



Originator: Jessica Thomas

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**30<sup>th</sup> January 2025**

**Subject: 24/04193/FU – Retention of two shipping containers for use as a site office and tool shed at Roots Allotments, Selby Road, Garforth, LS25 2AG**

**APPLICANT**  
Mr W Gay

**DATE VALID**  
30<sup>th</sup> October 2024

**TARGET DATE**  
TBA

**Electoral Wards Affected:**

**Garforth and Swillington**

Yes      Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions below (with amendments or addition to the same as deemed appropriate):**

Conditions

1. Approved Plans
2. The tool store and site office shall only be used / accessed between the following hours.
  - 7am to 7pm November to February;
  - 7am to 8:30pm March, April, September and October;
  - 7am to 10pm May to August.

The tool store and site office shall not be accessed at any other time.

Reason: In the interests of residential amenity.

3. Within one month of the date of decision a plan showing junction improvements, movement of the sign and the required visibility shall be submitted to and approved in writing by the LPA. Within three months of the

date of approval the upgrade works shall be implemented, and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

4. In the event the allotment use of the associated land permanently ceases the tool store and site office shall be removed from the land within two months of cessation. Within a further two months, or the first available planting season, whichever is the later, the land shall be restored to its former condition (modified grassland).

Reason: In the interests of the Green Belt and landscape character.

## **INTRODUCTION:**

1. This application relates to the siting of two shipping containers on agricultural land. The containers are already present on site, and form a tool store and office, supporting a recently commenced allotment use. As will be set out below, allotment gardens are an agricultural use of land, and no material change of use has occurred. The application therefore does not seek permission for the use of the land, and the legislative context and relevant case law which establish this are set out at the start of this report's appraisal. A sign identifying the site and entrance has been erected on the A63 frontage. This is subject of the linked application 24/04194/ADV which is also before Plans Panel for consideration.
2. The two applications have been referred to Plans Panel by Councillor Mark Dobson who raises concerns relating to the size of the sign, and its impact upon visual amenity, highway safety and the Green Belt. The matters raised by Councillor Dobson constitute material planning considerations that give rise to concerns affecting more than neighbouring properties and, as such, the request meets the criteria outlined in the Officer Scheme of Delegation (1(d)). As such it is appropriate to report the application to Panel for determination.
3. As will be set out below, the shipping containers are considered to be appropriate development within the Green Belt, and do not cause harm to visual amenity, residential amenity nor highway safety. As such, this full application accords with local and national policy and is recommended for approval. The signage application is also recommended for approval within the linked report.

## **PROPOSAL:**

4. Permission is sought for two shipping containers forming a site office and a tool store. These are located within the fenced allotment compound, one green container forming the tool store to the front of the site (north) and a grey container forming the office to the east side, approximately 100m within the site.

## **SITE AND SURROUNDINGS:**

5. The application relates to a parcel of agricultural land (grade 3a), assumed to be formerly associated with Providence Farm, which lies just to the east. The 3.3ha parcel is formed from two fields, which stretch back in a linear arrangement from Selby Road (A63) to the north. The bulk of the land has been enclosed by 2.0m

post and wire fencing, with the southern most portion forming a parking / turning area, which is reinforced with a geotextile grid. Access from Selby Road is via an existing entrance point, and the site frontage is formed by established self-seeded vegetation which has been lowered in height and depth, to improve visibility.

6. Within the site some of the land has been divided into individual allotment parcels, with other areas forming compost heaps and soil stacks. The remainder of the land is undeveloped, and it is understood this will be turned over to allotments in the spring. The applicant's website suggests approximately 250 allotments will eventually be provided on the site.
7. The site lies to the immediate south of Garforth, and within the Green Belt. Residential housing lies to the opposite side of the road, with the bulk of this lying beyond Cotswold Drive, the nearest portion of which runs parallel to Selby Road. Ninelands Lane, leading into Garforth lies approximately 300m east, and Leeds Road, leading to Kippax, lies approximately 170m west.
8. There is a level change within the site, with the land falling a little from Selby Road, rising again toward a high point to the south, before falling again towards Kippax. Within the wider area there is a character of gently undulating agricultural land. Providence Farm lies to the east, and the fields to the west appear to be in a mixed agricultural / equestrian use. The site entrance serves a private trackway which borders the west of the site and leads to existing small holding / equestrian buildings.

#### RELEVANT PLANNING HISTORY:

- |    |              |  |
|----|--------------|--|
| 9. | 24/06041/ADV | Retention of one non-illuminated, freestanding entrance sign<br><b>Pending</b>   |
|    | 24/04194/ADV | Retention of one non-illuminated entrance sign<br><b>Refused</b> – failure to provide sufficient information to assess the application<br>2024 |
|    | 33/76/95/FU  | Laying out of access to storage buildings<br><b>Refused</b> – concerns relating to Green Belt and highway safety<br>1995                       |

#### HISTORY OF NEGOTIATIONS:

10. The case officer contacted the agent in late November expressing concerns about the impact of a tipi on-site and associated events being held in conjunction with the tipi. The physical presence of the tipi harmed the openness of the Green Belt and the parking demands associated with community events within the tipi may have harmed highway safety. As a consequence, the tipi has been removed from the application by the applicant.
11. Officers have been in contact with Councillor Dobson, and have set out that the land use cannot form part of the application as the land use of the site is already established, and that the tool store and site office are considered reasonably necessary to facilitate the land use, and thus appropriate in Green Belt terms. As a

consequence, Councillor Dobson has requested that the application be brought to Panel.

### **PUBLIC/LOCAL RESPONSE:**

12. The development has been advertised by Site Notice posted on 13<sup>th</sup> November 2024 and within the Yorkshire Evening post on 22<sup>nd</sup> November 2024.
13. Thirteen letters of objection have been received from eleven properties.
14. The majority of the objection letters are from other parts of the United Kingdom, with six letters having been received from five properties in Bristol and St Andrews. Three have been received from the wider Leeds area (Shadwell, Headingley and Kippax). Four have been received from three properties within Garforth, with only one property being proximate to the application site.
15. The letters raise concern relating to highway safety, layout and density, heritage assets, nature conservation, noise and disturbance, design / visual amenity, sustainability / climate change, land contamination, and errors / omissions within the submitted information and the retrospective nature of the application.

### **CONSULTATIONS RESPONSES:**

#### 16. Non-Statutory Consultations

Flood Risk Management:	No objection
Highways:	Improvements to the site access are required, to be secured by condition: widening of dropped kerb access to allow 2 way passing; improved visibility to achieve 2.4m x 90m – this will require cutting back of vegetation and relocation of the sign at the site entrance; provision of bituminous bound surfacing. Revised site plan showing access improvements (as noted above to be secured by condition)

### **PLANNING POLICIES:**

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (amended 2019), the Site Allocations Plan (2024), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP), The Aire Valley Area Action Plan and any made Neighbourhood Plan.

#### Local Planning Policy

18. The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. For the purposes of decision-making in relation to this application, the following Core Strategy (amended 2019) policies are relevant:

P10 Seeks to ensure that new development is well designed, respects its context and protects amenity.

G3 Provision of Green Space according to typology

19. The Site Allocations Plan was revised in 2024. The site is unallocated within the SAP but identified as Green Belt.

20. The following saved UDPR policies are also relevant:

GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity

BD5 Seeks to ensure new development protects amenity

N33 Development within the Green Belt

N35 Best and most versatile agricultural land

N37A Development in the countryside

21. The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The Plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. No NRWLP policies are deemed relevant to this application.

#### Neighbourhood Planning

22. Garforth Neighbourhood Plan was made in September 2023 and is a material planning consideration. The plan identifies the importance of green spaces and allotments to physical and mental health (section 3.4); the plan identifies a 1.21ha shortage of allotments (section 3.4.1.9 (Pg60)). The application site is identified as arable fringe farmland (grade 3a) within a frontage hedgerow within maps 21 and 23 (pages 77 and 79).

23. Policy GSRE12 requires development to have regard to landscape character.

#### Supplementary Planning Guidance

24. Transport SPD (2023)

#### National Planning Policy

25. The National Planning Policy Framework (2024) (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. The Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

26. The provisions of the Framework do not change the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the Framework is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the Framework.

27. The following sections of the Framework are most relevant for the purposes of determining this application:
- 2. achieving sustainable development;
  - 4. decision-making;
  - 8. healthy communities and lives;
  - 9. Promoting sustainable transport;
  - 12. achieving well-designed places;
  - 13. protecting Green Belt land.
28. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the Framework. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that, for all applications determined after October 2018, any pre-commencement conditions are agreed in advance with applicants.

### **OTHER RELEVANT MATTERS:**

#### Climate Change

29. The Council declared a climate change emergency on 27th of March 2019 in response to the UN's report on Climate Change. The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
30. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

#### Public Sector Equality Duty

31. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
32. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

### **MAIN ISSUES:**

- 1) Agricultural Use of Land and “Development” within the TCPA
- 2) Green Belt
- 3) Landscape Character and Visual Amenity
- 4) Highway Safety
- 5) Neighbour Amenity
- 6) Planning Benefits
- 7) Representations

## **APPRAISAL:**

### Agricultural Use of Land and “Development” within the TCPA

33. As set out within the introduction to this report, the use of the application land for allotments is not development. The installation of fencing is permitted development. As such the only matters that fall to be assessed relate to operational development, which in this instance is the siting of two shipping containers. The sections of primary legislation from The Town and Country Planning Act 1990 (TCPA) that establish the definitions of both agriculture and development are set out in the following paragraphs. Supporting case law is referenced where applicable.
34. Agriculture is defined at section 336(1) as follows:
- “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
35. Development is defined at section 55(1) as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. Section 55(2) explicitly excludes several operations and uses of land from the definition of development. This includes, at section 55(2)(e):
- the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used.
36. These two definitions mean that the agricultural use of land is not development. A Local Planning Authority can only control matters that fall within the definition of development. Uses or operations that fall outside the definition of development are not matters a Local Planning Authority can influence, control or affect in any way. To attempt to influence, control or affect matters outside its control would be regarded as ultra vires and could thereby lead to a judicial review and the award of costs.
37. As established by *Crowborough Parish Council v Secretary of State for the Environment* (1980) 43 P & CR 229, [1981] JPL 281 the use of land for allotments does fall within the definition of agriculture within the TCPA. Thus the land use is not a matter that falls within the purview of the Council. This means that any impacts arising as a consequence of the land use, including impacts upon the

Green Belt, traffic impacts, and matters such as noise and disturbance or landscape character, cannot be considered when assessing the current application. Although the remarks were obiter to the case, in 2019 the Supreme Court reiterated that what is material is a matter of law, and this cannot be altered by policy documents and guidance (Supreme Court in *R (Wright) v Resilient Energy Severndale Ltd. and Forest of Dean Council* [2019] UKSC 53). Several relevant appeals over a number of years support the view that allotments are an agricultural land use, including an LDC appeal in 2022. These references are APP/C3430/X/22/3297848, APP/J1915/A/09/2101209, APP/E3905/A/03/1128593. Taken together the legislation and case law mean that allotments are an agricultural use of land, and that any local or national policy documents cannot change this.

38. The General Permitted Development Order (England) (2015), grants planning permission for a range of development activities that would otherwise (without the operation of the Order) be regarded as operational development and requiring planning permission. The development thereby permitted is subject to various criteria and conditions. Schedule 2, Part 2, Class A allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Where fences do not exceed 2.0m in height these are permitted development. As such, the enclosure of the land within 2.0m high post and wire fencing is likely to be permitted development; the fencing does not form part of this application and is not further referenced or assessed.
39. The following report therefore focusses only on the two shipping containers and the impacts derived from their siting and use.

### Green Belt

40. The application site is located within the Green Belt. As outlined within the Framework, the essential characteristics of Green Belt are their openness and their permanence. Recent changes have been made to national Green Belt planning policy, with the December 2024 Framework revisions introducing the concept of grey belt land, which brings with it a different set of exceptions. However, as agricultural land which contributes to the restricting sprawl, the application site is not grey belt, and therefore the familiar Green Belt tests remain applicable, as set out within the amalgamated paragraph 154.
41. The main issues in relation to this application are therefore;
  - (i) whether the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy set out in the Framework. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
  - (ii) if it is 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 necessary to justify the development.

These issues will be discussed in turn.

42. As set out at paragraph 154 development in the Green Belt is inappropriate unless one of the exceptions within the paragraph applies. The exception at (a) allows



buildings for agriculture and forestry. The exception at (b) allows the provision of appropriate facilities...including buildings, for...outdoor recreation...and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These exceptions have broad accordance with the first limb of local policy N33, which allows for the construction of agricultural buildings and essential facilities for outdoor recreation. The local test of 'essential' is slightly more stringent than the national test of 'appropriate' and thus, in accordance with paragraph 232 of the Framework, the weight given to N33 is reduced a little.

43. The question to be considered is therefore whether a tool store and site office are required to facilitate the agricultural use of the land, and if so, whether these buildings preserve the openness of the Green Belt. The applicant's business model is one that provides additional support for plot holders, including the provision of tools and support / training such as composting techniques, seedling provision etc. Providing communal tools requires a secure, communal tool store. The ongoing support, including training and the development of plots, requires a part time staff member, and a staff office and welfare facilities are thus necessary and contingent. It is thus considered that the presence of the two shipping containers is reasonably required to facilitate the agricultural use of the land. Such a view is supported by the appeal decisions referenced at paragraph 33 above, where Inspectors have held that ancillary structures such as tool sheds/stores and the provision of toilet / welfare facilities are appropriate facilities, and that such facilities do not harm the agricultural character of land (a matter that is further discussed below).
44. Attention must then be turned to the matter of openness. This has been well tested by the courts, and the recent changes to the Framework do not require any reassessment of relevant case law. Openness is held to be an absence of development, and to have both visual and spatial aspects. When assessing if openness is 'preserved' a decision maker must look to the visual and spatial character of surrounding land and reach a view on whether the established character of openness is preserved.
45. As set out within Site and Surroundings (above), the application site is located to the outer edges of Garforth, and within a semi-rural context. The Green Belt land within the immediate vicinity is characterised by gently rolling agricultural fields, with a range of agricultural and equestrian buildings, including polytunnels and stores. These are associated with larger, established agricultural holdings such as Garforth Growers and Providence Farm, as well as smaller individual / private holdings. The undulating character of the land means that views across and through land vary significantly, being short to medium distance from the lowest lying land, and more medium to long distance from higher portions. In all views buildings and structures are evident, both dispersed and within established clusters. The tool store is set toward the front of the site, where views are relatively short, being curtailed by established vegetation. The site office is visible in medium range views, but is also set close to the farmhouse and associated buildings of Providence Farm. The buildings are thus considered to preserve the established character of openness within the vicinity, with the more visible office viewed against the backdrop of established landscape and buildings, and the tool store set on lower land, and viewed against the backdrop of hedging, and both being set within a context where buildings and structures are part of the established visual and spatial character of the Green Belt. Thus within this context, the two shipping containers are considered to preserve openness.

46. It should be noted that in reaching this view, the very particular character of the immediately surrounding land, has been given significant weight. In circumstances where buildings are not an established part of a landscape, new structures are unlikely to preserve openness. It is also the case that not all structures within the application site will preserve openness. For instance, the tipi that was previously on site represented a larger, taller and more obtrusive visual element within the landscape, and officers considered this would not preserve openness.
47. However, as set out above the tool store and site office are considered reasonably required to facilitate the allotment use, and with the established character of adjacent land including structures and buildings, these modest buildings do preserve the openness of the Green Belt in this particular location. As such the development is appropriate within the Green Belt, accords with local and national policy, and no very special circumstances are required. This is a neutral matter in the overall balance.

#### Landscape Character and Visual Amenity

48. Section 12 of the Framework and policy P10 of the Core Strategy seek to promote good design and protect visual amenity, whilst policy N37A of the UDPR requires new countryside development to protect landscape character.
49. As set out above, the character of surrounding land is formed from gently rolling agricultural fields. The landscape is worked agricultural land, and a range of agricultural / equestrian buildings, including polytunnels and stores are visible from the application site. Within the wider area Garforth Growers have a large number of polytunnels and ancillary buildings, including a large, utilitarian modern barn. Within the context of a worked agricultural landscape characterised by scattered buildings, the presence of two shipping containers is not considered to cause harm to landscape character. Objection letters raise concern about the colour of the containers which are a medium green and a medium grey. These are considered to be muted colours which blend with the landscape, and which do not result in the buildings appearing unduly prominent.
50. As such it is considered that the development accords with those policies of the DP that seek to protect visual amenity and landscape character. This is a neutral matter in the overall balance.

