



Appeal Decision

Site visit made on 13 September 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/W4705/W/22/3298571

Greenglade Forest School, The Drive, Denholme, Bradford BD13 4NE

- 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 Hipperholme Private Day Nursery against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03120/FUL, dated 11 June 2021, was refused by notice dated 22 November 2021.
 - The development proposed is installation of Yurt in association with use of land as Forest School.
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Decision

1. The appeal is allowed and planning permission is granted for installation of Yurt in association with use of land as Forest School at Greenglade Forest School, The Drive, Bradford BD13 4NE, in accordance with the terms of the application Ref 21/03120/FUL, dated 11 June 2021, and the plans submitted with it: site location plan; site plan; plan and elevation.

Procedural Matters

2. The appellant requested the appeal be dealt with as a hearing, but having considered the available evidence and applied the criteria of the Procedural Guide to Planning Appeals, I deemed the written representations procedure to be appropriate for this case and have determined the appeal on that basis.
3. The proposed Yurt is already in situ and it is clear that the application was made retrospectively. I have determined the appeal on that basis.
4. I am informed that the appeal site is within the Green Belt (GB). However, the effect on the GB was not cited in the Council's refusal reasons and it is common ground between the main parties that the proposal is not inappropriate development in the GB. As a result, I shall not consider this matter any further in my Decision.

Main Issues

5. The main issues are the effect of the development on:
 - the living conditions of neighbouring residents, with particular regard to noise; and
 - nearby protected trees.

Reasons

Noise

6. The appeal site is a field used for off-site outdoor learning purposes by a private 'Forest School' for children between the ages of 2-4, as permitted under planning permission ref: 16/05628/FUL. The appellant explains that the children are typically brought to the site after 09.00 and leave at 16.30. This only takes place on weekdays.
7. The Yurt is sited around 30 metres from the southern boundary of the field. It is stated that the Yurt is only used at mealtimes, for some learning activities, and for shelter during inclement weather.
8. There are a number of residential properties which back onto the southern boundary of the field. The Council is concerned that the Yurt has the effect of concentrating activity and noise into this particular part of the field to the detriment of the living conditions of some neighbouring residents, who themselves have expressed similar concerns. It would appear that separate noise complaints may have been previously made to the Council's Environmental Health Section, although no details have been provided and the outcome of any investigation, if any, are unknown. For the avoidance of any doubt, my considerations are confined to the effect of the proposed Yurt within the context of the permitted use of the site.
9. At my site visit, I saw that the general area where the Yurt is located also contains an outdoor activity area within the trees, as well as two large polytunnels used for growing vegetables. It is therefore a location where activity is already concentrated irrespective of the Yurt.
10. Furthermore, it is to be expected that the use of the site for its permitted purpose would generate some noise. Patently, this was judged to be acceptable when the Council granted unrestricted planning permission. The planning permission also included a shelter building thereby establishing the principle of such a facility at the site, albeit in a different part of the field.
11. Whilst the Yurt is located closer to the neighbouring properties than the previously permitted building, I would not describe a separation distance of over 30 metres as being within "close proximity", as the Council have put it. In addition, most activity associated with the Yurt would likely occur inside the structure, thereby offering some noise attenuation and opportunity for close supervision. This is in contrast to the outdoor activities that could reasonably take place in this part of the site, in some cases much closer to the neighbouring properties. It is also significant that the Yurt would be in use during normal working hours, and only for limited periods of the day.
12. For all these reasons, it seems highly unlikely that use of the Yurt would lead to an appreciable increase in noise and disturbance at the site.
13. Therefore, I conclude that the development would not be harmful to the living conditions of neighbouring residents, having particular regard to noise. Thus, the proposal complies with Policy DS5 of Bradford's Core Strategy Development Planning Document 2017 (CS), which amongst other things, requires that development should not harm the amenity of existing residents.

Trees

14. Trees around the perimeter of the field, including those to the south of the Yurt, are protected by a Tree Preservation Order (TPO).
15. I acknowledge the Council's concern that the development, which included some raising of the ground to provide a level surface for the Yurt, was carried out prior to the preparation of the appellant's Arboricultural Report. Nonetheless, the Arboricultural Report confirms that the development lies clearly beyond the canopies and root protection areas of any trees, such that no current arboricultural impacts are identified. This is consistent with my own observations. The Council has not provided any substantive evidence of its own to contest these findings.
16. If any future pruning works are required to maintain safe clearance from the developed area, this would involve minimal pruning of small branches, which would not likely be detrimental to the amenity value and health of the trees.
17. Comments in respect of the past management of the trees and future planting proposals within the wider site are noted, but these matters have limited relevance to the appeal scheme.
18. Therefore, on the evidence before me, I conclude that the development would not adversely affect the nearby protected trees. Thus, the proposal complies with Policy EN5 of the CS, which among other things, recognises the value of trees and requires their protection from development.

Other Matters

19. I have also had regard to the variety of other issues raised by interested parties that have not already been encapsulated above. This includes concerns over wildlife, sanitation and the way the site is generally operated. However, there is no substantive evidence that the appeal scheme has implications for wildlife at the site and this did not form part of the Council's refusal reasons. Other operational and welfare matters raised have limited relevance to the appeal scheme and are ultimately management issues for the appellant. Furthermore, the fact that the development was carried out before obtaining planning permission is not a reason in itself to dismiss the appeal.

Conditions

20. No conditions have been suggested by the parties, and given that the proposal is retrospective and the relevant plan details are specified in the formal decision, the standard time limit and approved plans conditions are not necessary.

Conclusion

21. The proposal complies with the relevant policies of the development plan, and therefore with the development plan as a whole. Accordingly, and for the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR