



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 30th July 2015

Subject: Application 14/03111/FU and 14/04107/FU – Appeals by Mr D Parker against the refusal of planning applications for Detached Grain Store and Detached Storage Building respectively on land at Sandbeck Lane, Wetherby, Leeds. LS22

The appeals were allowed but the costs applications against the Council were refused.

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal and costs decisions.

1.0 THE APPEAL WAS DEALT WITH BY WRITTEN REPRESENTATIONS

- 1.1 The applications were recommended for approval by Officers, however Members of Plans Panel North & East resolved to defer the application during the Panel meeting on 21st August 2014 in order consider any implications for the land (and land to the north in Harrogate) having been advanced by the applicant as a housing site under Strategic Housing Land Availability Assessments, and whether or not similar applications had been submitted in Harrogate Borough Council's area. Deferral was also to enable consultation with Harrogate Borough Council over the applications.
- 1.2 Having obtained the views of Harrogate Borough Council who did not object to the proposals, having received confirmation that no similar such applications have been considered by Harrogate Borough Council, and having received advice on the SHLAA process and implications of it for the development and vice versa, Members resolved at the meeting of Plans Panel North & East on 25th September 2014 not to accept the officer recommendation that planning permission be granted for both buildings.

- 1.3 In debate Members clearly felt that permission should be refused due to the siting of the buildings, combined with their size, because at this location they would be harmful to the visual amenity and the open character of the locality. In debate some members also felt that the history of land and buildings being sold from the unit, and being put to commercial use, undermined the case put by the applicant for approval.
- 1.4 The applicants existing grain store at Park Hill is the subject of a planning condition, effectively restricting its use to the storage of crops taken off the Park Hill land, which the applicant had in fact sold. It still served its intended purpose and was therefore not available for the applicants use. The council's Asset Management Rural Surveyor had reviewed the case and addressed a previous meeting, and gave advice that the proposed building was therefore functionally required and commensurate with the functional need to serve the farm unit. Therefore, whilst there is a history of land and buildings being sold off from the unit, and buildings being put to other uses, it was not considered reasonable to refuse planning permission on this basis.
- 1.5 At Plans Panel North & East on 23rd October 2014 Members resolved to refuse both applications for the following reason:

The proposed buildings, by virtue of their scale, bulk and siting on an arterial route into Wetherby, on the approach road to Wetherby Racecourse, can be seen in significant public views of the site, which are currently not characterised by large modern farm structures. In these views the proposed structures would be out of keeping with the undeveloped character of the locality, and would thereby be harmful to visual amenity. The application is, therefore, contrary to UDPR policies RL1, GP5 and SP2, and guidance contained within Section 7 of the National Planning Policy Framework.

- 1.6 Following this, the applicant appealed against the refusal of both applications and also applied for a full award of costs against the Council on both applications.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The main issue identified by the Inspector, after recognising that there was no dispute about the need for the agricultural buildings, was the impact of the buildings on the character and appearance of the area.

3.0 SUMMARY OF COMMENTS

Character and Appearance

- 3.1 Although the buildings would be large, they would be sited close to the boundary planting to the rear and eastern boundary, such that they would not appear unduly obtrusive. They would appear as agricultural buildings with a general utilitarian design, incorporating a roller shutter door and profile sheeting which would not look out of place in this rural open grass setting. The use of profile sheeting would reflect other buildings in the locality.
- 3.2 Whilst not located within a farmyard complex, in the wider landscape the proposed buildings would be no more prominent than the visible existing buildings associated with the Racecourse and the Young Offenders Institute. Consequently, although visible the proposed buildings would not appear incongruous and out of context. Overall, The Inspector considered that the buildings would acceptably blend into the landscape and would not adversely affect this general rural grass land.

3.3 The Inspector considered that there would be no conflict with the objectives of Policies SP1 and SP8 of the Leeds Core Strategy (2014) and saved Policies RL1 and GP5 of the Leeds Unitary Development Plan (2006) which amongst other things seek to ensure development respects and enhances the local character and identity of places and neighbourhoods. The proposals would also generally comply with paragraph 109 of the National Planning Policy Framework (the Framework) which sets out that the planning system should contribute to and enhance the natural and local environment.

4.0 DECISION

4.1 On 25th June 2015 the appeal decision allowing both appeals and granting planning permission for the Grain Store and Detached Store was issued subject to conditions.

