



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 30th January 2025

Subject: PLANNING APPEAL DECISION SUMMARY

20/08547/FU - Change of use of land for the siting of 8No. glamping units for holiday use, storage building and ancillary works including a new access road at Land Off Hall Park Road, Walton, Wetherby, LS22

APPELLANT

Mr Hugh Barker

**DATE CONSIDERED AT
PLANS PANEL**

1st February 2024

**APPEAL DECISION
RECEIVED**

22nd November 2024

Electoral Wards Affected:

Wetherby

N/A Not Applicable

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Plans Panel Members are asked to note the outcome of the appeal decision.

INTRODUCTION:

1. This report advises the Panel as to the outcome of a planning appeal considered by the Planning Inspectorate and decided upon on 22nd November 2024.
2. Planning permission was granted by Plans Panel on 1st February 2024 subject to a number of conditions as set out in the Officer Report alongside the imposition of an additional condition relating to details of a wildlife and ecological management scheme.

3. The total number of conditions thereafter attached to the planning permission was 45, a relatively high number for a proposal of this nature but which reflected the extensive list of site constraints and circumstances which existed at the site and which were the subject of extensive discussion and debate at the Plans Panel meeting on 1st February 2024.
4. The application had also been considered by Plans Panel at an earlier meeting on 1st June 2023. At that meeting, determination was deferred by Members following a request for further information with regards to matters relating to highways, footpaths, drainage, disabled access, and consultation with the local community. Minutes from the Plans Panel meeting in February 2024 reflect the extensive discussion and debate in relation to these matters and matters relating to biodiversity, access, and the Walton Neighbourhood Plan.
5. At the February 2024 meeting, Members also noted strong views in relation to the need for robust conditions relating to drainage in particular and made a request to officers to ensure that any future condition discharge application relating to drainage should ultimately be brought before Plans Panel Members.
6. Following the grant of planning permission on 8th February 2024, the applicant then appealed against the imposition of 14 conditions attached to the permission to the Planning Inspectorate.
7. These 14 conditions related to the following matters:

Condition 11 – Details and delivery of a pedestrian footpath link from the site to Blind Lane to the west

Condition 12 – Details and delivery of gates adjacent to Blind Lane

Condition 15 – Details and delivery of car parking areas

Condition 16 – Details and delivery of the vehicular access road to the site

Condition 18 – Details and delivery of a low impact lighting scheme

Condition 20 – Details and delivery of waste collection and storage

Condition 23 – Removal of permitted development rights for the erection of fences, gates, walls and other permanent means of enclosure at the site

Condition 24 – Requiring any log burners or similar heating devices to only utilise smokeless fuel

Condition 25 – The agreement of a drainage feasibility study and delivery of the findings, recommendations and any upgrade works prior to the commencement of development

Condition 34 – Details and delivery of a Biodiversity Enhancement and Management Plan to deliver biodiversity net gain

Condition 35 – Details and delivery of a biodiversity monitoring programme and monitoring report

Condition 39 – Details and delivery of hard and soft landscaping works

Condition 41 – Details and delivery of tree protection measures during the construction phase

Condition 43 – The provision of at least one of the glamping units to be made wheelchair accessible from the proposed parking area

8. The appellant had argued at the appeal that some of the conditions should be deleted altogether whilst others should be amended to lessen their requirements.
9. The Council defended the imposition of all 14 conditions arguing that they met the relevant tests for planning conditions as set out in the National Planning Policy Framework, namely that conditions should be (1) necessary, (2) relevant to planning, (3) relevant to the development to be permitted, (4) enforceable, (5) precise, and (6) reasonable in all other respects.

SUMMARY OF MAIN ISSUES AND OUTCOMES:

