



Appeal Decision

Site visit made on 14 February 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/N4720/W/22/3309629

Land at Leeds Road, Collingham, Wetherby LS22 5LL

- 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 Lady Elizabeth Hastings Charities Trust against the decision of Leeds City Council.
 - The application Ref 21/10253/FU, dated 8 December 2021, was refused by notice dated 26 April 2022.
 - The development is described as part retrospective and part full application for the formation of an access track through field for the purpose incidental to the existing use of land (agriculture).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that development is underway. However, the access track is not yet finished. As such, I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - whether or not the development is inappropriate development in the Green Belt;
 - the effect of the development on the special landscape area, including the setting of the village of Collingham; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site falls within land defined as Green Belt. The National Planning Policy Framework (the Framework) in Section 13 attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt.

5. Policy N33 of the Leeds Unitary Development Plan Review (2006) (the UDP) sets out a presumption against development in the Green Belt subject to a number of exceptions. However, some of these are not consistent with the Framework and can only be afforded limited weight where these inconsistencies arise. The policy is broadly consistent with the Framework in relation to demonstrating very special circumstances. I therefore afford the policy substantial weight in this regard.
6. The development creates a new vehicular access track and it is not disputed that this is an engineering operation. Paragraph 150 b) of the Framework states that engineering operations in the Green Belt are not inappropriate development, provided they preserve its openness and do not conflict with the purpose of including land within it.
7. A fundamental aim of Green Belt Policy, as set out in paragraph 133 of the Framework is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
8. The access track is of considerable length and width and is an imposing feature in the landscape. It is in an area where there was no development. In spatial terms, it has a demonstrable effect on the openness of the Green Belt by introducing development to land that was previously permanently open. While the sections of the track furthest away from the road would be screened from view, large parts of the track have a clear visual impact, leading to a loss of openness.
9. The track has been located adjacent to the village boundary to the rear of the gardens of Crabtree Green to be in the least intrusive location. However, by introducing development onto land that was previously permanently open, it represents some encroachment of development into the countryside. Having regard in particular to the length and width of the track, it has an urbanising effect on the open agricultural field.
10. I acknowledge that the natural aggregate materials used for the surfacing of the development are commonly used in the construction of agricultural access tracks. The use of this material allows for vegetation to grow through which may over time, soften any visual impact. However, this does not mean that the appeal scheme would not be visually noticeable in the landscape at all.
11. There is some natural visual screening of the track owing to the topography and existing vegetation, and I note the appellant's recent grass and wildflower planting and the intention to plant hedging. Nonetheless, given its location, the track itself has a clear visual impact.
12. Accordingly, the development does not preserve the openness of the Green Belt, or safeguard the countryside from encroachment, and would not meet the exception at Paragraph 150 b) of the Framework. It is therefore inappropriate development in the Green Belt, which is, by definition, harmful.

Landscape Character

13. The appeal site is located within a special landscape area and an area identified as open landscape, benefitting from additional protection through policies N37 and N37a of the UDP, and Policy A of the Collingham Neighbourhood Plan 2015- 2028 (CNP).
14. The development erodes the contribution that the field makes to the special landscape area and the open landscape area as part of the village setting. As set out above, although the use of natural aggregates, topography and vegetation mitigate the visual impact of the appeal scheme to a degree, the very presence of development has a negative impact on the experience of the special landscape area and the setting of the village.
15. Despite the location near to the clearly defined village boundary, it is read as an urbanising feature, encroaching into the countryside, for those walking or cycling along the footpath adjacent to the road on approach to the village, or for motorists as they travel at a slower speed on approach to the village. The development is visually incompatible with the open and agricultural landscape within which it is situated.
16. I have considered the examples of other access tracks in the wider area. The context of the examples differs in relationship with the landscape. They are not adjacent to the village boundary and are not directly comparable. Moreover, they do not appear to be as extensive in length and serve permanent agricultural buildings. While the appeal scheme would serve two polytunnels recently approved under another permission, they are not as substantial as permanent agricultural buildings. The other examples do not, therefore, lead me away from my above findings.
17. Consequently, the development harms the special landscape character area, including the setting of the village of Collingham, in conflict with policies GP5, N37 and N37a of the UDP, policies P10 and P12 of the Core Strategy (as amended by the Core Strategy Selective Review 2019), and Policy A of CNP. These policies, amongst other things require the character and quality of the city's landscapes to be conserved and enhanced. Development should not seriously harm the character and appearance of special landscape areas and siting, design and materials of any development is required to be sympathetic to its setting and have regard to the character of the landscape in which it is set.

Other Considerations

18. I have no reason to doubt the appellant's comments regarding the current challenges facing the agricultural industry and the management of land. Moreover, I acknowledge that the new tenant carries out different agricultural activities than was previously the case and that this has resulted in a different pattern and increase in vehicle movements, as detailed in the appellant's submissions.
19. However, whilst it is accepted that access tracks can be required for land management purposes, they should also be kept to the minimum necessary to prevent the erosion of the countryside by increasing the intrusion of built development. While the appellant suggests the proposed development is the most appropriate and least impactful solution, there is no clear evidence to

demonstrate that it is the only way to achieve the appellant's aims. Namely, managing the flock and land better and assisting with accessibility to the farmland, including the recently approved polytunnels, by means other than all-terrain vehicles and tractors. As such, these matters carry limited weight in favour of the development

20. Reference is made to the engineering operations that could be implemented by exercising permitted development rights, and this is a fallback position. It is acknowledged by the appellant that any access track could not be within 25 metres of the classified road, and I have not been provided with details of any alternative scheme. I cannot therefore be sure that it would be a realistic or probable alternative. Consequently, I find the suggested fallback position to have limited weight.
21. The development provides space for vehicles to move off the road, rather than waiting in the road for gates to be opened to access the field. While a benefit of the scheme, it is of limited weight given that larger types of vehicles visiting the site would have to temporarily stay on the road. Moreover, it has not been shown that the use of the access prior to the development was a particular issue in this location.

Green Belt Balance and Conclusion

22. The Framework at Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appeal scheme is inappropriate development in the terms set out by the Framework and results in a harmful loss of openness to the Green Belt and conflicts with the purpose of including land within it. The scheme also results in harm to the character and appearance of the area, including the setting of the village of Collingham. The Framework indicates that substantial weight should be given to any harm identified to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
23. I give only limited weight to each of the other considerations cited to weigh in favour of the development and conclude that, taken together, they do not outweigh the harm the scheme causes. Accordingly, the substantial weight to be given to Green Belt harm is not clearly outweighed by any other considerations, and very special circumstances do not exist. Consequently, the development is in conflict with Policy N33 of the UDP.
24. The development is contrary to the provisions of the Framework in Section 13 in relation to Green Belt matters, and my above findings bring it into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR