
Appeal Decisions

Site visit made on 17 March 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal A Ref: APP/N4720/C/24/3347274

Land at Station Road, Methley, Leeds LS26 9ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Afton Projects Ltd against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 3 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a fence exceeding one metre in height adjacent to a highway used by vehicular traffic.
 - The requirements of the notice are to: Dismantle and remove the unauthorised fence (denoted by a green line on the attached plan) in its entirety along Station Road.
 - The period for compliance with the requirements is: Four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/N4720/C/24/3347276

Land at Station Road, Methley, Leeds LS26 9ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Afton Projects Ltd against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 3 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission the unauthorised use of land for a café with associated facilities including fence exceeding one metre adjacent to a vehicular highway, hardstanding parking area, portable building, toilet block and seating area.
 - The requirements of the notice are to:
 1. Cease the use of the premises as a café within four months of the date the notice comes in effect.
 2. Remove the addition of wooden cladding from the portable building, toilet block, hardstanding, tables and chairs associated with the café from the site within nine months of the date the notice comes in effect
 3. Remove the unauthorised boundary treatment (denoted by a green line on the attached plan) in its entirety within four months of the date the notice comes in effect.
 4. Remove all advertisements for the café use from the premises and locality within four months of the date the notice comes in effect.
 5. Remove all materials associated with the unauthorised construction of portable buildings and remove all the materials and detritus from the land within four months of the date the notice comes in effect.
 6. Remove the hardstanding from the land used for parking and constructed for the base of portable buildings, and backfill with an appropriate topsoil and reseed the area with grass seed within nine months of the date the notice comes in effect.
 - The period for compliance with the requirements is: As detailed above beginning with the day on which this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/N4720/W/24/3350711

Land at Station Road, Methley, Leeds, LS6 9ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by The Green House against the decision of Leeds City Council.
- The application Ref is 24/03566/FU.
- The development proposed is Retrospective application (part) for a café with associated facilities and outdoor seating area (revised scheme to application number 21/06585/FU).

Appeal D Ref: APP/N4720/W/24/3352411

Land at Station Road, Methley, Leeds, LS6 9ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Afton Projects Ltd against the decision of Leeds City Council.
- The application Ref is 24/03567/FU.
- The development proposed is Retrospective application for retention of existing fencing including part removal of section of fencing.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 July 2025.

Decision: Appeal A

1. The enforcement notice is quashed.

Decision: Appeal B

2. The enforcement notice is quashed.

Decision: Appeal C

3. The appeal is dismissed.

Decision: Appeal D

4. The appeal is dismissed.

Appeal A: Matters concerning the notice

5. The enforcement notice alleges the erection of a fence exceeding one metre in height adjacent to a highway used by vehicular traffic and requires the recipient of the notice to dismantle and remove the unauthorised fence (denoted by a green line on the attached plan) in its entirety along Station Road.
6. The plan attached to the enforcement notice shows a red line which, in some parts, is overlain by a green line. Where the red line curves round, the green line crosses the red line and is outside of the red line for a section of it. I raised with the parties whether it is sufficiently clear from the plan which parts of the fence need to be removed and whether the appellant would be required to remove the fencing which is denoted by a green line, but which is outside the red line, and which therefore is outside the land to which the notice relates.
7. The Council suggests this is a minor error and that the appellant would be required to remove the fencing which is denoted by a [sic] green line. The Council has provided an amended enforcement plan and suggests that, as the land remains in the same ownership, there has been no injustice caused. The revised plan shows

the red line drawn around the site, with the green line overlain upon (but within) the outside of the red line. The appellant raises concerns regarding the accuracy of the plan.

8. I have wide powers of correction, under section 176(1) of the Act, subject to the correction or variation not causing injustice to the appellant or the local planning authority.
9. Although it is clear the Council intends the enforcement notice to attack the full extent of the fencing shown in green, where this lies outside the red line it does not do so. In my view, the appellant would not be required to remove the section of fencing which falls outside of the red line. Furthermore, there is ambiguity as to which sections of fence would need to be removed, because the green line crosses the red line.
10. The plan is necessary to show the land to which the notice relates and to show the extent of fencing the Council wishes to be removed. Deleting the plan would therefore not address these concerns. Substituting the plan suggested by the Council would make the requirements more onerous, since there would be a greater extent of fencing contained within the red line. This would cause the appellant injustice.
11. Reducing the extent of fencing which the notice attacks to exclude those sections of fencing which are outside (or certainly not within) the red line could address these concerns, however, this may have implications for the appellant's appeal under ground (a). Moreover, it is clear the Council wants the full extent of the fencing removed.
12. Given the above, I find the notice is invalid beyond correction and should be quashed.

Appeal B: Matters concerning the notice

13. The appeal site comprises a tarmacked area, bound by close boarded fencing, a metal gate with a 'Site Safety' notice affixed to it, a portable building, part of which has been clad with timber. The remainder of the building appears used as a site office, with signage erected to its front and a construction vehicle parked in front of it on the tarmacked area. A timber building has been erected behind close boarded fencing, which is used as a toilet block.
14. The Council does not dispute that the land has been used, in part, as a compound for the construction works on the residential development opposite, or that elements of the works remain. The enforcement plan draws the red line around the entire building, including the part which is used as a site office. It seems from the evidence provided, that the appeal site is used both as a café and as a site office/parking area in connection with the housing development over the road.
15. As established in *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207¹, the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct,

¹ *Church Commissioners for England v Secretary of State for the Environment and another* [1995] 2 PLR 99 and *Ralls v Secretary of State for the Environment and another* [1997] Lexis Citation 3720 also cited.

and occupied for different and unrelated purposes. The concept of physical and functional separation is key.

16. There is limited physical delineation within the appeal site and, while it is physically separated from the compound beyond, part of it is used for the same purpose by the appellant. Furthermore, the appellant states that the area of land to the north of café has also been used for the appellant's on-going maintenance and agricultural use of the adjoining 125 acres of land.
17. It seems likely, therefore, that the two areas (the appeal site and the compound beyond) form part of the same planning unit and that the appeal site is in a mixed use. Where there is a mixed use, it is not open to the local planning authority to decouple elements of it; the use is a single mixed use with all its component activities. Although I have wide powers of correction under section 176(1) of the Act, I must be satisfied that the correction will not cause injustice to the appellant or the local planning authority.
18. From the evidence, it seems that the allegation should be corrected to allege a material change of use to a mixed use of a café, builder's compound and office and storage compound. I raised with the parties whether the two areas (the appeal site and the compound beyond) form part of the same planning unit whether the appeal site is in a mixed use, and if so, whether the notice can be corrected without causing injustice to either party.
19. While the Council does not acknowledge that the adjoining 125 acres of land is an agricultural use, it does not dispute that the appeal site is in mixed use. The Council's position is that there would not be any injustice to either party were I to correct the notice to refer to a mixed use. The Council has put forward suggested corrections to reflect the mixed use of the site and to link the compliance periods to the completion of the adjoining development. However, I have concerns such corrections would render the notice a nullity. The Act requires an enforcement notice to specify the period, which implies a start point and an end point with a period of time in between. The period would be unknown, since it would be dependent upon completion of the adjoining development.
20. The appellant concurs that the site is in a mixed use and states that a variety of activities are carried out on the land, and it is not possible to say that one activity is incidental or ancillary to the other. In particular, the appellant points to the limited physical delineation within the appeal site, the shared tarmacked area and shared seating area which is used for both the café and the building compound and advises that the component activities are not confined within their own separate and physically distinct areas of land but fluctuate according to their needs, which is consistent with a mixed use.
21. While the appellant agrees that the notice could be corrected to allege a material change of use to a mixed use of a café, builder's compound and office and storage compound, it raises significant concerns that injustice would be caused were I to do so. Correcting the notice to refer to a mixed use would change the scope of the allegation, which may then require corrections to the requirements.
22. I am concerned about the implications of section 173(11) were I to widen the allegation to include the compound use and use as a storage area for the

maintenance and agricultural use of the adjoining 125 acres of land². If I were to correct the allegation but not the requirements, planning permission would be granted for the other uses, which would cause the Council injustice.

23. If I were to include requirements to require the other elements of the mixed use to cease (including a requirement to cease the use once the housing development opposite has been completed), that would make the notice more onerous to comply with, which would cause injustice to the appellant. Furthermore, the arguments under ground (a) and the grounds of appeal the appellant wished to appeal under may have been different.
24. Correcting the notice would therefore cause injustice to the Council or the appellant. Thus, for the reasons given above, I consider the notice is invalid and should be quashed.

Appeals C and D

Main Issues

25. The main issues of the appeals are:
- Whether the appeal schemes are inappropriate development in the Green Belt having regard to the National Planning Policy Framework (December 2024)(the Framework) and relevant development plan policies;
 - The effect of the appeal schemes on the openness of the Green Belt; and
 - The effect of the appeal schemes on the character and appearance of the area; and
 - If the appeal schemes are 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 required to justify the appeal schemes.

Reasons

Whether inappropriate development in the Green Belt

26. The appeal site comprises a plot of land located on the northern side of Station Road, between housing, and a nature reserve and the River Aire. The land to the north of the appeal site is used for the secure storage of plant, materials, equipment and machinery in association with residential development of six houses on land around Shann Hall³. The storage area is also stated to be used for the appellant's on-going maintenance and agricultural use of the adjoining 125 acres of land.
27. The café is set back from Station Road, with a tarmac loading/unloading area in front which is stated to be used to accept deliveries and collections for the Shann Hall Development, outside of the café opening hours. During café hours the area is stated to be used for car parking and includes bike stands. The café and kitchen

² The appellant states they have used the compound in this way.

³ It is stated that the land will also be used during the refurbishment/restoration of the Grade II listed Shann Hall.

are stated to be part of a larger building which also forms the site office for the appellant's residential development.

28. It is not disputed that the appeal site is located within the Green Belt. Policy N33 of the Leeds Unitary Development Plan (UDP)(2006)⁴ seeks to protect the Green Belt and sets out that except in very special circumstances, approval will only be given in the Leeds Green Belt for certain types of development.
29. Paragraph 153 of the National Planning Policy Framework (December 2024)(the Framework) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that development in the Green Belt is inappropriate unless certain exceptions apply. The parties agree that the fence and café do not meet any of the exceptions in paragraph 154.
30. Paragraph 155 of the Framework advises that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where certain criteria apply, including a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; and b) there is a demonstrable unmet need for the type of development proposed.
31. Grey belt land is defined as 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143⁵. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
32. The Council's position is that it does not consider that the land constitutes grey belt as once the development on the opposite side of Station Lane is completed, the land would be required to return back to its previous condition prior to the temporary use of the land. However, while the definition of grey belt includes previously developed land, it may also include land which is not previously developed, where that land does not contribute strongly to purposes (a), (b) or (d) (as set out above). While the appellant has not advanced its cases on the basis that the appeal site comprises grey belt land, since this is an important part of the Framework, I shall consider it below.
33. The Council suggests that the land creates an important open, natural greenbelt buffer between the countryside and the built edge of the settlement of Methley. Built development in Methley is generally located to the south of Station Road. Methley is a modest settlement, and is not, in my view, a large built-up area. The expansion of Methley in this location is limited by the river. Given its location, in my view, the appeal site makes a very limited contribution to purpose a) to check the unrestricted sprawl of large built-up areas and does not prevent neighbouring towns merging into one another⁶.

⁴ Cited in relation to Appeal D only.

⁵ a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; d) to preserve the setting and special character of historic towns.

⁶ The Planning Practice Guidance advises this purpose relates to the merging of towns, not villages.

34. Neither does the appeal site contribute strongly to purpose c), which is to preserve the setting and special character of historic towns: Methley is a modest settlement, which does not have the characteristics of a historic town, with no clear historic core, limited facilities and limited buildings of historical interest. I therefore find that the appeal site comprises grey belt land.
35. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.
36. The Planning Practice Guidance (PPG) advises that, in reaching a judgement with regards to criterion (a) of paragraph 155, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. However, there is limited evidence before me to enable me to make an assessment in this regard.
37. With regards to Appeal C, while the appeal site is modest, it seems likely to me that this type of development could readily be located on previously developed land, thereby assisting in urban regeneration. Even a modest development such as this could, in my view, undermine the ability of the remaining Green Belt across the area of the plan from serving this purpose in a meaningful way. While I do not share the same concerns with respect to the fencing, Appeal D, for it to not be regarded as inappropriate development, all the criteria should apply, including 155b).
38. With regards to the fence, the need for fencing is site specific; there is no demonstrable need for fencing, either in this location or in the wider area. The appellant suggests that the fencing has secured an area of land which has been subject to illegal misuse, including fly tipping, drug activities and general anti-social behaviour. However, although the fencing may deter anti-social behaviour by preventing access to the land within, this is not the only means of addressing antisocial behaviour. The police and local authorities, for example, have powers to tackle anti-social behaviour. Furthermore, the occupation of the houses opposite the appeal site is likely to deter anti-social behaviour, since the housing overlooks much of the fencing.
39. The fence also 'temporarily' secures an area which is used for storage, in connection with the Shann Hall development. While there may be a need for some sort of enclosure while the area is being used in connection with the Shann Hall development, the fencing which has been erected would be a permanent feature.

40. The fence is stated to prevent the spread of Himalayan balsam. However, given the way in which Himalayan Balsam spreads, in my view, other means of controlling the plant are likely to be more effective, such as pulling or cutting. I am not persuaded it is necessary to install close boarded fencing of the type and extent erected (and proposed to be retained) to prevent the spread of Himalayan Balsam from the land.
41. It is asserted that the fence also improves visibility for traffic using Station Road, as prior to its erection, vegetation would grow up to the kerb line and into the carriageway. While the fencing may limit vegetation growth adjacent to the highway, the Highway Authority has powers under the Highways Act 1980 (as amended) to ensure that vegetation which is endangering or causing an obstruction is lopped or cut, so as to remove the cause of the danger, obstruction or interference.
42. Given the above, I am not persuaded that there is a demonstrable unmet need for the type of development proposed and, as such although I have found the land to be grey belt, it fails to meet criterion (b) of paragraph 155 of the Framework and is therefore inappropriate development in the Green Belt. It also conflicts with policy N33 of the UDP. Policy N33 is inconsistent with the Framework with regard to a number of the criterion listed and does not include grey belt. I therefore afford the conflict with policy N33 of the UDP limited weight.
43. With regards to the café, the appellant states that the café is popular and heavily used. I note that significant support was expressed by members of the public during the consultation on the planning application for the café, which is used by walkers and cyclists visiting the area, as well as locals and the suggestion that this is the only facility within the locality.
44. However, my attention has been drawn to a café at St Aidan's, which is located on the other side of the River Aire to the appeal site. While there is some dispute as to the whether planning permission was actually granted for a café on the RSPB site, that facility is stated to be an integral part of the facilities on offer within a welcome/visitor centre which provides income for the RSPB to directly staff and manage the site. The circumstances of that site are very different to the appeal scheme before me.
45. Furthermore, the Council has drawn my attention to other facilities in the locality which serve the local community on land outside of the Green Belt, including Rivers Meet and a convenience store on Maine Street. The appellant questions the link between these facilities and the recreational and leisure corridor at St Aidan's, the Trans Pennine Trail or the national cycle route, however, Rivers Meet and Maine Street are not so distant from the corridor that individuals wishing to purchase refreshment or meet with others, would be unable to choose existing facilities within the area. Although Rivers Meet may have a local crafts focus, I have no substantive evidence to show that it could not meet the needs of users of the recreational and leisure corridor.
46. While I note the popularity of the appeal site, given the availability of facilities elsewhere within the locality, and along the leisure corridor at St Aidan's, I consider it has not been demonstrated that is a demonstrable unmet need for the type of development proposed. In order to not be regarded as inappropriate development in the Green Belt, all the criteria set out under paragraph 155 should

be met. As set out above, I have found that it has not been demonstrated that there is an unmet need for the type of development proposed. Consequently, the appeal scheme is inappropriate in the Green Belt.

Openness

47. The Framework advises that the essential characteristics of Green Belts are their openness and their permanence. The Framework advises 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.
48. With respect to Appeal C, the buildings, hardstanding & fencing are all visible from outside the site. While the buildings may have been initially erected in relation to the adjacent housing development at Shann Hall, the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(the GPDO) makes provision for the removal of buildings, works and so on, once the operations have been carried out. The appeal scheme before me would be for the permanent retention of the buildings and works, as modified by the proposal. The works are located within parts of the site which, prior to the development, would have been largely free of built development. Furthermore, the laying of hardstanding facilitates parking, which exacerbates the visual effect of the hardstanding. The works, in my view, have resulted in moderate harm to the Green Belt.
49. The proposed fencing, the subject of Appeal D, is a substantial structure which extends for a considerable length along Station Road. As a result of the height of the fence and its enclosing effect, it reduces the openness of the Green Belt. The fencing (as modified by the proposals) would result in modest harm to the Green Belt.

Character and appearance

50. The appeal site is located opposite a housing development which, at the time of my site visit, was yet to be completed. Development in the vicinity of the site is generally located on the opposite side of Station Road. Boundary treatments used for the housing opposite the appeal site include wrought iron style metal fence panels, which gives this part of Station Road an open character. Vegetation within the appeal site gives the area a verdant character and makes a positive contribution to the character and appearance of the area.
51. Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019)(2019)(the CS) seeks good design that is appropriate to its location, scale and function and policy P12 of the CS seeks to conserve and enhance the character and quality of Leeds' townscapes and landscapes. Saved policy N25 of the Leeds Unitary Development Plan (UDP)(2006) seeks boundaries which are appropriate to the character of the area and policy GP5 of the UDP seeks to ensure that development proposals resolve detailed planning considerations, including landscaping and design.

52. The fencing which has been erected at the appeal site gives a sense of enclosure which is uncharacteristic of this part of Station Road, and which harms the character of the area. The appellant proposes to remove some of the fencing which has been erected and replace a section of it with 600mm high timber birds mouth fencing. While this would limit the extent of the fencing, the remaining fencing would still appear a dominant feature which is uncharacteristic of this part of Station Road. Although the land within the appeal site and immediately north of it is private and not publicly accessible, the fencing is clearly visible from the public domain and from properties off Station Road.
53. It is suggested that the fence serves to temporarily secure the storage area and if this fencing were to be removed, it would need to be replaced by something to secure the area, such as a hoarding or temporary Heras fencing. While I accept that such fencing is likely to have similar impacts, particularly if placed in a similar position to the appeal fencing, such fencing would be removed once the housing development was completed. Its effect on the character of the area would therefore be temporary, whereas the fencing which has been erected would be permanent. I therefore afford this matter very limited weight.
54. Although close boarded fencing has been erected elsewhere along Station Road, it is generally set back from the highway, with vegetation between the fencing and the highway. While the screening effect is less effective when the vegetation is not in leaf, it still lessens the visual impact of the fencing, even where it is erected atop elevated ground, contributing towards the verdant character of the area.
55. The appeal fencing has been erected close to the kerb, significantly limiting the opportunity for planting. As a consequence, it appears a dominant feature which diminishes the character and appearance of the area, contrary to policies P10 and P12 of the CS and policies N25 and GP5 of the UDP, the requirements of which are set out above.
56. With respect to the café, although the facility is well used by users of the nearby trail and cycle route, it does not visually relate to the routes, nor does it visually relate to the housing development opposite. It is proposed to timber clad the front elevation of the building and to paint the red shutters and metal details in a dark green colour, whilst adding a green roof. While this would lessen the visual impact of the building, it would still appear a makeshift structure which is out of keeping in this location. Although views of the café are localised, I consider the harm to the character and appearance of the area to be significant.
57. It is also proposed to remove the 2m high close boarded fence on the eastern boundary adjacent to the footpath into the nature reserve and replace it with native tree planting. Fencing is also proposed to be removed along the Station Road frontage, as well as on the return into the café area. While this would lessen the visual impact of the development on the area compared with the existing, since the existing works are not demonstrated to be lawful, I afford this matter very limited weight.
58. Saved policy N24 of the UDP concerns development proposals that abut the Green Belt, green corridors or other open land, and seeks to ensure that their assimilating into the landscape must be achieved as part of the scheme. The appeal site is located within the 'Degraded River Valley' LCT, noted as damaged and degraded landscape. The appellant proposes to create wildflower grassland

verges, new native scrub, ornamental shrubs, green roofing and planting of standard native trees, which, it is asserted, would provide landscape enhancements.

59. The appellant has submitted a landscape and visual appraisal in support of the appeal, which has considered the effects on land use. It is suggested that if the café and fence were to be removed, the site would revert to a brownfield site. It is asserted that site is previously developed land, formerly part of the Savile Pit railways sidings until the late 1980s, followed by the use as a site compound for the River Aire diversion works in the mid 1990's and more recently part of the builders yard and site office, prior to the partial conversion of the site office to a café facility with associated works.
60. However, I have no substantive evidence of the site's use as part of the Savile Pit railway sidings, nor of its use as a site compound for the River Aire diversion works. Given the significant periods of time between these uses, it seems likely the remains of any permanent structure or surface structure would have either been removed, or blended into the landscape and would not, therefore, meet the definition of previously developed land set out in the Framework. Significantly, I note the appellant has not advanced its case with respect to Green Belt on the basis that it should be considered previously developed land.
61. The appeal site has been used, in part, in connection with the housing development at Shann Hall. The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), Schedule 2, Part 4, Class A permits the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.
62. Development is permitted by Class A subject to the conditions that, when the operations have been carried out, any building, structure, works, plant or machinery permitted by Class A is removed, and any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.
63. Reinstatement of the site is likely to result in improvements in terms of the biodiversity of the site. Even if planting were not carried out, the removal of built development would enable plants to self-seed, which would enhance the verdant character of the area, given the absence of built development. I therefore afford limited weight to the proposed planting and green roof.
64. While the appellant has proposed a landscape scheme to try to help the development assimilate into the landscape, it would still appear an incongruous feature along this part of Station Road, contrary to policies P10 and P12 of the CS and policies N24 and GP5 of the UDP, the requirements of which are set out above.

Other considerations

65. As set out above, the appellant suggests that the fence has secured an area of land which has been subject to illegal misuse, secures an area used for storage in connection with the Shann Hall development, prevents the spread of Himalayan

Balsam and improves visibility for traffic using Station Road by preventing vegetation growing into the carriageway. However, for the reasons also set out above, I consider the appeal scheme is unlikely to be the only means of addressing these matters.

66. The occupation of the houses opposite the appeal site is likely to deter anti-social behaviour, since the housing overlooks much of the fencing. I therefore afford this matter very limited weight. As set out above, I am not persuaded it is necessary to install close boarded fencing of the type and extent to prevent the spread of Himalayan Balsam from the land. I therefore afford this matter very limited weight.
67. Where vegetation impedes visibility, as explained above, the Highway Authority has powers under the Highways Act 1980 (as amended) to ensure that vegetation which is endangering or causing an obstruction is lopped or cut so as to remove the cause of the danger, obstruction or interference. I therefore afford this matter very limited weight.
68. With regards to the café, the applicant suggests that there are a number of very special circumstances associated with the development, including to the local economy, health and well-being and recreation and leisure. The appellant highlights the proximity of the appeal site to the River Aire and the fact that it is a popular area for both walkers and cyclists. Indeed, I note that there was significant support expressed in respect of the planning application and appeal.
69. The Framework sets out at paragraph 96 that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and enable and support healthy lives. I note that the café is used by both locals, as well as users of the nearby recreation/leisure corridor. It is asserted that there are no refreshment facilities within easy reach of this area. However, as set out above, there are facilities which have been drawn to my attention within Methley and at St Aiden's. Were the café not available, I would expect users to be able to use other facilities within the area, or elsewhere along the trail routes. As such, I afford this matter modest weight.
70. The appellant states that the toilets will be made available to all recreational users of the area during opening hours. While this may be the appellant's current intention, a future operator of the site would not be obliged to maintain such provision and this is not something I consider could be secured by condition, as it would not meet the test of reasonableness. Consequently, whilst I recognise that such facilities would be of benefit to users of the trail and cycle path, I afford this matter limited weight.
71. The Framework advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities.
72. The café employs a number of individuals, and is projected to increase the number of employees over time to a total of 9 jobs. The appellant states that they are an equal opportunity employer, supporting all members of the community and that with the exception of one staff member, all employees live locally and walk to work. The café also provides an income to the appellant and has seen an increase in turnover and number of customers since it opened. There are therefore benefits

to the local economy arising from the café and this is a matter to which I afford moderate weight.

