



Appeal Decision

Site visit made on 10 December 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/N4720/W/24/3350333

Springwell Farm, Swillington Lane, Swillington, Leeds LS26 8QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by K Costello against the decision of Leeds City Council.
 - The application Ref is 22/02879/FU.
 - The development proposed is retrospective application for change of use to mixed use residential (Class C3) and commercial vehicular sales and storage (*sui generis*).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the proposed development. The description of development is disputed by the appellant. However, the use involves the storage and sale of motor vehicles and whilst I acknowledge the ancillary online sales element, article 3.(6) of The Town and Country Planning (Use Classes) Order 1987 (as amended) clearly identifies the sale or display for sale of motor vehicles as being within no specified class, and thus cannot fall within B8. Notwithstanding, I do not find the dispute regarding the description of development to have altered the outcome of my decision.
3. The works as described above has already taken place at the site which I was able to see as part of my site visit. The appeal has therefore been determined on a retrospective basis and I do not find the inclusion of the term 'retrospective' within the description of development to be unnecessary and misleading. It has also not altered the outcome of my decision.
4. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including any effect on openness, having regard to the Framework and any relevant development plan policies;
 - The effect of the development on the character and appearance of the site and surrounding area; and

- Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site relates to Springwell Farm which lies to the south-west of Swillington Village within land designated as Green Belt. The site is no longer in agricultural use, and has been extensively subdivided, and separated into smaller planning units. The redline boundary for the site subject to this appeal includes the former farmhouse to the east of the site and a portion of land to its immediate rear (west). This land includes two former agricultural buildings, a larger monopitched structure to the north with hardstanding to its frontage and a blockwork structure with a curved corrugated sheet roof to the south. This blockwork structure is open to the east and gives access out into the residential plot. Access to this area is through the gates and driveway of the residential property.
7. A stables / livery is located to the south of the site; a public footpath bounds the site to the north; and the surrounding land is worked agricultural fields. The location is held to be semi-rural, having the village envelope of Swillington to the east but largely agricultural land to the north, west, and south.
8. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDPR) relates to development in the Green Belt. It explains that except in very special circumstances, approval will only be given in the Leeds Green Belt for certain forms of development including amongst others, the re use of buildings and change of use of land for purposes which do not compromise Green Belt objectives.
9. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless it meets one of the exceptions as set out including h) other forms of development provided, they preserve its openness and do not conflict with the purposes of including land within it. These are: iv. the reuse of buildings provided that the buildings are of permanent and substantial construction; and v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Whilst Policy N33 of the UDPR largely accords with these exceptions, it does not wholly accord with the Framework, which also requires that development preserves openness. On this basis, the appeal is to be assessed against the Framework Green Belt policies.
10. The appeal seeks retrospective consent for change of use to mixed use residential (Class C3) and commercial vehicular sales and storage (sui generis). The site is split into residential to the front and the storage and sales area to the rear of the site. The residential element of the proposal is clearly historic although it is noted that access to the rear is required through the gates and driveway of the residential property. Working Hours are understood to be 8am until 6pm for vehicle collection. However, the appellant's business operates online and does not have a physical sales area on the site. Persons attend the premises to conduct sales and pick up vehicles with administrative activity taking place within the dwelling.
11. Paragraph 142 of the Framework explains 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 of the Green Belt has a spatial aspect as well as a visual aspect. Both aspects therefore need to be considered. Paragraph 143 explains that the Green Belt serves five purposes including c) to assist in safeguarding the countryside from encroachment.

12. The two buildings are existing structures, although the use of agricultural land for commercial vehicular and/or domestic storage is indeed different to that of an agricultural use. Commercial vehicles cannot be stored within the northern building without being driven through the site and thus the use of the building is contingent upon the change of use of the surrounding land. There are also several vehicles stored outside on the hardstanding forecourt. Although an agricultural use involves movement and activity associated with farm vehicles, this is seasonal, intermittent, and vehicles are rarely stored outside. It would also not result in domestic paraphernalia such as lighting, patios, driveways garden and play structures, presence of domestic vehicles etc. In both visual and spatial terms, this leads to a harmful impact on the openness of the Green Belt, representing a significantly urbanising form of development, encroaching into agricultural land.
13. I have had due regard to the nature/operations of the business in terms of type/size of vehicles bought, stored, and sold, means of collection, viewings, signage, comings and goings etc although this would not alter my findings as the development still has a harmful impact on the openness of the Green Belt, spreading urbanising development across a wider area of the site. I have considered the suggested planning conditions put forward including restrictions on the business, but these would be insufficient in overcoming the harm identified and are not likely to meet the tests as set out at paragraph 57 of the Framework in terms of being reasonable, enforceable etc.
14. It is proposed to extend domestic C3 use into the smaller, curved corrugated building. Whilst this is an existing structure, there would be some harm through the increased spatial extent of domestic use, particularly given that it would be difficult to control future changes to this building including its demolition, creation of a visibly larger domestic garden, or potentially even the construction of a larger building utilising permitted development rights. Visual harms would therefore arise at this point leading to further domestication of the Green Belt which is harmful to openness.
15. The development would allow a mixed-use permission covering the whole of the site. This means that the commercial use could be extended east, and the domestic use extended into the commercial area. It would be difficult to control the future activity relating to such uses given that the two uses are interlinked, with the commercial use contingent upon domestic land and buildings. The description of development and red line boundary would also allow the change of use to all of the land. The creation of a single mixed use planning unit would allow any balance of the different uses and I am not sufficiently convinced that the suggested condition would be appropriate in this instance stipulating different areas of use when taking into account the above. It would also not meet the tests as set out at paragraph 57 of the Framework in terms of being enforceable etc. Further hardstanding, parking of vehicles, larger domestic/commercial areas and larger buildings would further harm openness.

16. Landscape screening exists at the site, but the development still results in an urbanising form of development impacting on the sites rural appearance and openness of the Green Belt leading to a fundamental and permanent change in an area which should be otherwise open and absent of development. I appreciate that there is support shown nationally and locally for sustainable growth in rural areas, but development would still need to satisfy the Green Belt Policy as set out.
17. For the above reasons, the development does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. I therefore conclude on this issue that, for the purposes of the Framework, the development does not meet either of the exceptions at paragraph 154h) iv. and v. It is therefore inappropriate development in the Green Belt which is by definition harmful to the Green Belt. Consequently, the development is also contrary to chapter 13 of the Framework and Policy N33 of the UDPR.
18. The appellant refers to Policy GB5 although it is understood that this is a deleted policy and thus is no longer relevant. Reference to Policy GB12 relating to retail development in the Green Belt is also not considered relevant given that it relates to farm shops and small-scale craft based enterprises within rural locations which this scheme is not.

Character and appearance

19. The appeal site is a former farm complex and retains a rural appearance with worked agricultural land surrounding the site. This rural character contributes positively to the character and appearance of the site and wider countryside. Given the impacts of the proposal on openness, I find that the use of the site for the storage and sales of commercial vehicles causes significant harm to the edge of the settlement and rural character of the site. The presence of parked commercial vans to the hardstanding results in an obvious and visually urbanising form of development which when viewed in its agricultural context appears intrusive.
20. For the above reasons, I conclude that the development unacceptably harms the character and appearance of the site and surrounding area. It is therefore contrary to Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) and Policy GP5 of the UDPR which together, amongst other matters, explains that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale, and function. For the same reasons, the development is also contrary to chapter 12 of the Framework relating to achieving well-designed places.

Other considerations

21. It is understood that the area to the west of the site has been used for commercial vehicle storage for many years. Even so, this is a position that has not been regularised and it is not my role in the context of this appeal to determine whether or not any such use would be lawful in order to decide whether any such reliance could be placed on this as a fall-back position. Notwithstanding, the Council are of the view that there is no lawful fallback position which can be weighed in the planning balance. Based on the evidence before me, I have no reason to disagree with this nor question that the last known lawful use for the western land, and the two buildings, is agricultural. I have assessed the appeal accordingly. The previous occupier may have had a Vehicle Operators Licence on the land to the west of the

site, but this would not alter the above position. Any longstanding use would also not mean that development would not be inappropriate in Green Belt terms.

22. The proposal will allow the appellant to store and sell vehicles at the site, and this represents a benefit for the appellant and their associated business, with some small-scale economic benefits to the wider area. The personal benefit to the appellant is given very modest weight; the wider economic benefits are given moderate weight.
23. The scheme may not cause harm to residential amenity, highway safety, flood risk or biodiversity. These are however neutral matters which weigh neither for nor against the appeal.

Planning Balance and conclusion

24. Paragraph 153 of the Framework explains that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Additionally, the proposed development would have an adverse impact upon the character and appearance of the site and surrounding area.
25. Paragraph 153 goes on to explain that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whilst I acknowledge the other considerations put forward by the appellant as set out above, the Framework makes it clear that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt which I have applied.
26. Therefore, those other considerations referred to above would not hold sufficient weight to outweigh the harm that I have found would be caused to the Green Belt by reason of inappropriateness and character and appearance. Furthermore, I have not received substantive evidence of any other considerations which would do so. The very special circumstances needed to justify the development do not therefore arise.
27. Accordingly, I conclude that the appeal is dismissed.

N Teasdale

INSPECTOR