aspects of the development would not materially reduce either the visual or spatial openness of the Green Belt. I therefore conclude that the appeal development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. Given that, I also therefore find that the appeal development is not inappropriate development in the Green Belt.
12. The Council has referred to a previous appeal decision for development on this site. I do not have the details of what was proposed in that appeal, nor do I have a copy of that decision before me. However, it is clear that the Inspector in that case concluded, as do I, that the appeal development could be not

inappropriate development in the Green Belt, subject to the remainder of the test in paragraph 149b of the Framework. In that case, the inspector concluded that the appeal development then did conflict with the purposes of including land within the Green Belt and as a result, found that appeal development to be inappropriate development in the Green Belt.

13. Whilst consistency in the planning process is important and like cases should be decided in a like manner, it is also important that each case is determined on its own merits and on the basis of the evidence before the decision maker. As I do not have the details of that previous case, I cannot rely on it further in my decision.
14. However, as set out above, on the basis of the evidence before me, which does include the Council's commentary on that previous appeal decision, I have found that the appeal development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
15. Policy D23 of the Local Development Framework Development Policies (the LDF-DP) seeks to control development proposal associated with existing uses in the Green Belt. This policy allows for small-scale development to support the continued operation of existing uses in the Green Belt, subject to a number of criteria. The first requires a development to meet criteria in national policy, which is demonstrated above.
16. As I have found that the appeal development is one of the exceptions within para 149b of the Framework, that the openness of the Green Belt is preserved, and that the development does not conflict with the purposes of including land within the Green Belt, the appeal development is not therefore inappropriate development within the Green Belt. The appeal development would therefore comply with guidance in the Framework, Policy CS1 of the Local Development Framework Core Strategy (the LDF-CS) and Policy D23 of the LDF-DP.

Character, appearance, intensity of the built form

17. As noted above, Policy D23 of the LDF-DP sets criteria for the assessment of development proposals for existing uses in the Green Belt. The second of those sets sub-criteria out that buildings may be appropriate where extensions to them are not disproportionate, where their scale, materials and design are appropriate for their location, and where there is not a major increase in the developed proportion of the site.
18. The first sub-criteria is not relevant as the appeal development is not an extension. The scale, materials and general design of the appeal development are fundamentally the same as those of other buildings on the site, which are visible in the context of the appeal development. Given the overall scale of the site and the number and size of existing buildings and built-development on the site, coupled with the footprint of the appeal development, whilst there is an increase in the developed proportion of the site, I cannot conclude that this is a major increase.
19. Given that an oddly shaped collection of buildings has been reconciled, the site and the appearance of the substantive built-form have been tidied-up and consolidated. To my mind, the effect of this is of reducing the apparent intensity of the built-form, as the built form on this part of the site is now

within a single structure. Whilst the overall footprint is larger, I do not consider that the increase major, or that the increase is disproportionate.

20. In addition, given the location of the appeal development, its relationship to the wider site, the boundaries, landscape features and elevation, I do not find that the cumulative effect of the appeal development is one of creeping urbanisation.
21. As a result, I am satisfied that the design, siting and appearance of the appeal development does not harm the character of the area and does not unacceptably or otherwise harmfully increase the intensity of the built form.
22. In this regard, the appeal development accords with Policy CS1 of the LDF-CS and Policies D9 and D23 of the LDF-DP, which seek, amongst other things, to control the design of new development, ensuring that it is contextually appropriate and to control development in the Green Belt. The appeal development would also comply with guidance in the Framework on protecting Green Belt land and achieving well-designed places.

Other Matters

23. The Council has referred to an earlier application for a lawful development certificate (LDC) at the site, which was apparently not granted for the scale of operations shown in that application. Whilst I acknowledge this, it only relates to the evidence and the consideration of the same for that LDC application. It does not necessarily mean that the use is not an existing one in the Green Belt, or that the use is not itself lawful. It also does not in itself undermine or otherwise outweigh the evidence on the development before me or my conclusions on the evidence before me for this appeal.

Conditions

24. Three of the consultees to the appeal application had no objections to the appeal application subject to the imposition of conditions. However, it is clear from the Officer Report that the Council did not find these conditions to be necessary. In their response to the appeal, the Council has stated that that no conditions are considered necessary in this instance and none are recommended. As the development has already taken place, and in light of the Officer Report, I agree with that conclusion. As such, no conditions have been imposed.

Conclusion

25. For the reasons given above I conclude that the appeal development is not inappropriate development in the Green Belt, and neither harms the character of the area, nor inappropriately intensifies the built form. As a result, it accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it.
26. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR