



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 27th July, 2023
at 1.30 pm

MEMBERSHIP

Councillors

J Akhtar (Chair)
B Anderson
J Heselwood
D Jenkins
R Jones
J McKenna
M Millar
N Sharpe
R. Stephenson

Please do not attend the meeting in person if you have symptoms of Covid 19 and please follow current public health advice to avoid passing the virus onto other people.

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Note to observers of the meeting. To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (link below) ahead of the meeting. The webcast will become available at the commencement of the meeting: [Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk/council-and-democracy)

Agenda compiled by:
Debbie Oldham
Governance Services
Civic Hall

A G E N D A

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|---------|------|---------------|--|---------|
| 1 | | | <p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> | |

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| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATION OF INTERESTS</p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council's 'Councillor Code of Conduct'.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES - 29TH JUNE 2023</p> <p>To receive the minutes of the meeting held on 29th June 2023 for approval as a correct record.</p> | 7 - 14 |
| 7 | Kippax and Methley | | <p>22/04416/FU - RETROSPECTIVE PLANNING APPLICATION FOR USE OF LAND FOR RESIDENTIAL PURPOSES INCLUDING THE SITING OF ONE STATIC CARAVAN AND ONE TOURING CARAVAN ON LAND AT SANDGATE STABLES, SANDGATE TERRACE, KIPPAX</p> <p>To consider the report of the Chief Planning Officer on a retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax.</p> | 15 - 36 |
| 8 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>To note the next meeting of North and East Plans Panel is scheduled for 24th August 2023 at 1.30pm.</p> | |
| 2 | | | | |

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| a) b) | | | | |

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of North and East Plans Panel

Planning Services

Merrion House
Merrion Centre
Leeds

Contact: David Newbury
Tel: 0113 378 7990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: 18th July 2023

Dear Councillor,

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 27TH JULY 2023

Prior to the meeting of the North & East Plans Panel on Thursday 27th July 2023 the following site visit will take place:

| Time | Ward | |
|----------------------|---------------------|--|
| 10.40am | | Depart Civic Hall |
| 11.10am – 11:30am | Kippax & Methley | 22/04416/FU - Retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax |
| 12.00 (noon) | | Return to Civic Hall |

For those travelling by mini-bus please meet in the ante-chamber at the Civic Hall, Portland Crescent at 10.35am for a prompt start at 10.40am. For those unable to use the minibus, or who prefer to travel separately, the visit timings and details above should allow for this. If you are making your own way to the site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager
Planning Services

www.leeds.gov.uk

general enquiries 0113 222 4444



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NORTH AND EAST PLANS PANEL

THURSDAY, 29TH JUNE, 2023

PRESENT: Councillor J Akhtar in the Chair

Councillors B Anderson, J Heselwood,
D Jenkins, R Jones, J McKenna, M Millar
and N Sharpe

SITE VISITS

Councillors B Anderson, N Sharpe and J McKenna attended site visits earlier in the day.

9 Appeals Against Refusal of Inspection of Documents

There were no appeals.

10 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

11 Late Items

There were no formal late items.

12 Declaration of Interests

No interests were raised.

13 Apologies for Absence

Apologies were received from Councillor Stephenson.

14 Minutes - 1st June 2023

RESOLVED – That the minutes of the previous meeting held Thursday, 1st June 2023 be approved as an accurate record.

15 22/07335/RM & 22/07336/RM – Reserved Matters applications for residential development of 294 dwellings within the Middle Quadrant (Morwick Green) of the East Leeds Extension pursuant to outline planning approval 20/04464/OT.

The report of the Chief Planning Officer presented two reserved matters applications for residential development of 294 dwellings within the Middle Quadrant (Morwick Green) of the East Leeds Extension pursuant to outline planning approval 20/04464/OT.

The report has been brought to the North and East Plans Panel to seek views of Members to aid progression of the application.

Members were provided with a couple of updates since the writing of the submitted report. It was noted that:

- 6 representations (3 for each of the applications) have been received seeking the desire for Swift brick to be installed in the units. It was confirmed that at this point, it did not form part of the proposals as such details are required to be submitted for approval by a condition on the outline planning permission.
- Other representations have been received from Councillors Lennox and Gibson on the mix of use of houses, and the request that affordable houses be better represented in terms of 3 and 4 bed properties and there being no indication of socially rented properties; it was confirmed that this will be met through the 40/60 split, and through the outline planning application process.

Photographs and slides were shown throughout the officer presentation, and Panel members were provided with the following information:

- The applications cover roughly half of the Middle Quadrant and is divided up between two applicants, Taylor Wimpey and Cullen Land. The 294 dwelling total is divided into 250 units for Taylor Wimpey and 44 on the Cullen Land site.
- The spine road serves the interior of the site and is designed to accommodate bus services. The spine road will be tree lined, and the retention of the woodland area.
- A mix of housing and flats is proposed to be provided in two character areas. The southern section of the site adopts a more contemporary design approach for the housing with larger format windows with no head or sill details, including the use of brick and render splits and flat roofed canopies over front doors. The second character area in the northern section of the site is more traditional and includes the use of heads and sills, greater focus on the single use of brick, pitched roof canopies over front doors and more symmetrical window sizes.
- There are 49 affordable units proposed across the site
- The policy requirement for the number of accessible housing units has been exceeded.
- 5 units do not meet the minimum internal space standards and discussions are on-going with the applicant to meet this requirement.
- There are 8 local play areas across the site.
- The applicant has included SUDs across the site, and the intention is for them to be constantly wet so that they don't dry up in the summer months.
- A pump station is proposed adjacent to one of the SUD's feature and will be overlooked by plots 127 and 128, details of the infrastructure are awaited from the applicant as this poses visual amenity concerns.
- The provision of 'Copenhagen' style crossings is intended to be provided through the site layout to improve on pedestrian safety.

Councillor P Grahame attended the meeting and raised her concerns regarding the size of the affordable units proposed and supported comments made in Councillor Lennox's representation. Councillor Grahame also explained that she does not want the affordable units to be 'clumped' together, as you can usually identify an affordable unit.

Further to questions to Councillor Grahame regarding affordable units, it was confirmed that 2 bed units are suitable for people wishing to downsize. However, there have been a number of requests from constituents from families needing larger properties.

The applicants agent and representatives attended the meeting, and provided the following information:

- The Middle Quadrant has been the most difficult in terms of the whole of the East Leeds Extension due to the nature of the spine road and the relative narrow width of the site. It is accepted that more design elements and tweaks will need to be amended.
- The SHMA (Strategic Housing Market Assessment) identifies a need for 2 bed properties although concerns regarding affordable units have been noted and this can be re-visited.
- Minimum space standards have now been met and details on this can be provided.
- The provision of open spaces over exceeds requirements.
- A lot of work has been done on parking, and it is intended to hide the parking areas to ensure streets are not dominated by cars.
- Minor changes to landscaping in terms of the south east part of the site.
- There will be no gas on site and air source heat pumps is proposed.
- It is requested that the application be brought to a Panel meeting for consideration no later than August 2023 as the developers do not want to be delayed.

Further to questions from Panel Members, the following was confirmed:

- The proposed affordable units will be scattered rather than 'clumped'. Albeit they will be a bit closer together to ensure the housing association can better manage them. It was also confirmed there will be a 60/40 split in terms of socially rented properties. 60% of the 45 affordable units will be socially rented units. It was also confirmed that the appearance of the affordable units will be the same as the market dwellings.
- Landscaping proposals are extensive and serves the whole of the East Leeds Orbital Route as well as the Cock Beck corridor.
- There is the greatest demand for 2 bed properties as identified city-wide in the SHMA. It was confirmed that there is a penalty tax on overprovision of bedrooms. However, it was acknowledged that there is a need for additional 3 bed properties.

A member commented that further consideration needs to be taken regarding the need to improve tree lined areas. In particular, the East Leeds Orbital

Route. Officers were urged to take a look at what can be done in terms of planting additional trees in those areas.

Members comments in relation to the officers questions in the submitted report were relayed as follows:

Question 1: Do Members have any comments in respect of the layout and the appearance of the dwellings including the concept of new different character areas? Members were generally content with the approach and the 2 character areas, as well as the quality of housing. A comment sought assurances that the affordable units will not be 'clumped' together.

Question 2: Are there any comments Members would wish to make in respect of the housing mix? Further consideration to be had in terms of the balance of the units proposed and the need for a greater proportion of larger units.

Question 3: Are there any comments Members would wish to make in respect of the affordable housing provision proposed? To provide further information to demonstrate that the affordable units are pepper potted throughout the site and that more larger family units be provided as part of the mix.

Question 4: Are Members in agreement that all units should meet the minimum internal space standards? The applicant has now committed to resolve this issue.

Question 5: Do Members have any comments in respect of the landscaping proposals? Members wished to see further information regarding this.

Question 6: Are there any other matters, that relate to the scope of consideration of these applications, that Members wish to raise? Whilst it was acknowledged additional planting to the East Leeds Orbital Extension is outside of the scope of these particular planning applications, officers will seek to liaise with colleagues and bring back information at a later date. Also, a member commented on concerns regarding speeding on the East Leeds Orbital Route and suggested that a fixed camera be looked at.

In general, members supported the scheme.

RESOLVED – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

- 16 22/07259/FU – Alteration and extension of existing dwelling including two storey extension to front, single storey extension to side and raising of roof height to create new pitched roof with dormer to front; two storey extension to side to create new living accommodation, parking garage and roof terrace; erection of new timber boundary fence; new landscaping and parking areas including erection of parking impact barrier and creation of vehicle passing area at The Bungalow, Wharfedale Street, Meanwood, Leeds, LS7 2LF**

The report of the Chief Planning Officer presented an application regarding alteration and extension of existing dwelling including two storey extension to front, single storey extension to side and raising of roof height to create new pitched roof with dormer to front; two storey extension to side to create new living accommodation, parking garage and roof terrace; erection of new timber boundary fence; new landscaping and parking areas including erection of parking impact barrier and creation of vehicle passing area at The Bungalow, Wharfedale Street, Meanwood, Leeds, LS7 2LF.

Members of the Panel had attended a site visit earlier in the day. Slides and photographs were shown throughout the presentation.

Members were provided with the following information:

- The application has been brought to the Panel at the request of Councillor J Dowson, with expressed support from Councillor A Garthwaite due to Councillor Dowson expressing her concerns over the impact on the ward, wild green areas, and Woodhouse Ridge. Concerns also related to alleged actions of the applicant in relation to land outside of his ownership falling within designated public greenspace.
- The site is adjacent to Wharfedale Street and accessed via Ridge Road to the east. It was noted that the road is quite narrow and privately owned in part.
- The surroundings include industrial, commercial, and residential units. To the west and north of the site lies terraced properties. To the east of the site there are properties also served by the access road.
- The applicant seeks the proposals to serve his longstanding hobby of collecting and restoring vintage cars. The living accommodation will be in the form of the main dwelling and an ancillary annex with shared spaces within the building. The new parking garage and workshop area will be used by both the applicant and his son in pursuant of their hobby. It was confirmed that the applicant only intends to have a maximum of 12 cars on-site at any one time.
- The proposed roof terrace will be situated to the south of a site most recently in use as a children's nursery to the north, but the separation distance retained to that site of 6.5m is considered to be appropriate given the nature of the neighbouring land use.
- The trees and hedges in the application site are retained as part of the proposals.
- The proposals will allow for the formal and informal parking of 16 parked cars on the application site, which will allow for vehicles to manoeuvre within the site.
- Representations have been received from former Councillor Walshaw on behalf of all Headingley and Hyde Park ward members and Woodhouse Ridge Action Group, as well as 4 members of the public. There have been 2 representations submitted not referred to in the officer report – one a letter of support and a second which is neutral on the development but expressing support for the concerns raised from previous objectors.

- It is un-clear whether the passing place falls within the ownership of the applicant or the Council's Climate, Energy and Green Spaces service. This raises a number of issues in terms of identifying the ownership of the land, the likely need to serve a notice through the planning process which would delay the application for an additional 21 days, and whether the passing place could be delivered. There are currently no fundamental concerns at present, but further negotiations and discussions need to be undertaken.

In summarising the planning officer explained:

- That matters in relation to the alleged actions by the appellant outside of the site boundary were being pursued by the relevant Council service under relevant enforcement powers and were not a matter to which weight could be attached in considering the planning application.
- In addition to the above, that Plans Panel does not serve as a public forum for discussing or resolving such matters.
- The site has an arguably unkempt, un-tidy appearance.
- The applicant's hobby is long standing and the proposal will improve the living accommodation and outdoor space for the applicant to carry out his hobby.
- The proposal will assist in addressing existing noise and disturbance issues through moving activities relating to the hobby indoors
- The site will benefit from additional landscaping and improvements in biodiversity, which will also bring benefits in terms of the wider functions of the site and surrounding land.
- The site can comfortably accommodate the and it is considered that there will be no design issues, with the development site being well screened from neighbouring properties.
- The proposed planning conditions would allow for the appropriate management of issues at the site.
- The applicant has also agreed to install a parking barrier, further to concerns received from the neighbour to the north of the application site.
- Whilst it was acknowledged that the passing place will allow for vehicles to manoeuvre which would be of benefit, it is not essential within the context of the overall planning balance.
- That in light of the issues arising in respect of wider ownership matters that officers were advising that the recommendation should be amended so that the application should be deferred and delegated to the Chief Planning Officer to approve the application, including to seek to secure the vehicle passing place in the first instance. However, if the vehicle passing place cannot be secured that officers would go on to approve the application under delegated powers in the absence of the passing place subject to the other conditions listed in the report.

Mr Lees attended the meeting as an objector to the application and provided the Panel with the following concerns:

- Mr Lees has been part of a local group for 15 years to revitalise Woodhouse Ridge and has undertaken task days and been involved with volunteers on the site.
- Mr Lees referred to the applicant and a number of allegations regarding activities on the site that have been referred to the Council's enforcement team and the Council's Climate, Energy and Green Spaces. The applicant hasn't received much luck in terms of receiving a response from the teams, and is unsure on the position of such allegations.
- Mr Lees was of the opinion that public amenity has not been protected.
- Further comments and allegations referred to the applicant depositing Japanese Knotweed outside of the application site from his site.

Further to concerns raised by the objector, the Panel sympathised with his concerns and explained that the allegations referred to is not a matter for the planning committee, due to the activities taking place beyond the red line boundary of the application site. The objector was encouraged to attend other forms of forums to air his views, such as an upcoming Inner North West Community Committee.

Further to questions to officers, the following was confirmed:

- Relevant officers have been made aware of the allegation regarding Japanese Knotweed. It was noted that the allegation falls outside the scope of any planning considerations. It was confirmed that the Council's Climate, Energy and Green Spaces service are not aware of any evidence relating to substantiate this allegation but that this would be a matter for that service outside of the Panel meeting.
- Officers will take back comments regarding untidiness of the site to the Planning Enforcement team on the basis that amenity is being harmed.
- Further to a suggestion that the standard time limit is decreased to 1 year, officers advised that such an approach would go against the grain of national government advice in relation to such matters and could result in difficulties in delivering the development due to the likely need to undertake preparatory works. However, officers confirmed that the applicant has shown a willingness to proceed with the proposals in a timely manner and hoped that this offered confidence that the development would be implemented in the near future.

Panel Members made the following comments:

- Whether the proposed conditions are enforceable enough long-term in terms of activities on the site and the number of cars allowed on the site at any one time.
- Concern that members wouldn't see any additional landscaping proposals made through the defer and delegate to officers process.
- Concern regarding the number of items needing to be removed from the site and its untidiness.
- Whether outside working hours can be conditioned as part of the application.

A motion was put forward to move an amendment to the officer recommendation, to defer and delegate approval to the Chief Planning Officer in order to seek to secure the vehicle passing place in the first instance, but, if this proved not to be possible, to go on to approve the application subject to the other conditions listed in the officer report. This motion was moved and seconded, and therefore it was unanimously:

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the conditions as outlined in the report, with the exception of the vehicle passing place if this could not be secured as a result of land ownership or related issues.