10. The appeal was allowed by the Planning Inspectorate on 22nd November 2024. However, it is important to note that in appeals against conditions, if an Inspector concludes that even the wording of only one condition should be varied or there should even be only minor variations, the Inspector must proceed by allowing the appeal so that a revised Decision Notice can be issued.
11. In this instance, of the 14 conditions which were the subject of the appeal, the Inspector sought to vary 2 conditions with neither variation having significant implications for the overall decision.
12. The first condition varied by the Inspector, Condition 15 (Details and delivery of car parking areas), was amended in recognition that sufficient details had been provided at the planning application stage such that further details of the proposed works were not required. This left the condition solely to secure delivery of the car parking area. The second, Condition 39 (Details and delivery of hard and soft landscaping works) was amended to remove reference to details being required in relation to features referenced under the Council's standard wording that were not otherwise proposed (for example bunds, retaining structures) and to reflect that the car parking details were otherwise controlled by the aforementioned Condition 15. Hence it was deemed that Condition 39 did not need to replicate these requirements.
13. Of the remaining 12 conditions which were the subject of the appeal, the Inspector retained these conditions in their original form.
14. Of particular interest to Plans Panel Members will be the Inspector's comments in relation to Condition 25 (The agreement of a drainage feasibility study and delivery of the findings, recommendations and any upgrade works prior to the commencement of development) which was the subject of the much discussion and debate at Plans Panel. In her finding the Inspector relies on the case of *Barratt Homes Limited v Welsh Water [2009] UKSC 13* and came to the same conclusion as Plans Panel, namely that there is a role for a Local Planning Authority to ensure an acceptable drainage solution is in place prior to the commencement of a development with the Inspector concluding that "*without the proposed condition, there would not be an acceptable drainage solution in place prior to the commencement of development*".

IMPLICATIONS FOR FUTURE DECISION MAKING:

15. In finding that that the Council had acted reasonably to impose all 14 planning conditions which were considered as part of the appeal (noting that 2 of these were subject to amendments but that this did not materially alter the substance of the conditions or the reasons they were imposed by the Council), the appeal decision can be viewed as a positive outcome which endorsed the Council's approach.
16. In making representations to the Inspector as part of the appeal process, the Council set out the detailed discussions and negotiations that had taken place between the Council and the applicant, including the extensive discussion at the Plans Panel meetings from June 2023 and February 2024 respectively, and acknowledged the strength of feeling in relation to relevant matters locally.
17. Ultimately the appeal decision endorsed the Council's approach in relation to this application and its actions in imposing the conditions which were required due to the nature of the proposal in this instance.

CONCLUSION AND RECOMMENDATIONS:

18. The decision offers confidence that where proposals arise on sites with a complex set of constraints and circumstances that it is right and proper to seek to control appropriate matters through the use of planning conditions. Plans Panel are recommended to take note of the approach of the Inspector in this case and the positive appeal outcome for the Council.

APPENDICES:

19. Planning Inspectorate Decision Letter dated 22nd November 2024

Appeal Decision

Site visit made on 7 October 2024

by Ms Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/N4720/W/24/3345216

Fields 5300, 5700 and 6400, Hall Park Road, Walton, Wetherby, LS23 7DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Hugh Barker (WA Barker Family Trust) against the decision of Leeds City Council.
 - The application Ref 20/08547/FU was approved on 8 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is change of use of land for the siting of 8 no. glamping units for holiday use, storage building and ancillary works including a new access road.
 - The conditions in dispute are Nos 11, 12, 15, 16, 18, 20, 23, 24, 25, 34, 35, 39, 41, and 43 which are set out in Annex A.
 - The reasons given for the conditions are also set out in Annex A.
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Decision

1. The appeal is allowed and the planning permission Ref 20/08547/FU for Change of use of land for the siting of 8 glamping units for holiday use, storage building and ancillary works at Fields 5300, 5700 and 6400, Hall Park Road, Walton, Wetherby, LS23 7DQ granted on 8 February 2024 by Leeds City Council, is varied by deleting conditions 15 and 39 and substituting for them the conditions set out in Annex B - Schedule of Conditions.

Preliminary Matters

2. The Council granted permission for the development referred to in the banner heading above subject to a number of conditions. The appellant seeks to vary or delete 14 of those conditions as set out above. Those conditions were applied for several reasons relating to sustainable transport options; visual amenity; landscaping; highway safety; protection of trees; ecology/biodiversity; amenity; drainage; biodiversity; and to ensure access for all.
3. The appellant points Part 5 (B) of the General Permitted Development Order (GPDO) which states that development required by the conditions of a caravan site licence is permitted development. However, planning permission has been sought by the appellant and I must consider the scheme as a whole. Furthermore, it is not for me to consider the matter of whether planning permission would be required. If the appellant wishes to ascertain whether certain aspects of the proposed development would be lawful, he may make an application under section 191 or 192 of the Act for a Certificate of Lawful Development. Moreover, I am not aware that the appeal site has a Caravan Site License at present. Nevertheless, I have considered the potential

permitted development rights as a material consideration which I have taken into account in my reasoning below.

Main Issues

4. Taking into account the above, the main issues in this case are:
- Whether conditions 12, 15, 18, 20, 23, 39, 41, 43 are reasonable and necessary in order to protect the character and appearance of the area;
 - Whether conditions 15, 16, and 20 are necessary in the interests of highway safety;
 - Whether conditions 11 and 43 are reasonable and necessary to provide sustainable transport options and ensure access for all;
 - Whether conditions 18, 34 and 35 are reasonable and necessary in the interests of ecology and biodiversity;
 - Whether condition 24 is necessary to protect the amenity of neighbouring occupiers; and
 - Whether condition 25 is necessary to ensure the provision of adequate drainage.

Reasons

Character and Appearance

5. The appeal site lies close to the eastern edge of the village of Walton. It comprises an agricultural field set back around 90 metres from Hall Park Road. The field is open, relatively flat and is enclosed by hedgerows and trees. The adjoining fields to the south and west are owned by the appellant and are also grazed. A small pond is situated between fields 2 and 3. The site is surrounded by agricultural fields to the north and east of the site. Neighbouring dwellings are visible within the context of the entrance of the site. Access will be provided from Hall Park Road, traversing the intervening field. A pedestrian access will be provided to the west linking to a nearby footpath, Blind Lane, a non-definitive bridleway.
6. Condition 12 requires details of the gates to be installed at Blind Lane in the interests of visual amenity. I acknowledge that there is an existing gate and that gates are subject to permitted development rights; however, planning permission has been sought by the appellant and I must consider the scheme as a whole. Furthermore, it is not for me to consider the matter of whether planning permission would be required for the gates. Moreover, the area is semi-rural in character and the gate would be situated in a prominent position. Consequently, the condition is necessary to protect the character and appearance of the area. In any event, condition 23 removes permitted development rights.
7. Condition 15 requires details of the proposed geo-grid system for the access road and car parking area including the specification/model, weight loading capacity, colour finishes and infill material. The landscape scheme approved by the Council (MR20-042-102_Rev F), as specified on the decision notice shows the proposed vehicle access track and car parking area to be a grass stabilisation product. In addition, the technical specification for the geo-grid

system was provided by email (8 December 2021) together with the weight loading data of the system. Furthermore, the geo-grid system is only available in black. Consequently, I consider that the requirements of the condition have already been fulfilled. I have, therefore, deleted the condition and replaced it with a condition to require the access road to be constructed in accordance with the details provided and retained thereafter.

8. Condition 18 requires full details of a low impact lighting scheme, including lighting type, specification, luminance levels and positioning. Lighting is proposed to be low height which would point towards the ground to limit spillage. Whilst some details have been provided; only approximate locations of the proposed lighting are shown on a plan which is not to scale. Furthermore, no information has been provided as to the intensity of the lighting, the degree of light spill or its impacts for sensitive light species such as bats which could be present in the area. Given the semi-rural location of the site any lighting scheme could have the potential to have an adverse impact on the character and appearance of the area. Consequently, I consider that condition 18 is necessary to protect the character and appearance of the area.
9. Condition 20 requires details of the proposed waste collection and storage. Whilst the approved plan shows the location of a bin store next to the car park; no details of the design of the bin store have been provided (in terms of the list of plans on the decision notice). Given the semi-rural location of the site it is necessary to ensure that the design of the bin store reflects the character and appearance of the area. Whilst details of refuse collection contractors are required by the Caravan Site License, these details are not before me. In any event, as the appellant has applied for planning permission, I must consider the scheme before me as a whole. Furthermore, it is important to ensure that the refuse collection and storage details/arrangements are compatible with other aspects of the scheme. Taking into account the above, I consider that the condition is necessary to protect the character and appearance of the area.
10. Condition 23 withdraws permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) under Part 2 "Minor Operations Class A – Gates, fences, walls etc" for fences, gates, walls or other permanent means of enclosure in the interests of visual amenity. The Planning Practice Guidance (PPG) (paragraph 017: 21a-017-20190723) states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Area-wide or blanket removal of freedoms to carry out small scale domestic or non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness or soundness.
11. Development permitted under Part 2, Class A includes a gate, fence wall or other means of enclosure to up to 1m adjacent to a highway or 2m above ground level otherwise. I acknowledge that the appeal site is an established field with some mature planting on the field boundaries. Nevertheless, there are gaps in vegetation both on the southern field boundary of the appeal site together with gaps in the roadside hedgerow along Hall Park Road. In addition, the proposed new access would open up some views of the appeal site. Consequently, glimpses of the site would be available from Hall Park Road, particularly in winter months. In addition, there is some intervisibility from the

rear of properties along Hall Park Road. Furthermore, the red line boundary extends to Blind Lane which is utilised by residents.

12. Whilst the appellant owns other fields closer to the road which would retain their permitted development rights, the proposal for the glamping units could result in greater pressure for new means of enclosure on the appeal site. In the worst case scenario there could be a proliferation of such development which would be visible from public vantage points. This could be harmful to the character and appearance of the area. Consequently, I consider that condition 23 is necessary to protect the rural character of the area.
13. Condition 39 requires the submission of details of both hard and soft landscaping works, including an implementation programme. Some details of landscaping have been provided on approved plans MR20-042/101H and MR20-042/102F in terms of hard and soft landscaping works. The condition is comprised of component parts which I will assess in turn. In terms of criterion a, the creation of the access road traversing across a gently rising field could result in an alteration of ground levels and so it is important to require finished levels/contours to protect the semi-rural character of the area given that the access will be visible from Hall Park Road and as these have not yet been provided. However, there are no bunds proposed in the development and so this aspect of criterion a is not necessary.
14. In relation to criterion b, whilst boundary details and means of enclosure are indicated on the approved plans details of the proposed stock proof fencing for example have not been provided. Hence this aspect of the condition is necessary to protect the character and appearance of the area. However, no retaining structures are proposed and so this reference is not necessary. Details of the car parking layout and materials (criterion c), vehicle and circulation areas (criterion d) and hard surfacing areas (criterion e) have been provided in terms of the use of the geo-grid grass stabilisation product. In addition, the first 20m of the access is indicated as tarmac on the Plan [MR30-042/101 rev H]. Consequently, c and e are not necessary. Condition 11 requires details of the pedestrian link to Blind Lane and condition 43 requires details of the footpath link to the car parking area and also 'other paths' and so reference to 'pedestrian access' is not necessary. Consequently, criterion d is not necessary.
15. Details of minor artefacts and structures have not been provided and so criterion f is necessary. The appellant has not disputed the need for details of soft landscaping works. I have deleted condition 39 and replaced it with a new one to reflect the changes outlined above.
16. Condition 41 requires a plan showing the extent of tree protection area to be submitted to and approved by the Local Planning Authority. It also requires existing trees, hedges and bushes shown to be retained to be safeguarded with protective fencing and ground protection together with other measures relating to tree protection. I acknowledge that the appellant has submitted an Arboricultural Impact Assessment which shows the extent of the tree protection areas. However, the statutory undertaker indicates that changes are required to the drainage scheme and that these can be considered via a condition. As any changes to the drainage scheme may have the potential to impact on the trees. I consider the first sentence of the condition as worded is necessary to protect the character and appearance of the area.

17. Condition 43 requires that at least one of the glamping units to be wheelchair accessible from the car parking area. It also requires details of the wheelchair accessible unit, including scale elevation and floor plans/specification/ramp gradient/materials/finish and details of the link to the car parking area. The approved DDA Compliance Block Plan shows the unit, which is to be the DDA unit, the access path from the car park to the unit and the access path from the unit to the pedestrian link. The appellant considers that the requirement for a DDA compliant unit and associated footpaths is excessive on a proposal of this scale and nature. As such he considers that the condition should be deleted or if not, reworded to refer to the DDA Plan and that full details, including elevation and floor plans, ramp access, materials and finish to be submitted to and approved by the LPA. The appearance of the accessible unit may differ from the other units and the access ramp and could have a visual impact on the character and appearance of the area. Consequently, it is necessary and reasonable to have a condition requiring those details to protect the character and appearance of the area.
18. Taking into account, I consider that conditions 12, 18, 20, 23, 41 and 43 are necessary to protect the character and appearance of the area. I have deleted conditions 15 and 39 and substituted them with new ones taking account of the above.

Highway Safety

19. A private access road would extend from Hall Park Road into the glamping site. The access would be situated within the 30mph zone of the village; however, there is no footpath or lighting along this stretch of road.
20. Condition 15 requires details of the access road or car parking area including full details of the proposed Geo-grid system. As stated in the first main issue, I consider that the requirements of the condition have already been fulfilled. I have, therefore, deleted the condition and replaced it with a condition to require the access road to be constructed in accordance with the details provided and retained thereafter.
21. Condition 16 requires that full construction details of the access road including materials, cross sections, gradients and access radii shall be submitted to and approved. It requires the first 20 metres of the road to be hard surfaced. I acknowledge that the scale of the development is small and seeks to provide low impact tourism in a rural area. However, the proposed access road would have to traverse a significant section of the field known as 'field 3' to reach the appeal site. A shorter section of hard surface (10m) as suggested by the appellant could result in vehicles utilising the access taking mud onto Hall Park Road which would be dangerous to highway safety. There is no evidence before me to demonstrate that a shorter access would not result in harm to highway safety. Furthermore, the approved plans show the first 20m as hard surfaced. Consequently, I consider that the condition is necessary to mitigate the potential harm to highway safety.
22. Condition 20 requires details of the proposed waste collection and storage. Whilst the approved plan shows the location of a bin store next to the car park; no details of the waste collection arrangements have been provided. Given that the refuse lorries would need to access the site and utilise the proposed access road, it is important that details are provided in the interests of highway

safety. Consequently, the condition is necessary in the interests of highway safety and to make the development acceptable.

23. Taking into account the above, I consider that conditions 16 and 20 are necessary to protect highway safety. I have deleted condition 15 and substituted it with a new condition reflecting the changes set out above.

Sustainable Transport Options

24. Condition 11 requires full details of the proposed pedestrian link to the west of the site (linking field 1 to Blind Lane), including siting; footpath widths, details of the connection point to Blind Lane; and path materials. The appellant agrees that details of the siting of the footpath link is necessary but considers that details have otherwise been provided on the approved plans. He also considers that the use of the proposed Moorland Mesh is unnecessary and that a simple mown grass path is adequate for the scale of the proposal.
25. In terms of footpath widths, the DDA Plan shows the footpath width for the links to the DDA unit of 1.2m. However, these are not shown for the pedestrian link to Blind Lane. Whilst challenging the use of Moorland Mesh for the footpath; it is, nevertheless, shown on the plans determined by the Council. Moorland Mesh would allow grass or plants to grow through and would, therefore, be consistent with the semi-rural character of the area. It would also provide a firmer surface, less likely to become muddy than a mown grass path and would, therefore, be more appealing to occupiers of the scheme thus encouraging walking. Whilst the appellant states that details of the Moorland Mesh were submitted to the Council; these details are not provided as part of the appeal. The Caravan Site License is a separate process and does not negate the need for details to be secured through planning. Furthermore, it is important that the proposed footpath link is considered in the context of the wider scheme. Consequently, I consider that the condition is necessary to facilitate sustainable transport options and make the development acceptable.
26. Condition 43 requires that at least one of the glamping units to be wheelchair accessible and be accessible from the car park. Details of the unit and footpath link to the car parking area and other paths are required. The location, scale and nature of the development does not negate the responsibility of the decision maker to have due regard to the needs of groups protected by the Equality Act and ensure access for all. Wheelchair users and those with mobility issues should have the opportunity to access and experience such developments. Policy P10 of the Core Strategy requires development to be accessible to all users which is consistent with paragraph 135 of the Framework which seeks to ensure that developments create places which are safe, inclusive and accessible. Furthermore, the requirement for around 12.5% of the units to be accessible is proportionate to the scale of the development. Consequently, I consider that the scheme should make provision for at least one DDA compliant unit.
27. If the condition is not removed, the appellant suggests that it be altered to require that prior to the siting of the accessible unit, as identified on the DDA plan, full details of the unit and ramp access be submitted and approved by the LPA. However, the condition as worded provides the flexibility to provide more than one DDA compliant unit should the appellant so wish. In addition, details should be provided prior to the installation of the 8 units on site to ensure that the DDA unit is considered as part of the overall scheme. Furthermore, the

suggested condition by the appellant does not address the need to provide details of the link to the car park.

28. Taking into account the above, I consider that conditions 11 and 43 are reasonable and necessary to provide sustainable transport options; ensure access for all; and, for it to be in accordance with Policy 10 of the Core Strategy.

Ecology and Biodiversity

29. Policy G8 of the Core Strategy seeks to avoid development which would seriously harm any sites designated of national, regional or local importance for biodiversity importance or would cause harm to the UK or West Yorkshire Biodiversity Action Plan Priority Species and habitats. The site and surrounding fields are designated within the Leeds Habitat Network as semi-improved acid/neutral grassland, scrub and hedge line. The pond to the south-west of the site is also recognised within the network and Great Crested Newts have been recorded in the pond. Policy G9 of the Core Strategy requires development to demonstrate that there will be an overall net gain for biodiversity commensurate with the scale of the development.
30. Condition 34 requires a Biodiversity Enhancement and Management Plan to be submitted to and approved in writing by the LPA whilst Condition 35 requires a Biodiversity Monitoring Programme and Monitoring Report to be carried out prior to the occupation of the glamping units in order to ensure the Biodiversity Units are delivered as agreed in the approved Biodiversity Enhancement and Management Plan (BEMP).
31. I acknowledge that the application was submitted and approved prior to the introduction of legislation making Biodiversity Net Gain a mandatory requirement. However, Paragraph 185(b) of the Framework seeks to secure measurable net gains for biodiversity. The Council utilised the pre-statutory version of the Natural England/Defra Biodiversity Metric in the transition period to mandatory BNG. The Council has not insisted on 10% BNG and the amount of biodiversity units has been at the discretion of the appellant. The appellant is proposing a positive score for both Habitats and Hedgerow Biodiversity Units (11.28% and 0.43% respectively) using version 2.0 of the Biodiversity Metric. Under the Mandatory BNG Hedgerows would have required a minimum 10% uplift.
32. The Ecological Impact Assessment (ECiA) and Biodiversity Net Gain Assessment (BNGA) set out the ecological baseline and describes the impact of development. They also propose mitigation measures and assesses the residual effects of the development. However, they do not demonstrate how this would be achieved or the timescales for doing so.
33. Condition 34 is based on the suggested wording in BS 2020:2013 Biodiversity Code of Practice for Planning and development, together with refined wording to include reference to the proposed minimum number of Biodiversity Units put forward by the appellant. This standard wording pre-dates the mandatory BNG and the Biodiversity Metric measuring tool. Reference to the minimum number of biodiversity units in the condition allows the Council and appellant know if the implementation of the management plan is successful when the habitat monitoring reports are carried out over the lifetime of the application.

Consequently, the BEMP required by condition 34 is necessary and reasonable to secure the delivery of BNG on the site in the longer term.

34. In relation to condition 35, the appellant considers that the information provided in the BNGA was adequate and sufficient to demonstrate that the development can provide a 10% uplift. The appellant considers that the condition is, therefore, unnecessary and unreasonable and wishes it to be removed.
35. The ECiA identifies the mitigation requirements for the scheme including a Construction Environmental Management Plan (CEMP BS:42020); creation of new areas of native scrub and wildlife grassland; and hedgerow enhancement and reinstatement. In relation to monitoring, the ECiA states that the CEMP will detail the role of an ecological clerk of works in overseeing protection measures and that the legislation to protect the Great Crested Newt will have requirements for monitoring during site construction. Whilst the ECiA identifies the mitigation measures, there is no mechanism for securing appropriate monitoring for biodiversity net gain in the longer term. Consequently, without Condition 35 there would be no mechanism to ensure that the biodiversity units would be achieved over the lifetime of the proposal to mitigate the effects of the proposal and secure compliance with Policy G9 of the Core Strategy. Consequently, Condition 35 is necessary and reasonable to make the development acceptable in planning terms.
36. The intensity of the lighting and potential light spill may have impacts on light sensitive species such as bats which are present in the area. As insufficient details have been provided for the proposed lighting scheme, Condition 18 is necessary in order to protect ecology and diversity.
37. Taking into account the above, I consider that conditions 18, 34 and 35 are necessary and reasonable to protect ecology and wildlife and to be in accordance with policies G8 and G9 of the Core Strategy.

Living conditions

38. Condition 24 requires that any log burners (or similar heating devices), within the development to only utilise smokeless fuel. The appellant considers that this is unnecessary as it is covered by other legislation outside of the planning system, although he does not state the specific legislation to which he refers. Consequently, I cannot be certain that it would prevent fuels being burnt which would generate smoke. Given the proximity of residential properties on Hall Park Road, I consider that condition 24 is necessary to protect the living conditions of existing occupiers and indeed those utilising the proposed development.

Drainage

39. The proposal includes an indicative drainage layout which connects all 8 of the proposed glamping units and drains sewerage and grey water to a pumping station within the application site. This pumping station is proposed to then connect to the public sewer along Hall Park Road with the connection point to be agreed with the statutory undertaker. The statutory undertaker considers that the drainage layout plan requires some amendments and further details but that those can be secured by way of a planning condition.

40. Condition 25 requires the completion of a feasibility study to understand the impact of the proposal on the sewerage system, together with any upgrade works being implemented prior to the commencement of the development. Condition 26 requires details of the means of disposal of foul water drainage, connection points etc whilst Condition 27 requires details of the surface water drainage system.
41. The appellant considers that condition 25 is not necessary as the latest consultation response of the statutory undertaker does not require a feasibility study. The Council considers that this is due to its recognition of the Supreme Court case of *Barratt Homes Limited v Welsh Water* [2009] (UKSC13). However, the Supreme Court acknowledged that the Local Planning Authority has a role to play as planning permission is conditional upon there being an acceptable drainage solution in place prior to the commencement of a development. In this case, the connection of the scheme to the sewerage system could result in an unacceptable strain on the sewerage network. Without the proposed condition, there would not be an acceptable drainage solution in place prior to the commencement of the development. Consequently, condition 25 is necessary to secure an acceptable drainage solution.

Conditions

42. I have found that the requirements of condition 15 have already been fulfilled in terms of the provision of the details of the geo-grid system. I have, therefore, deleted the condition and replaced it with a condition to require the access road to be constructed in accordance with the details provided and retained thereafter in the interests of highway safety and visual amenity.
43. I have deleted condition 39 and replaced it with a condition which reflects that some of the requirements for details of the hard landscaping works are not relevant to this scheme to make it more precise. Condition 39 is necessary to protect the character and appearance of the area.
44. These replace existing conditions 15 and 39 on the planning permission that is subject of this appeal. The other conditions on this permission remain unaltered and should be read alongside my decision.

Conclusion

45. For the reasons set out, the appeal should be allowed, and the planning permission varied in the terms I have explained.

Ms Mulloy

INSPECTOR

Annex A

Schedule of conditions in dispute

Condition 11: Notwithstanding the details on the submitted plans, prior to the first use of the site for glamping, full details of the proposed pedestrian footpath link to the west of the site (linking Field 1 to Blind Lane) shall be submitted to and be agreed in writing by the Local Planning Authority. The details shall include the detailed siting of the footpath, footpath widths, details of the connection point to Blind Lane and path materials. The footpath link shall thereafter be carried out in accordance with the approved details and shall be brought into use prior to the first glamping use of the site and shall be retained thereafter as such.

Reason: In the interests of sustainable transport options

Condition 12: Notwithstanding the details on the submitted plans, prior to the installation of any gates adjacent to Blind Lane in association with the proposed pedestrian footpath link hereby approved, full details of the gate(s) including its positioning, design, dimensions, opening and closing movements (shall open into the site only), external materials and colour finishes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be installed in accordance with the details thereby approved and shall be retained as such thereafter.

Reason: In the interests of visual amenity

Condition 15: Prior to the construction of the access road or car parking area full details of the proposed Geo-grid systems construction including specification/model, weight loading capacity, colour finishes, and infill material shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of visual amenity and highway safety.

Condition 16: Prior to the construction of the access road full construction details of the vehicular access road including materials (first 20 metres of road to be hard surfaced), cross-sections, gradients and access radii (at point of access) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of highway safety.

Condition 18: Prior to the first use of the development for glamping, full details of a low impact lighting scheme for the development (including lighting type, specification, luminance levels and positioning) shall be submitted to and be agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of visual amenity and ecology

Condition 20: Notwithstanding the approved plans, prior to the first use of the glamping site full details of the proposed waste collection and storage have been

submitted to and approved in writing by the Local Planning Authority. The approved waste storage and collection shall be provided prior to first occupation of the development and retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and amenity.