#### Highway Safety

51. Core Strategy Policy T2 requires that developments protect highway safety, and this includes the provision of safe access / egress and appropriate onsite parking. The Framework at paragraph 115, amongst other matters, notes that in assessing planning applications it should be ensured that 'safe and suitable access to the site can be achieved for all users'. Matters of highway safety are of concern to objectors, and also to Councillor Dobson. The site is accessed via an existing entrance, which does not have the necessary visibility, the surface comprises of loose gravel/material and is not wide enough to accommodate two way passing. However, as has been stressed throughout this report, the question of land use and the impacts that arise from the land use, cannot be considered or assessed as part of this application. While Officers fully understand the concerns that are raised by residents and the local ward Member, it remains the case that it is not open to Members to consider land use and the impacts arising from that, Members only able to consider the highway safety impacts that arise as a consequence of the siting of a tool store and site office.

52. The tool store does not materially intensify vehicular movements associated with the site entrance, nor materially increase parking demand. The site office, staffed by one part time member of staff, will result in one additional vehicle accessing the site. Highway officers requested further clarification about access to the site office, which is set well within the site, and in response the agent has stated that the staff member utilises the adjacent farm access, and parks within the farm yard, accessing the site from the east. This land lies outside the redline, and is not within the control of the applicant, and thus this arrangement cannot be controlled or conditioned as part of this application. There is more than sufficient space within the parking area to the front of the site, which is accessed from Selby Road, to accommodate the staff vehicle. This access and parking area lies within the red line of the application site. Highway officers are of the view that the use of this access by an additional car is a harmful intensification of a substandard access and have sought improvements to allow two way passing at the entrance, provision of a suitable visibility splay and for the first five metres of access to be a bound surface. These conditions, coupled with the fact there is more than sufficient space within the parking and turning area to the front of the site for an employee's vehicle to park, turn and exit the site in a forward gear means the application can be made acceptable in highway terms subject to the imposition of an appropriately worded condition.
53. Ultimately, the only matter before Members, is whether the site is capable of accommodating the access and parking demands arising from the one, part time staff member, who accesses the site office (although it is accepted that the improvements to the access will be to the benefit all users of the site and adjacent highway). The use of the upgraded site access by one vehicle associated with this staff member would be acceptable. This, coupled with sufficient parking and turning within the red line area, means the development accords with those policies of the Development Plan that seek to protect highway safety. This is a neutral matter in the overall balance.

#### Neighbouring Amenity

54. Core Strategy Policy P10 and saved UDP Policy GP5 require that development should protect amenity whilst Policy BD5 requires that "all new buildings should be designed with consideration given to both their own amenity and that of their surroundings".
55. The two shipping containers are located behind established vegetation, away from the main windows and main amenity areas of nearby residential dwellings. As such, harmful impacts from direct overshadowing, overdominance and overlooking are not anticipated. The containers are metal, and the opening and closing of their doors may result in some additional noise, and as allotmenting is a leisure activity, such noise may well occur during evenings and weekends. This said, the tool store is likely to be the most intensively used of the two buildings and this includes an enclosed canopy arrangement to its frontage, which will help prevent noise breakout. Furthermore, against the backdrop of traffic movements along the A63, the established frontage vegetation, and the distance to dwellings along Cotswold Drive, the occasional closing of a metal door is unlikely to be perceptible, even with activity in the evening hours. Officers have proposed a condition which limits hours of use for the tool store and site office so as to avoid any night-time use. This proposed condition is deemed to appropriately mitigate the only remaining harm – in terms of amenity – which may otherwise arise from the proposed development.

The condition can only seek to restrict the proposed site (tool store and site office). The Council cannot seek to control the hours associated with the land use.

56. It is accepted that the site hours are generous, and propose activity at times of the day / week when background noise levels will be lower. However, even with these hours, the occasional use of the buildings is not anticipated to be harmful to residential amenity. As such, subject to a condition to control the hours of use for the tool store and site office, the proposal accords with policies designed to protect residential amenity. This is a neutral matter in the overall balance.

#### Planning Benefits

57. As set out within the Garforth Neighbourhood Plan (NP), the town has a deficiency of allotment provision. The physical, mental and social benefits of accessing Green Space are well documented. This is highlighted within section 8 of the Framework, where paragraph 96 (c) explicitly encourages policies and decisions which enable and support healthy lives, for example through the provision of...allotments. As of December 2024 the waiting list for Council run allotments contained approximately 900 people, and these allotments amount to approximately 43% of the allotment space across the city, with the remaining 57% run by local federations / committees. Approximating the council waiting list city wide, there are approximately 2000 people on allotment waiting lists, and there is thus a clear, unmet demand for allotment space. Were the land use a matter before Members, the provision of allotment space would be a clear planning benefit to which weight could be given. However, it is only the retention of the two buildings which is before Members for consideration. The provision of a tool store and site office do provide some benefit, as these seek to widen participation and engagement beyond those already skilled and equipped to engage in small scale horticultural activities. This widening and broadening of engagement is a benefit to which weight can be given, albeit the degree of weight must reflect only the 'added value' delivered by the buildings and not the general benefit of the land use.
58. The development is required to provide onsite BNG. The land on which the two containers sit amounts to approximately 33.57m<sup>2</sup> of modified grassland. This is a non-priority habitat, but the land area is above the 25m<sup>2</sup> threshold for being considered de minimis, and thus a minimum 10% uplift is required. As set out within the BNG metric submitted to support the application, the provision of allotments provides as 12% uplift, and thus the mandatory requirements can be met within land controlled by the applicant. As the uplift will be delivered via operations contingent upon the presence of the tool store and site office, and also amount to operations that are not development, a condition is not considered necessary or reasonable. The meeting of a national, mandatory requirements, would be a neutral matter in the overall balance, however the additional 2% which will be delivered on site represents a small additional benefit that can be given very modest weight.

#### Representations

59. All material considerations raised through objections have been discussed above. It is noted that many of the concerns raised have not been discussed, and this is a reflection of land use not being material to the consideration of this application. As such, the potential presence of contaminants and the on-site water management system are not matters that can be assessed. Concerns have also been raised about the sufficiency of submitted information and errors within the application form

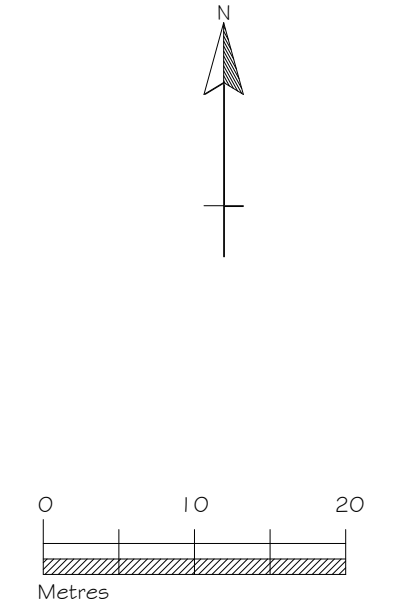
relating to the hours of opening, employees and land ownership. The hours of operation relate to the use of land, which is not material, however in the interests of clarity the use of the buildings will be restricted to the proposed site hours. One part time employee will use the site office, and where applicable, the implications of this are drawn out in the above report. The applicant does not own the land, and Certificate B has been signed and served. Ultimately it is considered there is sufficient information to assess the relevant material planning considerations and reach a balanced judgement against policies. Some objection letters make reference to the retrospective nature of the application and suggest this means planning permission should be refused. It is well established that there is no punitive aspect associated with retrospective applications, and such applications are assessed fairly and reasonably, against the adopted Development Plan and all other material planning considerations.