17 Date and Time of Next Meeting

The date and time of the next meeting is scheduled to take place on Thursday, 27th July 2023 at 1.30 p.m.

The meeting concluded at 15.10.



Originator: Lydia Lloyd-Henry

Tel: 0113 378 5470

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 27.07.2023

Subject: 22/04416/FU - Retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax

| APPLICANT | DATE VALID | TARGET DATE |
|------------------|-------------------|--------------------|
| Mr Smith | 06.07.2022 | 28.07.2023 |

Electoral Wards Affected:
Kippax and Methley
Ward Members have been consulted.

Specific Implications For:

| | |
|------------------------|-------------------------------------|
| Equality and Diversity | <input checked="" type="checkbox"/> |
| Community Cohesion | <input type="checkbox"/> |
| Narrowing the Gap | <input type="checkbox"/> |

RECOMMENDATION: GRANT PERMISSION subject to the conditions set out below (with amendments or additions to the same as deemed appropriate):

1. Temporary permission 3 years
2. Personal to Mr Adam Smith, spouse and dependents of Sandgate Stables, Sandgate Terrace
3. Development to be built in accordance with approved plans
4. Access road to widened at entrance, hard-surfaced with no gates/obstructions for a depth of 15m from Sandgate Terrace (including removal of existing gate within one month)
5. Cycle Store to be provided within one month
6. Returning the land to its original state following cessation of the permitted use

INTRODUCTION:

1. The application is brought to Plans Panel at the request of Ward Councillors Lewis and Harland and former Councillor Midgley. This referral to this Plans Panel for determination is on the basis that the development proposed is regarded as an inappropriate use of greenspace land; that a similar proposal on a neighbouring site has been dismissed at appeal and that decision is relevant to this application; that it will harm the character of the area; that it will result in the loss of allotments for which there is a clear local demand; and the adverse impact on residential amenity.
2. As the matters raised by the Ward Councillors are based on material planning considerations that give rise to concerns affecting more than neighbouring properties, the request meets the criteria outlined in the Officer Scheme of Delegation and it is appropriate to report the application to Panel for determination.
3. The application proposal seeks planning permission for the use of the site for residential purposes and including the retrospective siting of one touring caravan and one static caravan.

SITE AND SURROUNDINGS:

4. The development site comprises a rectangular area of land at the edge of an area of private allotments to the south east of Sandgate Terrace, Kippax. A central access road (from Sandgate Terrace) runs through the site and leads to a hard-surfaced compound where the static caravan and touring caravan (the subject of this planning application) are positioned. A single storey timber outbuilding is also present in the north west corner of the compound.
5. The remaining allotments surrounding the application site are subject to different levels of activity with many containing sheds, storage areas and other paraphernalia expected with such allotment use. Overall, the allotments cover an area spanning Gibson Lane to the west, Sandgate Lane to the east, Sandgate Terrace to the south and the rear boundaries of properties on Sandgate Drive to the north.
6. The allotments and the application site are set on a gradual fall northwards, with Sandgate Terrace being located on a high point at the brow of the hill. The allotments are located on the eastern side of Kippax and whilst otherwise in a suburban setting, the land to the east of Sandgate Lane comprises open agricultural fields.
7. The closest residential properties to the site are located on the south side of Sandgate Terrace, arranged in 4 two-storey terraces of 6 dwellings each, faced with red brick and tiled roofs and are of early C20th appearance. To the south east, Lime Tree Crescent comprises a number of two-storey semi-detached dwellings. The dwellings along Gibson Lane and Sandgate Drive, to the west and north, are of later C20th construction and are of detached and demi-detached forms. Kippax Ash Tree Primary School and Kippax Community Centre are located to the west of Gibson Lane and have accesses in close proximity to the junction of Gibson Lane and Sandgate Terrace.

PROPOSAL:

8. The application proposes a residential use of the site and includes retrospective works relating to the siting of one static caravan and one touring caravan within the allotment. The touring caravan is 7.2m in length and 2.3m in width. The static caravan is 11m in length and 3.7 in width and contains two bedrooms (double and a twin). The submitted site plan also shows a cycle store, bin store, three parking spaces and access gates set back from Sandgate Terrace by 15m.
9. The proposal is intended to provide living accommodation for the applicant and his immediate family that includes 4 children, 2 of which are primary school aged and 2 that are secondary school aged.

RELEVANT PLANNING HISTORY:

Relevant Planning Applications

10. The following planning history relates to a previous planning application for a similar form of development on another former allotment along Sandgate Terrace which is next door but one to the application site. That application was submitted by a different applicant (Mr Nicholson) to the applicant for the planning application before Plans Panel.
11. 19/00238/FU - Use of land as one Gypsy/Traveller pitch comprising one touring caravan, one mobile home, one day room and associated works including new hardstanding and vehicular access – Refused - 26.09.2019. Appeal dismissed 28.01.2022. In dismissing the appeal the Inspector set out the following conclusions on the key planning issues:

Local Green Space

- The appeal site is located within designated green space under policy GE1 of the Kippax Neighbourhood Plan 2019. The policy managing this space should be consistent with those for Green Belts. Planning Policy for Traveller Sites (PPTS) states sites in the Green Belt are inappropriate development except in Very Special Circumstances (VSC). “The development would therefore only be acceptable in principle if it can be justified through the identification of very special circumstances”.
- The loss of green space would be in conflict with policy G6, as none of the following criteria are met; there is an adequate supply of accessible green space/open space in the analysis area, open space/green space would be replaced or that the development improves the existing green space/open space.

Need for Gypsy and Traveller Sites

- The Council is unable to demonstrate a 5 year land supply of deliverable sites, as required within PPTS. The Council accept there is unmet need for new pitches within the borough and in neighbouring boroughs. The area is constrained by the high proportion of Green Belt land in the borough, however this does not attract weight in the planning balance. The concern surrounding the Policing Bill does not attract weight as the measure is not yet enshrined in law (this has now become law since the appeal decision).

Personal Circumstances

- Mr Nicholson currently lives at a site in Castleford with his wife and two young children. Their mother and father, brother and sister also live on the site in

separate caravans. Four caravans are on the site in total with two stored for touring. The number of caravans on site is above what the planning permission conditions permit (3) which further indicates unmet need. Significant but less than substantial weight is attached as the appellant has a stable living situation, and an unsuccessful planning permission would not result in disproportionate interference with human rights.

Local Green Space

- The building is not considered appropriate in the Green Belt as they do not meet the requirements set out within the National Planning Policy Framework. The building is not agricultural or an appropriate facility for the allotments and no very special circumstances are cited.

Character and Appearance

- The building does not result in harm to the character or appearance of the area and does not result in harm to amenity.

Enforcement History

12. 22/00632/UCU2 - Unauthorised change of use of land for the stationing of a mobile home and touring caravans – This relates to the site subject of this planning application. Investigation on hold pending the outcome of this application.
13. 20/00857/UWF - Without planning permission the erection of a steel frame building with metal corrugated walls and roof on the land – This relates to the site subject of this planning application. Notice Served – 24.03.2021 – Appeal dismissed – The appeal was considered at the same time as the appeal on planning application 19/00238/FU (see paragraphs 10 and 11 above). In respect of this enforcement appeal the Inspector concluded that the building was not related to agriculture or an allotment use (in that it was used in connection with equestrian activity) and held that it constituted inappropriate development and that there were no very special circumstances to justify its retention. The Inspector did not consider that the building caused harm to the character and appearance of the area.
14. 18/00849/UCU2 – The following enforcement matter relates to neighbouring land being the same site subject to planning application 19/00238/FU as summarised at paragraphs 10 and 11 above. The Local Planning Authority was concerned that the site was being prepared for the stationing of caravan and /or mobile home for residential use. Services for water and electricity were installed and hardstanding was laid out across a substantial area of the site. The council sought an injunction in the court to prevent such a development from taking place. An Interim Injunction Order was granted at the Court hearing in May 2022 with following undertakings given to the Court by the defendant:
 - “1. The Respondent will not (whether by himself or by instructing, encouraging or permitting any other person) at Land at Sandgate Terrace, Kippax, Leeds, LS25 7BQ (‘the Site’) without the necessary planning permission.
 - 1.1 Cause or permit any further works involving or connected with ground clearance on the land shown edged red on the plan attached to this order (‘the Site’);
 - 1.2 Cause or permit any further works involving or connected with the laying of any hard surface at the Site; or
 - 1.3 Cause or permit or erect the stationing of any caravans, mobile homes, chalets or other residential accommodation or associated structures at the Site.

2. Will within 2 months remove the white hardstanding brought onto the Site”

The Council became concerned that the Injunction had not been complied with in that further material had been imported onto the site and that the white hardstanding had not been removed. At a further Court hearing in January 2023 the Judge instructed that further intrusive investigations be undertaken to ascertain whether the white hardstanding had been removed from the site. Those works were undertaken by an independent surveyor and at a further Court hearing in June 2023 it was held that the defendant had not breached the terms of the Injunction.

HISTORY OF NEGOTIATIONS:

15. During consideration of the application, officers have sought further information from the applicant in respect of their personal circumstances and site requirements. This includes the need to leave the Cottingley site, that prior to moving to the application site the family was living roadside and that local links have been established through the youngest two children attending the nearby primary school and registering with a local GP. In addition, further supporting plans have been provided to respond to issues that have been raised by consultees.

CONSULTATION RESPONSES:

16. Highways: No objection to revised information that address access concerns, subject to conditions.
17. Contaminated Land: No objection as although a sensitive end use a hardstanding has been provided and a passive void is provided.
18. Flood Risk Management: No objection as the site is situated within Flood Zone 1.
19. Public Rights of Way: No objection as access is via Sandgate Terrace so the bridleway is unaffected. .
20. Environmental Transport Studies: No objection.
21. Planning Policy: Considered inappropriate development in the greenbelt and harmful if a permanent permission was granted, however VSC of impact on young children should be given significant material weight. A 3 year temporary permission would allow other sites to come forward.
22. Gypsy Traveller Liaison Officer: Funding is currently being investigated to deliver pitches on sites consulted on through the Council’s Adopted Site Allocations Plan Policy HG-3. The Council currently has 2 sites for Traveller provision. These are Cottingley Springs 41 pitches and Kidacre Park 8 pitches, both are currently at full capacity.
23. Leeds Gate: Have assisted the family with applying for access to a GP, education and other personal matters. Previous to the family being at the current site, they were pitched roadside where they did not feel safe. On average 2 plots become available at Council sites each year so waiting lists are high and many families can be waiting for years.

PUBLIC/LOCAL RESPONSE:

24. The planning application was publicised by the posting of a Site Notice on 05.08.2022 with the period for publicity expiring on 26.08.2022. The comments received in respect of this application are summarised in the following paragraphs.
25. Ward Member panel request and objections:
- An application and appeals at an adjacent site have previously been refused.
 - The use of the land should remain as allotments and greenspace and unauthorised development should be refused as the appeals have stated.
 - Inappropriate use of greenspace contrary to UDP and LCS policy N1A
 - Contrary to Kippax Neighbourhood Plan policy GE1
 - Contrary to NPPF paras 101/2 designation of greenspace for communities
 - National PPTS states sites in the greenbelt are inappropriate unless there are VSC
 - Impact on the character of the area, through loss of greenspace
 - Clear demand for allotments that isn't being met with the current supply
 - Waiting list for allotments in Kippax
 - Impact on residential amenity with a lack of information on how the site will be serviced for refused collection, wastewater removal, utilities
26. Kippax Parish Council objection:
- The land is classified as Local Green Space in the Kippax Neighbourhood Plan
 - Caravans are sited on a concrete foundation slab which is part of an enforcement notice
 - Allotments are well used in the area and there is a waiting list
 - Caravans will impact the character of the streetscene
 - Noise from livestock is disruptive
 - Allotments are beneficial to the wellbeing of the residents as greenspace
27. 140 neighbour objections were received and are summarised as follows:
- Should not be for residential or business use
 - Hard economic times people rely on growing their own food/produce
 - Allotments are high in demand
 - Does not benefit the village and its future prospects
 - If approval is given more allotments will be lost
 - What about drainage and sewerage
 - Objected to previously by residents
 - Application refused before
 - Movement of vehicles will be unsafe for children as there is a primary school nearby
 - The allotments are well utilised and well maintained with few if any vacant plots
 - Allotments provide health and learning benefits for the community
 - Health England study on benefits of gardening
 - No power supplies
 - Creating noise in the evening with horses and carts
 - Since Covid allotments are more important than ever
 - Beneficial for those who do not have gardens
 - There is a waiting list for allotments

- LCC provide areas for the travelling community
- Charity allotment plot 'The Growing Zone' nearby for education
- All findings of previous appeal are relevant to this application
- Application is identical to 2 appeals refused in 2022
- The site was originally 4 allotments
- The land should be returned to its original state
- Not for keeping livestock
- Physical and mental wellbeing impact for community
- Previous objections should be taken into consideration
- Noise pollution
- Goes against the neighbourhood plan
- Green space should be protected for environmental reasons
- LCC core strategy states a need for more green infrastructure
- impact on visual amenity
- Anti Social Behaviour
- Allocated as greenspace in SAP
- Allotments covered under N1A UDP
- Highway safety
- If approved this will set a precedent for other buildings on this greenspace
- Impact on local wildlife
- Land is for allotments and protected green space by Kippax Village Plan
- Out of character with the village of Kippax

RELEVANT PLANNING POLICIES:

The Development Plan

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making in relation to this application, the Development Plan for Leeds currently comprises the following documents:
1. Leeds Core Strategy (Adopted November 2014)
 2. Leeds Core Strategy Selective Review (Adopted September 2019)
 3. Site Allocations Plan (Adopted July 2019)
 4. Saved Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
 5. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013 and Reviewed 2015)
 6. The Kippax Neighbourhood Plan (Made February 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

Relevant policies from the Core Strategy are:

29. SP1 - Location of development
 H7 - Accommodation for Gypsies, Travellers and Travelling show people
 P10 - Design
 P12 – Landscape quality, character and biodiversity

G3 - Standards for open space, sport and recreation
G6 - Protection and redevelopment of existing greenspace
G9 – Biodiversity Improvements
T2 - Accessibility requirements and new development
EN5 - Managing flood risk
EN8 – Electric Vehicle Charging Infrastructure

Relevant Saved policies from the UDPR are:

30. GP5 - General planning considerations
N23/N25 - Landscape design and boundary treatment
LD1 - Landscape schemes

Relevant Natural Resources and Waste policies are:

31. GP1: Applications that accord with plan policies will be supported
AIR 1: The Management of Air Quality Through Development
WATER 1: Water Efficiency
WATER 2: Protection of Water Quality
WATER 7: Surface Water Run-Off
LAND 1: Contaminated Land

Site Allocations Plan

32. The Site Allocation Plan (SAP) was adopted on 10th July 2019 and therefore full weight should be accorded to it. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State. The ongoing remittal is at an advanced stage, with public comments on the main modifications proposed having closed in late January 2022. The Inspector will take these representations into account before issuing final conclusions. However, at this stage, it remains that Policy HG2 is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. The following policies are relevant:

Policy GS1 – Greenspace designations and protection
Policy HGR2 – Monitoring of Gypsy and Traveller sites

Neighbourhood Plan

33. The Kippax Neighbourhood Plan was made in February 2019 and therefore forms part of the Development Plan. The Plan lists a number of objectives which include:
1. Improving the built and natural environment, by encouraging investment, promoting conservation of historical sites and buildings, conserving the special sites that surround the village; and tackling run down areas.
 2. To promote opportunities for the expansion of local retail and business development.
 3. To ensure that new developments reflect the housing type and mix that best meet the needs of present and future residents.
 4. To protect open spaces, including sports, recreational and communal.
 5. To promote better transport links and traffic systems.

34. The following policies are relevant to the determination of the current application:

The site is designated as a Local Green Space and Policy GE1 states wherein "...development will be ruled out other than in very special circumstances in accordance with National Policy on Green Belts..."

Supplementary Planning Guidance and Documents:

35. Transport SPD 2023

National Planning Policy:

36. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system and must be taken into account in the preparation of local and neighbourhood plans, as well as being a material consideration in planning decisions. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development. This means, for determining planning applications, development should be approved where it accords with an up-to-date development plan or refused consent where the adverse impacts of giving consent would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Relevant paragraphs are highlighted below.
37. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.
38. Paragraph 101 states that policies for managing development within a Local Green Space (as designated by a Neighbourhood Plan) should be consistent with those for Green Belts.
39. Paragraphs 147-151 deal with proposals affecting the Green Belt and confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC. Further, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'VSC' 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. Gypsy and Traveller sites are not included in the list of exceptions in paragraphs 149 or 150 and are inappropriate development.
40. Paragraph 110 seeks to ensure that safe and suitable access to the site can be achieved for all users in relation to development proposals. Further, paragraph 111 notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Policy for Traveller Sites (PPTS)

41. The PPTS was last updated in 2015 and sets out the Government's planning policy for traveller sites. It should be read in conjunction with the NPPF. The policy must be taken into account in the preparation of development plans and is a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while

respecting the interests of the settled community. To help achieve this, Government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c. to encourage local planning authorities to plan for sites over a reasonable timescale
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k. for local planning authorities to have due regard to the protection of local amenity and local environment

42. Paragraphs 16 and 17 of the PPTS focus on traveller sites in the Green Belt. Paragraph 17 confirms that traveller sites (temporary or permanent) in the Green Belt are inappropriate development and subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish VSC. Paragraph 17 advises that Green Belt boundaries should be altered only in exceptional circumstances. If a Local Planning Authority (LPA) wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making process and not in response to a planning application.

43. Paragraphs 22-28 of the PPTS are also relevant in determining applications for traveller sites. In particular, paragraph 24 states that:

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections”

44. Additionally, and of significance in this instance, is that where an LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, that this should be a significant material consideration in any planning decision when considering applications for the grant of temporary planning permission (although the exceptions are Green Belts).

The Equality Act (2010)

45. The Equality Act 2010, defines Romany Gypsies and Irish Travellers as ethnic groups, meaning that they are protected against race discrimination. The Equality Act defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'.
46. As a decision maker, LPA's have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
47. In accordance with (b) above, a public body must also have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
48. It is considered that the LPA have exercised its duties responsibly having regard to the Equality Act 2010 and the Public Sector Equality Duty in the assessment of this particular application and have had due regard to the nature of the applicant who shares a protected characteristic. As part of its consideration, a Equality, Diversity, Cohesion and Integration (EDCI) screening has been undertaken.

MAIN ISSUES:

49. The following main issues are considered to be of relevance when assessing this planning application:
- Planning History
 - Local Green Space/Greenspace

- Need for Gypsy Traveller Sites
- Suitability of Site
- Personal Circumstances
- Design and Character
- Residential Amenity
- Highway Safety
- Planning Balance

APPRAISAL:

Planning History

50. At paragraphs 10 and 11 above, attention has been drawn to a recent appeal decision concerning a similar form of development on another site along Sandgate Terrace. The same planning policy considerations apply to this planning application as they did to the planning appeal. However, there are some significant differences between the circumstances surrounding this application and the appeal proposal. First, there are some differences in respect of the characteristics of the respective sites that will have some material bearing on the environmental effects associated with the development. There are also some material differences in the personal circumstances of the applicant, and in particular the best interests of the children, and this is of particular significance when considering an application for a gypsy/traveller pitch. Accordingly, although the appeal decision is of some relevance, and should be afforded some weight in the decision-making process, there are material differences between the circumstances of the two developments.

Local Green Space/Greenspace

51. The proposal is located on land in Kippax, which is defined as a Smaller Settlement by Policy SP1 of the CS. The application site, as well as the adjoining land to both the east and west, is carried forward as a Green Space allocation under Policy GS1 of the SAP. In addition, the site is designated as a 'Local Green Space' by Policy GE1 of the Kippax Neighbourhood Plan. The same is true of the Sykes Field site, to the north. The Neighbourhood Plan has now passed referendum and so, in accordance with Section 3 of the Neighbourhood Planning Act 2017, the Plan is now considered part of the statutory development plan and should be given full weight in the determination of planning applications falling within the neighbourhood area.
52. Policy G6 of the CS identifies that green space will be protected from development unless one of 3 criteria are met. The criteria are as follows:
- i) There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
 - (ii) The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or

(iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.

Criteria (ii) and (iii) are not met as the proposal does not propose to replace the green space lost and does not deliver wider planning benefits and improvements in green space quality in the locality, and so it is criteria (i) which is of most relevance to this application. This only allows the loss of green space where there is an adequate supply of accessible green space and the development site offers no potential for use as an alternative deficient open space type. The Green Space Background Paper (2017) (which provides the most up-to-date position on green space surpluses/deficiencies) identifies that in the Kippax and Methley Ward there is a surplus of 0.46ha of allotments against the standards of Policy G3, but a deficit of -0.32ha of parks and gardens. No evidence has been submitted to demonstrate that, if not in allotment use, it would not be possible for this land to be used for an alternative form of green space. Accordingly, the proposal is considered to be contrary to Policy G6.

53. The protection for this land as green space is strengthened by policy GE1 of the Kippax Neighbourhood Plan, which designates the site and wider allotments as a Local Green Space. The policy specifies that development will be ruled out other than in VSC in accordance with national policy on Green Belt. This is consistent with paragraph 101 of the NPPF which specifies that policies for managing developments within a Local Green Space should be consistent with those for Green Belt. Paragraphs 147 to 151 of the NPPF state that the construction of new buildings in the Green Belt is generally inappropriate (and so harmful), and the proposed use is not one of the exceptions to this general rule set out in paragraphs 149 or 150.
54. It is considered that the allotments are greenfield land and generally take the appearance that one would expect. When the site was assessed as green space for the Green Space Background Paper (2017) it got an overall quality score of 4.5 out of 10. The Leeds Open Space and Recreation Assessment (2008) also gave it a quality score of 4.5 out of 10 where it was also noted that there were generally low maintenance scores and it being noted that a number of plots were overgrown and unused, with grass paths through the site in a satisfactory condition (though no comments were made about it looking like anything other than allotments, or being particularly untidy or appearing as derelict). Prior to the 2020 enforcement investigation and subsequent appeal relating to the steel framed building (para.13) the site remained in allotment use. Regardless of this, it is considered that even if it was agreed that the site was considered as untidy or derelict land (which it is not) and gave weight to this as the PPTS instructs, it is not considered this would overcome the Local Green Space designation in the overall planning balance.
55. It is apparent from the letters of representation that the allotments are an important resource for local people and used for the purposes of many positive civic and educational activities. In the previous appeal decision (application reference 19/00238/FU paragraphs, 10 -11) the Inspector noted that although the Green Space Background Paper identifies a surplus of such land within the Kippax and Methley Ward (0.46 hectares), the information provided by CDAF is at odds with this data, as they currently have a waiting list of 16 people. The Council also has a city-wide waiting list for access to its own allotment sites. The Inspector noted that it is likely that demand for allotments has grown significantly in recent years, which could be why the Green Space Background paper is at odds with the actual local supply.

56. In light of the above it is concluded that the proposal would be in conflict with Policy G6 of the CS. It would also be in conflict with Policy GS1 of the SAP which designates sites for Green Space use in accordance with Policy G6, and Policy GP5 of the UDPR insofar as it seeks to avoid environmental intrusion and loss of amenity and policy GE1 of the Kippax Neighbourhood Plan.