73. It is suggested that income from the business is partly reinvested back into the community through the improvement of the River Aire corridor from Lemonroyd to Boat Lane and include throw lines to bridges, rowing and water sport facilities, improvements to accessibility of footpaths and general maintenance and upkeep. However, while such improvements are likely to be of benefit to the local area, it is not clear to what extent such improvements are contingent on the income from the café. Furthermore, this is not something that can be secured by condition or legal agreement. Were I to grant planning permission for the café, the appellant would be under no obligation to provide such improvements. As a consequence, I afford such matters very limited weight.
74. Although landscaping, including the provision of a green roof, would enhance the biodiversity of the site, as set out above, I consider the biodiversity of the site is likely to be enhanced once the land is reinstated following the completion of the neighbouring housing development. I therefore afford this very modest weight.
75. The Public Sector Equality Duty (PSED) as set out under the Equality Act 2010 concerns the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Support has been expressed by a charity as the facility is stated to be an invaluable resource which allows easy, unrestricted and level access to its seating area, enabling it to be used by the charity and the individuals it supports, which include disabled people. In addition, it is suggested that users of the café include the elderly and mothers with babies and young children. Users of the café therefore include individuals with protected characteristics for the purposes of the PSED⁷. Given the likely availability of other facilities within the area, this is a matter to which I afford moderate weight.

Planning Balance and Conclusion: Appeal C & Appeal D

76. The Framework sets out the general presumption against inappropriate development within the Green Belt. When considering any planning application, it advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
77. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
78. I have found that the appeal schemes are inappropriate development and afford the harms by reason of inappropriateness in the Green Belt substantial weight. I have also identified additional moderate harm to openness from the buildings and associated works, and modest harm from the fencing, and, in both cases, I have found harm to the character and appearance of the area.

⁷ Age, disability, pregnancy and maternity.

79. With respect to Appeal C, I recognise that the café is a popular facility which serves both locals, as well as users of the nearby recreation/leisure corridor and that the facility provides economic benefit through the provision of local jobs, and the income generated by the facility. However, even when taken together, the other considerations in this case do not clearly outweigh the totality of the harm identified and so very special circumstances do not exist.
80. Having regard to the legitimate and well-established planning policy aims to protect the Green Belt and the character and appearance of the area, in my view, the benefits of the appeal scheme are outweighed by the harms I have identified. Having due regard to the PSED, I consider that refusing planning permission in respect of Appeal C is necessary and proportionate. The appeal scheme is not in accordance with the development plan as a whole and material considerations do not indicate a decision should be other than in accordance with the development plan. For the reasons given above, Appeal C should be dismissed.
81. With respect to the fencing, Appeal D, the other considerations advanced do not clearly outweigh the totality of the harm identified⁸ and so very special circumstances do not exist in this case. Having regard to the legitimate and well-established planning policy aims to protect the Green Belt and the character and appearance of the area, in my view, the benefits of the appeal scheme are outweighed by the harms I have identified. The appeal scheme is not in accordance with the development plan as a whole and material considerations do not indicate a decision should be other than in accordance with the development plan. For the reasons given above, Appeal D should be dismissed.

Conclusion: Appeal A

82. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the steps required for compliance. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
83. In these circumstances, the appeal on the grounds set out in section 174(2)(a) and (f) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

Conclusion: Appeal B

84. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
85. In these circumstances, the appeal on the grounds set out in section 174(2)(a), (c) and (f) of the 1990 Act (as amended) and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act (as amended) do not fall to be considered.

⁸ In respect of the fencing, as proposed.

M Savage

INSPECTOR