### **PLANNING BALANCE AND CONCLUSION:**

60. The application buildings support an agricultural land use, preserve the openness of the Green Belt within the immediate area, and thus are appropriate development, with no very special circumstances required. The tool store and site office will not cause harm to landscape character / visual amenity, highway safety, nor residential amenity. These are all neutral matters that weigh neither for nor against the proposal.
61. The application buildings seek to broaden engagement with horticulture, promoting active and healthy lifestyles in accordance with section 8 of the Framework. This is a benefit to which significant weight can be given, albeit the benefit is limited to that provided by the buildings alone. As such the benefit is modest overall. The additional biodiversity uplift can be given very modest weight.
62. However, with no matters that weigh against the application, and with the Framework supporting positive decision making in accordance with paragraph 11, these modest and very modest benefits mean the application must be recommended for approval.

### **Background Papers:**

Application files                    24/04193/FU  
Certificate of ownership:    Certificate B signed by the agent



Rev	Date	Notes



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Client:  
William Gay

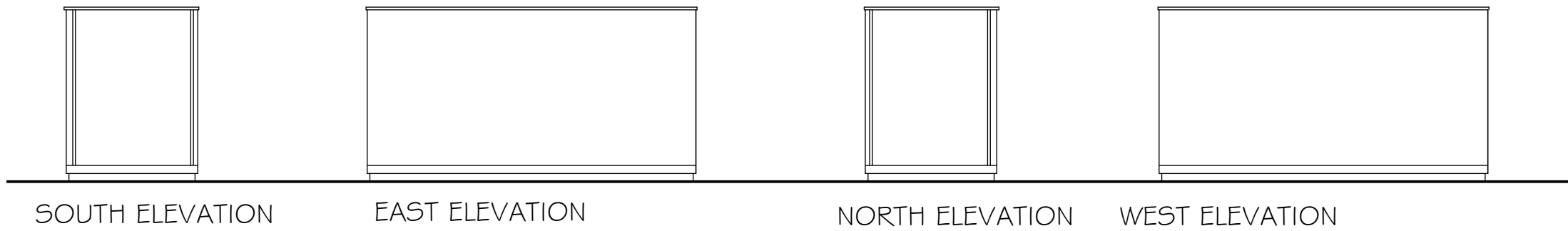
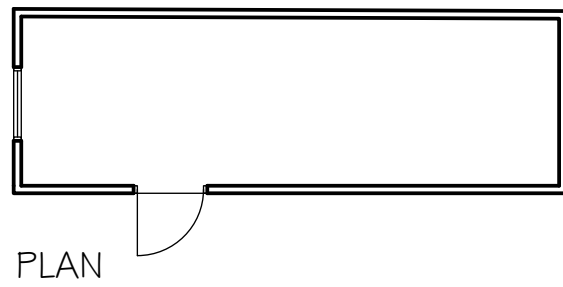
Project:  
Roots Allotments, Providence Pastures, Selby Road, Garforth, Leeds LS252AG

Drawing:  
PROPOSED SITE PLAN

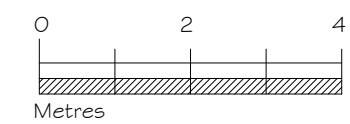
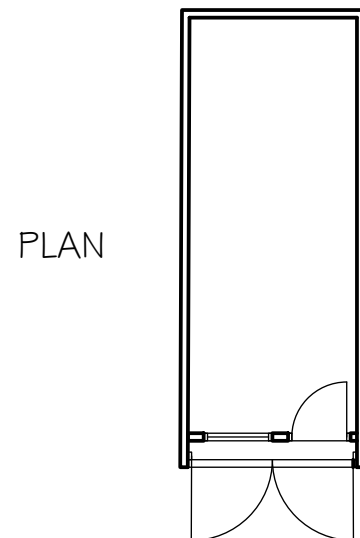
Date: July 2024 Scale: 1:500 @ A1  
Drawing Number:  
LPC 5898 PR 101 REV A



SITE OFFICE



TOOL SHED



Rev    Date    Notes

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**lpc**  
TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

LPC (TRULL) LTD.,  
TRULL, TETBURY, GLOUCESTERSHIRE GL5 8SQ  
Tel: 01285 841433    email: admin@lpc-trull.com

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Client  
William Gay

Project  
Roots Allotments, Providence Pastures, Selby Road, Garforth, Leeds LS252AG