Need for Gypsy Traveller Sites

57. Paragraph 7(b) of the PPTS states that LPA's should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The PPTS states that LPA's should identify, and update annually, a 5-year supply of specific deliverable sites. The Council currently has 2 sites for Traveller provision. These are Cottingley Springs (41 pitches) and Kidacre Park (8 pitches). Both are at full capacity and new provision has remained below the identified demand leaving a shortfall. For these reasons, the initial scoping exercise undertaken for the Leeds Local Plan 2040, includes a 'call for sites' as the review moves into the 'Issues and Options' phase.

Suitability of Site

58. Policy H7 of the CS sets out that in determining planning applications for new pitches to accommodate the needs for gypsies, travellers and Travelling Showpeople, consideration will be given to the following criteria:
- i. Reasonable access to public transport, health care, schools, shops and local services;
 - ii. pitches and plots should not be located on land that is deemed unsuitable for general housing, such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons;
 - iii. pitches and plots should avoid zones of high flood risk (Zone 3 flood risk areas):
 - iv. the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople's site only
 - v. the availability of alternative deliverable sites for Gypsies and Travellers and Travelling Showpeople.
59. The application site is not in conflict with criteria i and iii as it enjoys reasonable access to local facilities/public transport and it is not located in an area of high flood risk. It is accepted that there is a shortage of alternative deliverable sites and so criteria v is of relevance. With respect to criteria ii, the land is suitable for housing from a purely amenity perspective but is clearly not allocated for this purpose within the development plan. Furthermore, as the land is a greenfield site with a very recent Neighbourhood Plan allocation as local greenspace then a gypsy/traveller residential use is less preferable than were it a brownfield site. For the avoidance of doubt, the brownfield status of the site is confirmed as allotment uses are specifically identified within the NPPF as not being 'Previously Developed Land (PDL) even where a permanent structure is present. Regarding the second element of criteria iv, this is not considered to fully apply as a permanent permission is not recommended. However, the

proposal to impose a personal permission via condition does by default mean it can only be used by the applicant's family and which does have the relevant protected characteristic.

Personal Circumstances

60. The Inspector in dealing with the previous appeal noted Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
61. The Inspector also noted due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany gypsies and Irish travellers are ethnic minorities and thus have the protected characteristic of race.
62. These factors are relevant to the consideration of this application and this is recognised in the EDCI screening that has been carried out by officers. The applicant lives on the site with his family and this includes 4 children. In a statement signed by the applicant, it details that the family are registered with a local GP, 2 of their young children attend a local primary school and 2 attend educational assistance at Leeds Gate. Should they be required to leave the site, they would need to move to another unauthorised site or roadside which would result in harm to their children's education and best interests. The appellant (Mr Nicholson) in the previous appeal had a pitch with their partner and 2 children on a lawful site which had planning permission. However, the site was in breach of planning conditions due to the number of caravans on the site. Although significant weight was attached to their personal circumstances it was considered that this was ultimately less than substantial weight in those circumstances and did not meet the requirements to serve as VSC which would have outweighed the harm identified. These are matters that distinguish this application from the application proposal subject to the recent appeal (see paragraphs 10 - 11 above) and that carry substantial weight in favour of the current application.

Design and Character

63. Policies within the adopted development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings and reinforce local distinctiveness. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is therefore fundamental that new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

64. Policy P10 of the CS deals with design and states that *inter alia* alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
65. In terms of the impact on the character of the site and subsequently that of the Green Space, it is clear that the use of the site as a temporary traveller's pitch and the siting of the caravan and its peripherals (i.e. chicken coop, car parking and bins) will have some impact. Nevertheless, the application site still currently takes the appearance of being a part of the wider allotments. The static caravan and touring caravan are both fairly modest in size and scale and occupy only part of what is a large site. They are also set back into the site away from the frontage with Sandgate Terrace. Road side planting and fencing within the site act to soften and partially screen views from public vantage points. Given these factors and the presence of other allotment related buildings on the adjacent land, some of which are of a similar size to the static caravan, it is considered that the proposal does not appear so obtrusive as to have significant detrimental impact on the character of the area.

Residential Amenity

66. In terms of the impact upon the living conditions of the applicant's immediate family, the proposal comprises of one static caravan and one touring caravan which is considered satisfactory for a temporary permission
67. There are no space standards for caravans but the combination of a static and tourer is very typical.
68. Outdoor space at the site is also plentiful and can be used as amenity space to cater for the day to day needs of the family. The keeping of horses in connection with the residential use is also not considered to cause serious amenity concerns.
69. More generally, the site is within a well-served and assessable area for services including shops, amenities, medical and educational facilities that provide for the family.
70. With respect to any potential adverse impact on existing residents living conditions, although a number of representations raise concerns in this regard, officers consider the substantial separation distances involved to the nearest properties combined with the intensity of the residential use (i.e. that being limited to the applicants immediate family) are such that no serious conflict would occur. In this respect the scheme is in compliance with Policy P10 of the CS and saved Policy GP5 of the UDPR as well as guidance in the NPPF.

Highway Safety

71. Highway officers are now satisfied that the proposal will not result in highway safety concerns. The initial concerns relating to the location of the gate and vehicles overhanging the highway when entering the site and the right of access over the strip of land between the adopted highway and the red line boundary have been overcome through the

submission of additional information. The gate to the site has been set back further within the site to ensure a vehicle towing a caravan will not overhang onto the adopted highway while the gate is operated. The applicant has also provided deeds to the site and a letter from solicitors outlining the rights of access over the strip of land. It is noted that an objection has been received that contradicts the information provided, however ultimately this would be a civil matter and for the applicant to ensure they have the correct rights to access.

72. The applicant has also provided information relating to bin stores and the revised plan shows a EVCP. However, a planning condition to formally secure a EVCP is not included as the permission will be personal to the applicant and temporary. Obviously, the applicant could still choose to install a charging point. Additionally and in the circumstances where the use has already been operating for some time without access issues (that won't be resolved by setting the gates back), the need to secure additional improvement works to the point of access is not considered desirable, both in terms of adding a degree of permanence to what is only recommended to be supported on a temporary basis and also the visual impact such works would have on the character of this part of Sandgate Terrace through urbanising what is otherwise undeveloped. .

Planning Balance

73. National planning policy attaches great importance to the protection of locally designated green space. As set out above, paragraph 101 of the NPPF specifies that policies for managing developments within a Local Green Space should be consistent with those for Green Belt. Accordingly, the same level of importance is ascribed to the protection of Local Green Spaces as Green Belt. Therefore, when considering any planning application, substantial weight should be given to any harm to Local Green Space. The provision of a gypsy and traveller pitch in this location would amount to inappropriate development and therefore harm to this designated space. The proposal to develop this site that forms part of a wider designated area of greenspace is contrary to Policy G6 of the CS.
74. Accordingly, it falls with the applicant, for planning permission to be granted, to demonstrate that VSC exist to outweigh the presumption against the grant of permission and the harm caused. The VSC set out for this case relate to an unmet need and lack of a 5 year supply of pitches, the lack of an alternative site and the best interests of the children living at the site. The PPTS states (at paragraphs 16 and 17) that Traveller Sites are inappropriate development in the Green Belt, and that personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Space and any other harm so as to establish VSC. However, the best interests of children can outweigh the harm to the green belt and form a valid argument to establish VSC. Comments from Leeds Gate reinforce current difficulties with the supply of adequate sites and also highlight the applicant's local ties.
75. It is clear the family do have strong local links in that the children attend Ash Tree Primary School and are registered with the local doctor. The primary school is a short distance from the application site. It is acknowledged that primary education is vitally important to a child's education and social development. It also desirable to minimise disruption to a child's education.
76. If permission were to be refused ultimately the family may have to relocate. On the basis of the information submitted the family do not have an alternative site to go to. They have left the Cottingley Springs site and are not able to return due to family conflicts. In any event it

would not be possible to return to that site as there is no pitch available. This has been confirmed by the Council's Gypsy Traveller Liaison Officer. Furthermore, if this were possible it would still lead to a disruption in the youngest children's education. The applicant left a roadside pitch to settle on the application site. In light of the shortfall in the provision of traveller pitches, generally and in the locality, if the family have to relocate it is likely they would have to do so without the Council's consent.