5.0 COSTS

5.1 The application for an award of costs was refused.

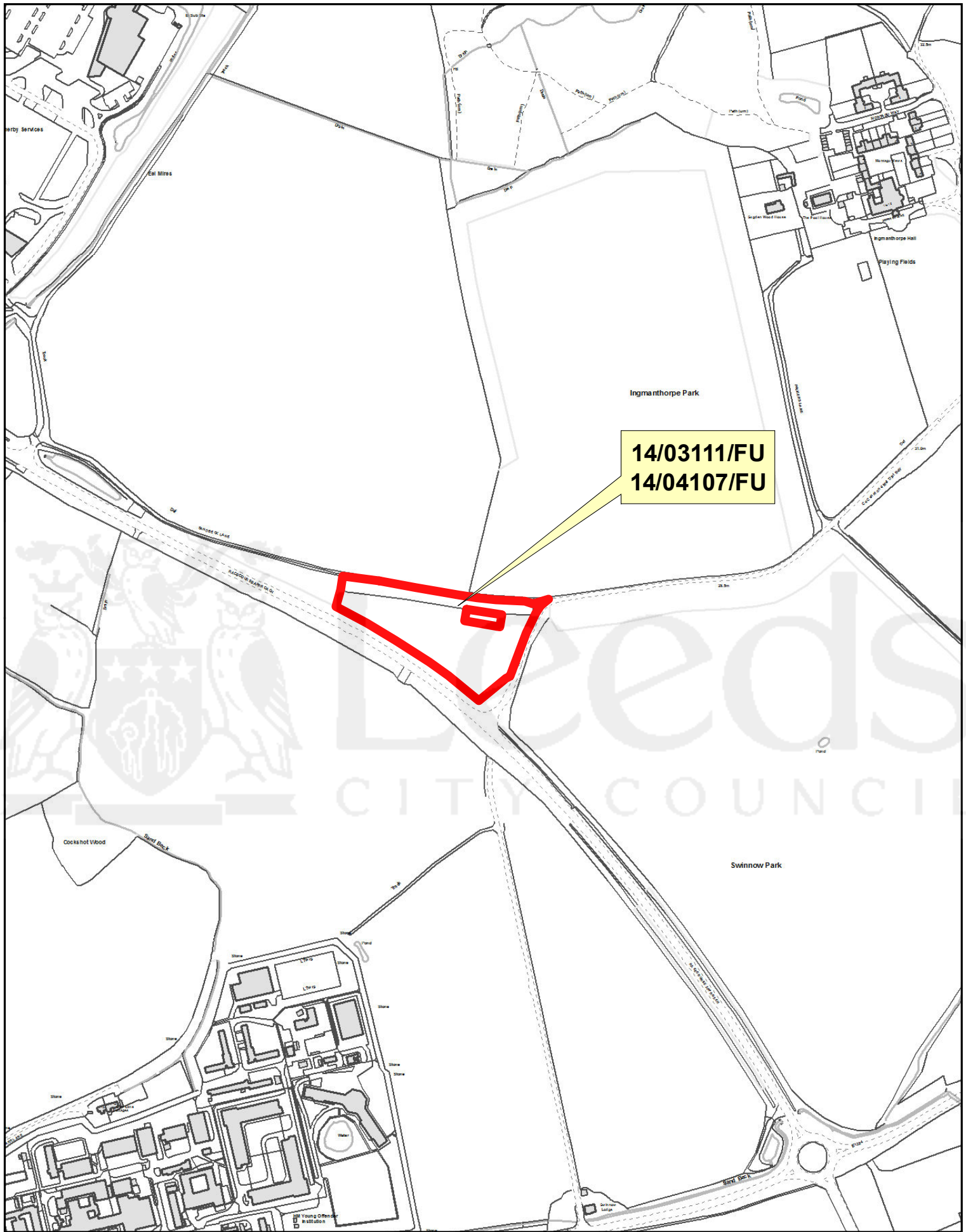
5.2 The Inspector considered the appellant's application for an award of costs, addressing the Members decision to reject the professional advice of planning officers. It is open to Members to reject the professional advice of the Planning Officers provided that there are reasonable grounds for doing so. The impact of a development on the character and appearance of the area can be very much a subjective judgement and as such it is inevitable that opinion will vary. It is clear that in this case there is a difference in judgement between the appellant and the Council. The Council's reason for refusing each of the appeal applications is sufficiently detailed to enable a clear understanding as to why a different view was reached to that of the Planning Officers.

5.3 There is no reason to doubt that the Committee judged the proposals properly, and reached its decisions against the background of a detailed Officer's report which included the planning history of the site and consultation responses. The Inspector also noted that the site was visited by the Committee prior to making their decisions. In these circumstances and with this information before them, it is not unreasonable for Members to take a different view to Officers.

Background papers:

Application file

Appeal decisions



NORTH AND EAST PLANS PANEL

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