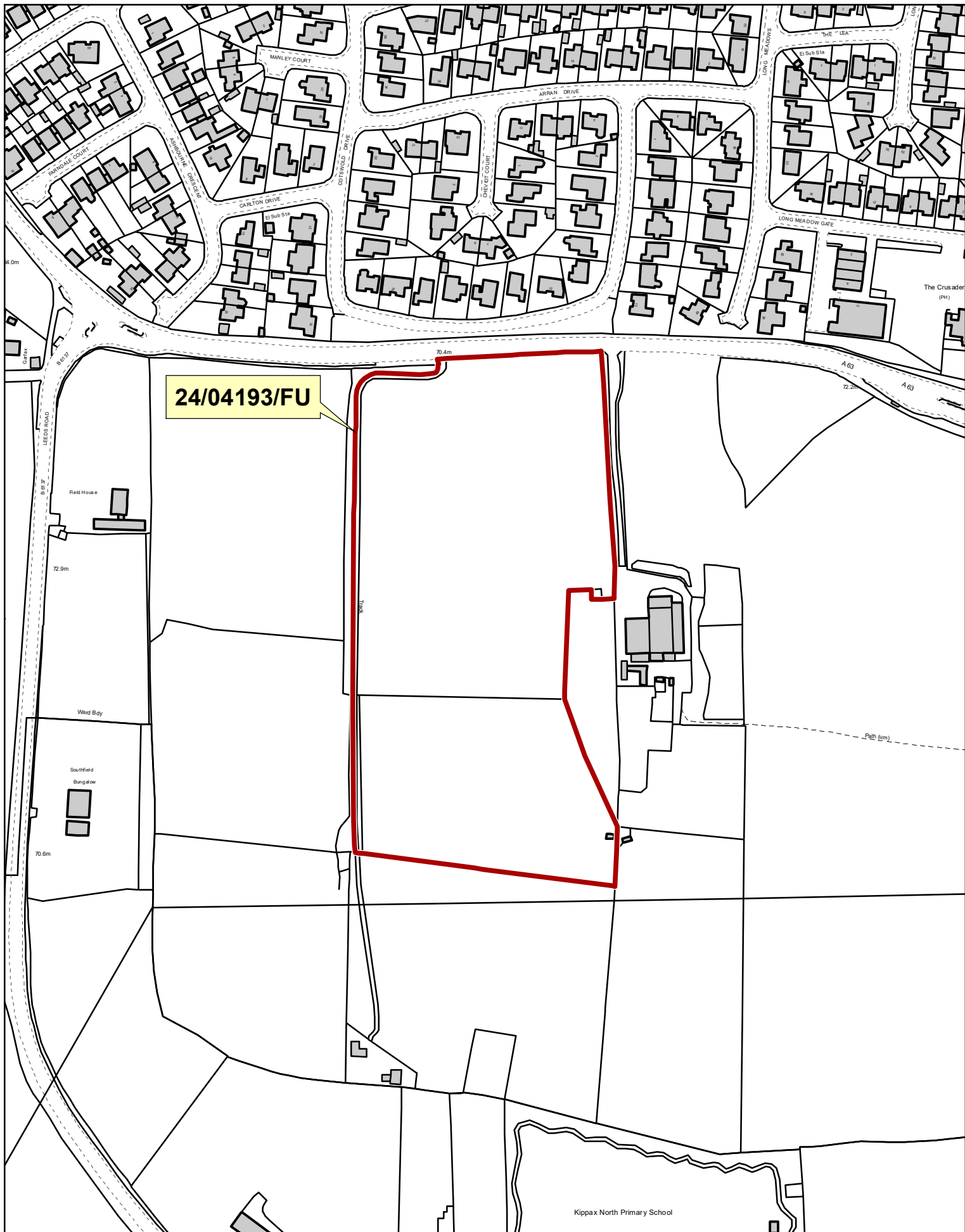
Drawing  
PLANS & ELEVATIONS - SITE OFFICE & TOOL STORE

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Date: July 2024    Scale: 1:100 @ A3

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Drawing Number  
LPC 5898 PR 1 02



# NORTH AND EAST PLANS PANEL

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 PRODUCED BY CITY DEVELOPMENT, LOCATION INTELLIGENCE TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500







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# PLANS PANEL PRESENTATION

SCALE 1:2500