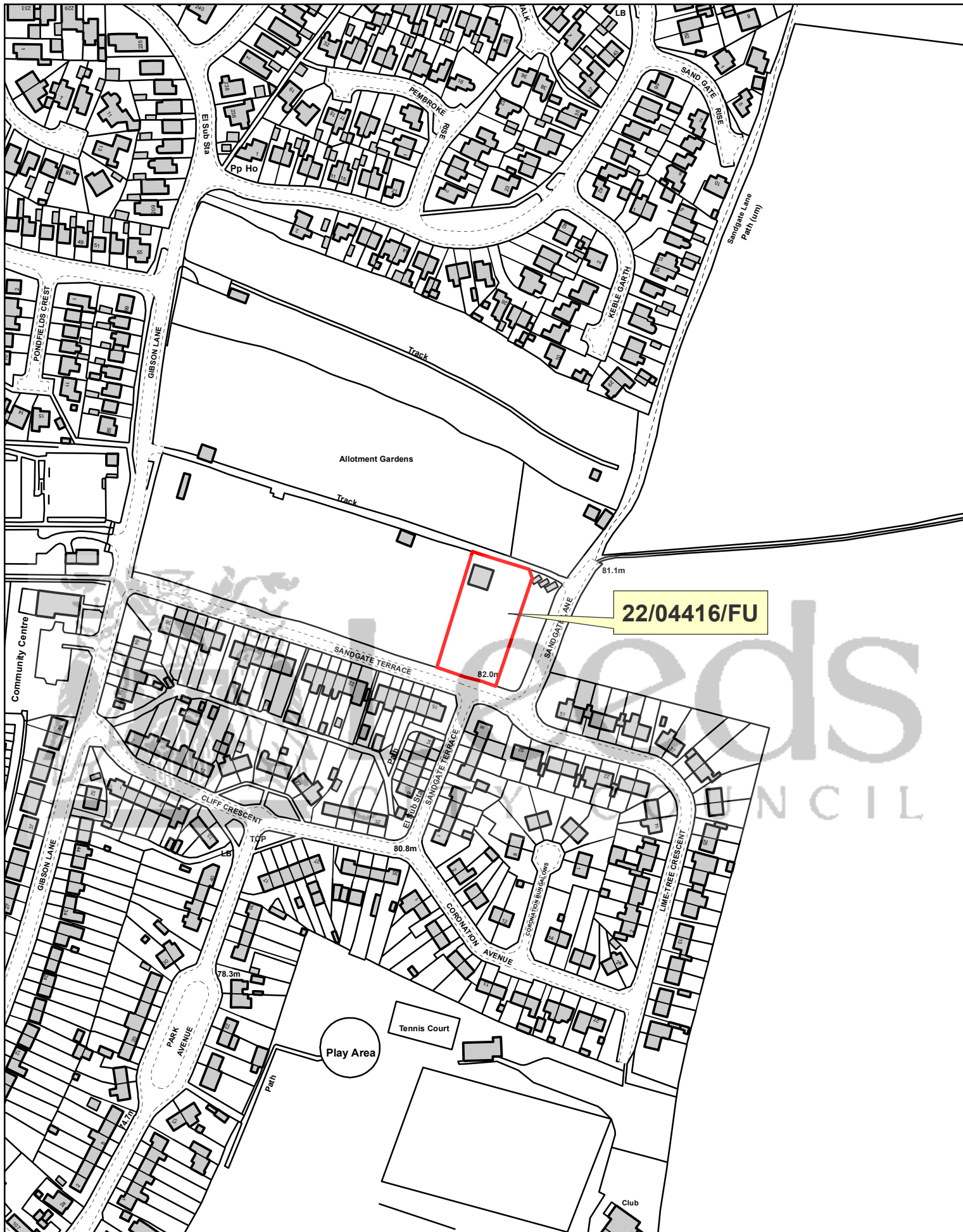
77. The personal circumstances of the applicant's and his family and the best interests of the children are matters that are afforded substantial weight.
78. It is considered that the development does not comply with Policy H7 of the LCS as it is a greenfield site whose designation as Local Green Space counts against its development for residential use. Again, this is a factor that should be afforded significant weight.
79. It is not considered that the proposal results in any harm, or benefit, to the aspects of highway safety or residential amenity and so these are neutral factors in the decision-making process.
80. Drawing all the above factors together, and having regard to the extent of harm caused, it is not considered that a permanent planning permission would be appropriate.
81. The possibility of a temporary and/or personal permission needs to be considered. The benefit of a temporary permission is that it would require the land to be returned to its intended use as allotments once the permission expires. Thus, the site would retain its status as an allotment and as greenspace. Temporary permission would give the applicant time to consider other permanent sites and the identification and delivery of sites through the review of the adopted plan. Accordingly, a temporary permission, and personal to the applicant, would serve to reduce the extent of harm caused. The three years is considered appropriate as the Leeds Local Plan 2040 is due to be adopted in 2025, which would be well before the expiry of the temporary permission. So even in circumstances where the local plan adoption was delayed, an updated Gypsy and Traveller needs assessment would have been undertaken and a more accurate understanding of what sites are available would be known.
82. There is clear conflict with policies concerning the site's designation as Local Green Space and greenspace. There is also conflict with Policy H7, 'Accommodation for Gypsies, Travellers and Travelling Show People'. As set out above these are matters that carry substantial weight and count against the grant of a permanent planning permission. However, regard must be had to the circumstances of the family and particularly the best interests of the children living at the site. To refuse permission is likely to result in significant disruption to the younger children's education as there is not an identifiable alternative site for the family to move to. This is also a matter that carries substantial weight in the decision-making process. The grant of a temporary permission would serve to have regard to the family circumstances and protect the longer-term planning policy objectives that are relevant to this site. Whilst it might seem sensible that the length of the planning permission granted should reflect the length of time the children are of primary school age, the provision of and demand for pitches could change within a much shorter timescale and it is appropriate for the temporary permission to reflect this, particularly as a plan review is currently being undertaken and includes a call for sites. A shorter time period of 3 years is therefore recommended by officers in these circumstances.

CONCLUSION:

83. Considering the harm and conflict with policies concerning Local Green Space and greenspace and balancing this against the personal circumstances/needs of the Applicant and his family, alongside the Equality Act and Council's Public Sector Equality Duty, it is considered a reasonable and balanced response to grant a temporary 3 year personal permission.

Background Papers:

Planning Application: 22/04416/FU



22/04416/FU

NORTH AND EAST PLANS PANEL





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PLANS PANEL PRESENTATION

SCALE 1:2500



NOTE:
CONTRACTOR TO VERIFY ALL SIZES ON SITE BEFORE COMMENCEMENT.

NOTE:
PLEASE DO NOT SCALE FROM THIS DRAWING.

Party Wall Act
Notices under the Party Wall Act are to be served by the building owner or appropriate body appointed by the building owner.
For further clarification on the Party Wall Act 1996 contact:
Cairn Wharf Consultancy Ltd.
M: 07739 576 181 E: cw@cairnwharf.com
For further information on the Party Wall etc. Act 1996:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf

Building Contract
It is recommended that a formal written agreement is put in place between the building owner and the building contractor.
A typical agreement that protects both owner and builder would be produced by the JCT.
For further information on Building contracts speak to MAS Design Consultants Ltd.

CDM 2015 Regulations
The Construction Design and Management (CDM) Regulations 2015 apply in full to all construction works and the client must now appoint a Principle Designer and a Principle Contractor. MAS Design Consultants Ltd. will act as Principle Designer. The Contractor must produce a written Construction Phase Plan.
For further information on the CDM 2015 Regulations can be seen at <http://www.hse.gov.uk/pubns/indg411.pdf> or contact MAS Design Consultants Ltd.

GENERAL NOTES
Materials to match existing.

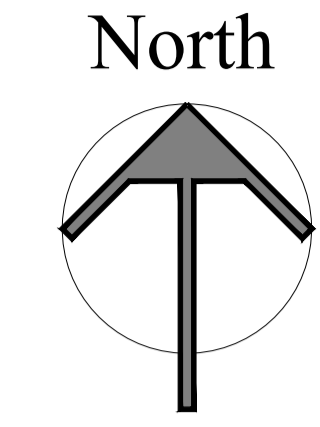
These notes do not comprise a full specification. The drawings are for Building regulations purposes only and are not working plans. They do not comprise of a complete specification for the whole of the works. Their primary function is to assist the Local Authority Inspector to determine compliance in line with Building regulations standards.

Where further clarifications are required contractor shall refer to the client for details and instruction.

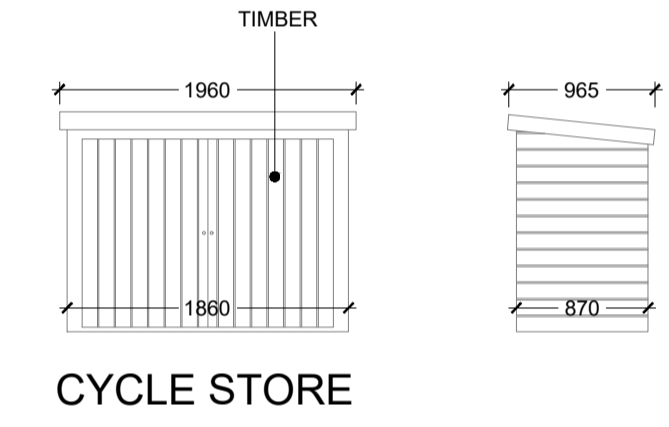
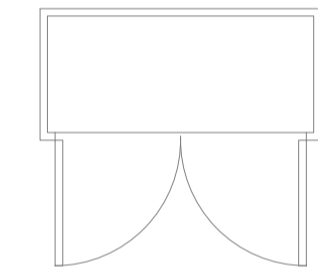
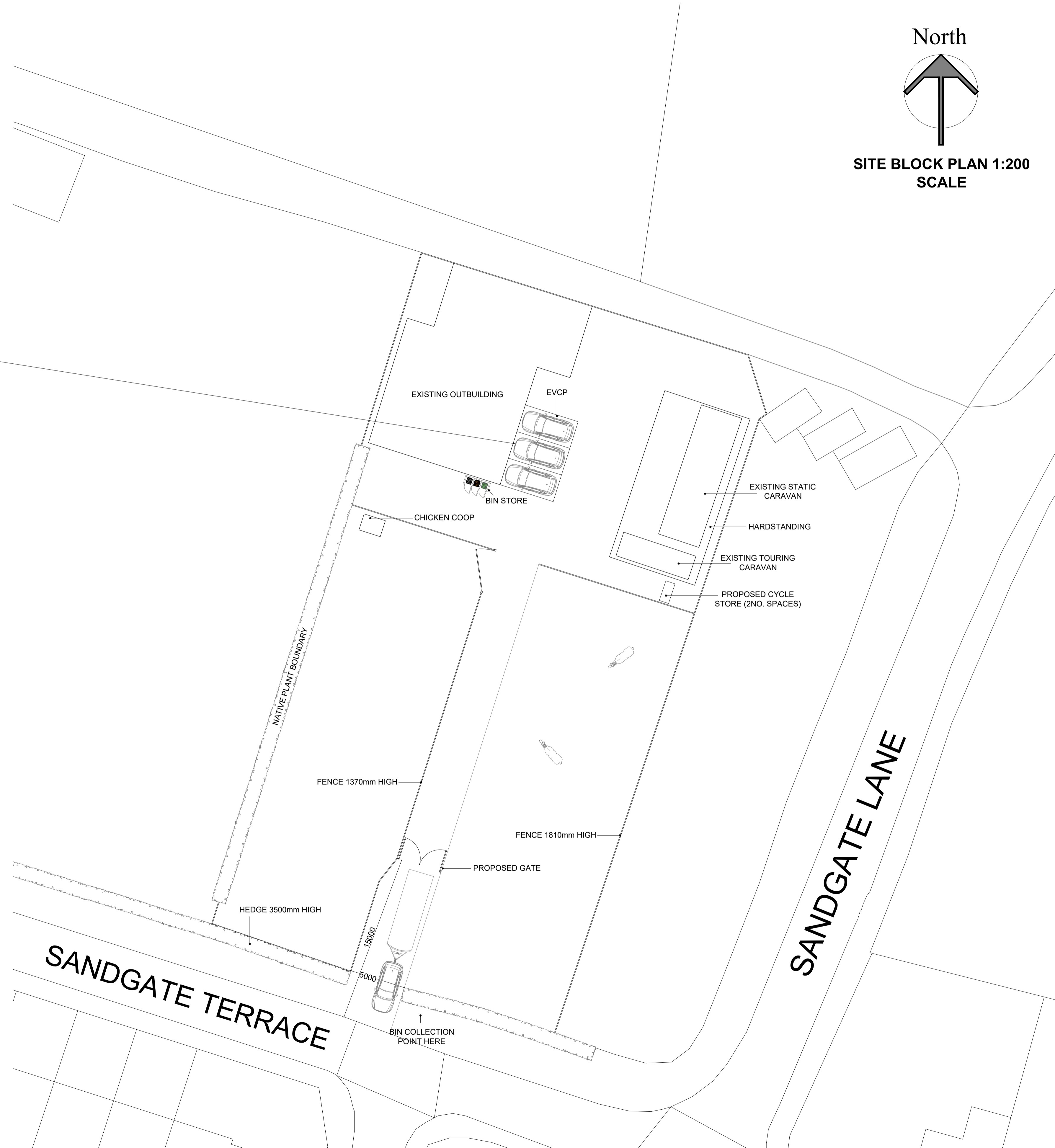
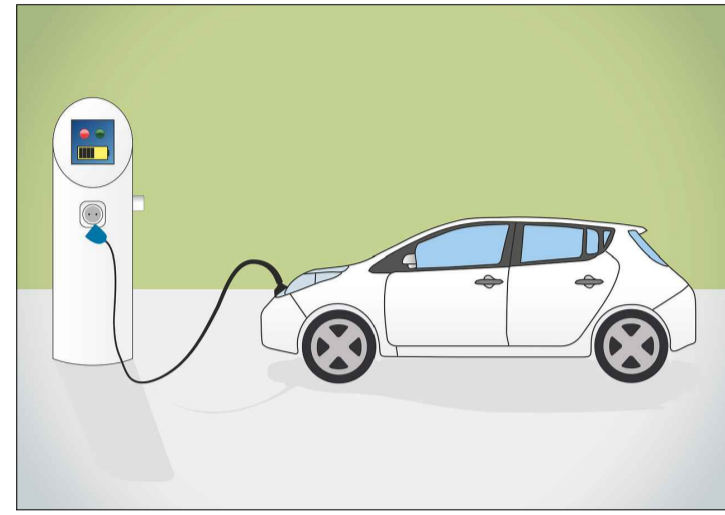
All dimensions must be checked by the contractor and any discrepancies noted in writing to MAS Design Consultants Ltd.

All works must be carried out in accordance with current Building Regulations, Codes of Practice and Planning Officers requirements.

All materials must comply with current British Standards in situations used.
February 23



SITE BLOCK PLAN 1:200 SCALE



CYCLE STORE

REV B - AMENDED TO HIGHWAYS COMMENTS - 09/06/2023
REV A - AMENDED TO PLANNING COMMENTS - 10/03/2023



1 Oxford Street, Guiseley, Leeds LS20 9AX
www.masdesignconsultants.com
email : info@masdesignconsultants.com

PLANNING

EXTENT OF PROJECT:
RETROSPECTIVE APPLICATION FOR SITING OF CARAVAN FOR RESIDENTIAL PURPOSES.

CLIENT DETAILS:
MR ADAM SMITH
LAND OFF SANDGATE TERRACE
KIPPAX
LEEDS
LS25 7BQ

DRAWING TITLE:
SITE PLAN AS PROPOSED.

| PAPER | SCALE | DATE | DRAWING No | REV |
|-------|-------|----------|-------------|-----|
| A1 | 1:200 | 17/10/22 | 3835/03/000 | B |