Condition 23: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any orders revoking or re-enacting that order with or without modification) planning permission shall be obtained before any fences, gates, walls or other permanent means of enclosure, are erected on the site (other than those approved under this permission or any associated planning condition discharge).

Reason: In the interests of visual amenity

Condition 24: Any log burners (or similar heating devices), within the development shall only utilise smokeless fuel.

Reason: In the interests of amenity

Condition 25: No development on the site shall take place prior to the completion of a feasibility study (undertaken in liaison with the statutory undertaker - Yorkshire Water) to understand the impact of planning permission on the sewerage system. Upon completion, the feasibility study shall be submitted to, and agreed in writing by, the local planning authority. The findings, recommendations and any upgrade works highlighted within the agreed study must be implemented prior to the commencement of development.

Reason: To ensure that the development can be properly drained

Condition 34: Prior to the commencement of development a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall deliver a minimum of 12.71 Biodiversity Habitat Units and 6.53 Biodiversity Hedgerow Units on land shown within the Ecological Impact Assessment Report ref. ER-4793-02A by Brooks Ecological and include details of the following:

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5 year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period
- i) The Plan will be reviewed and updated every 5 years and implemented for perpetuity.

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the

specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure the long-term protection and enhancement of biodiversity in accordance with Core Strategy Policy G8 and G9, NPPF and BS 42020:2013.

Condition 35: Prior to occupation of the glamping units a Biodiversity Monitoring Programme & Monitoring Report carried out by an appropriately qualified ecological consultant shall be submitted to and agreed by the Local Planning Authority. It shall include the first Monitoring Report and specify the frequency and timing of subsequent Monitoring Reports to cover a minimum 30 year period to be submitted to the LPA. The Monitoring Report will include the following:

- a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the Ecological Impact Assessment Report ref. ER-4793-02A by Brooks Ecological
- b) Where the target condition is not yet met provide an assessment of time to target condition for each habitat and any changes to management that are required

The Monitoring Programme shall include details of the legal and funding mechanisms by which the long-term implementation of the monitoring will be secured by the developer with the specialist ecological organisation responsible for its delivery. Monitoring Reports will be submitted to the Local Planning Authority as stated in the Monitoring Programme and where remedial measures or changes in management are required these will be referred to and addressed in the Biodiversity Enhancement & Management Plan (BEMP) annual work programmes.

Reason: To ensure Biodiversity Units are delivered as agreed in the approved BEMP for perpetuity

Condition 39: Notwithstanding the details on the submitted plans, the development hereby permitted shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority.

Hard landscape works shall include:

- (a) proposed finished levels and/or contours and details of any bunds,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include:

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure the provision and establishment of acceptable landscaping.

Condition 41: a) Notwithstanding the details on the submitted plans, no works shall commence until a plan showing the extent of tree protection areas is submitted and approved in writing by the Local Planning Authority. All existing trees, hedges, bushes shown to be retained on the approved tree protection plan shall be fully safeguarded by protective fencing and ground protection in accordance with plans (as approved pursuant to b) below) and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE: Only the BS5837 default barrier with the scaffold framework shall be employed. A fully dimensioned tree protection plan drawing shall be included in the submission. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

c) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

Reason: To ensure the protection and preservation of trees, hedges, bushes and other natural features that make a positive contribution to the character and amenities of the area. In the absence of appropriate measures the retention and long term health of such vegetation could be compromised by the carrying out of the approved development.

Condition 43: At least one of the glamping units hereby approved shall be wheelchair accessible and shall be directly accessible by a wheelchair from the car parking area. Prior to the installation of any glamping units on the site full details of the wheelchair accessible unit (inc scale elevation and floor plans / specification/ramp gradient/ materials / finish) and details of the link to the car parking area (and other paths) shall be submitted to and be agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and access for all

Annex B
Schedule of conditions

15 Prior to the occupation of the site, the access road and car parking area shall be constructed in accordance with the details of the geo-grid system provided by email of 8 December 2021 and in accordance with plan MR20-042/102 Rev F and shall be retained as such thereafter.

39 Notwithstanding the details on the submitted plans, the development hereby permitted shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority.

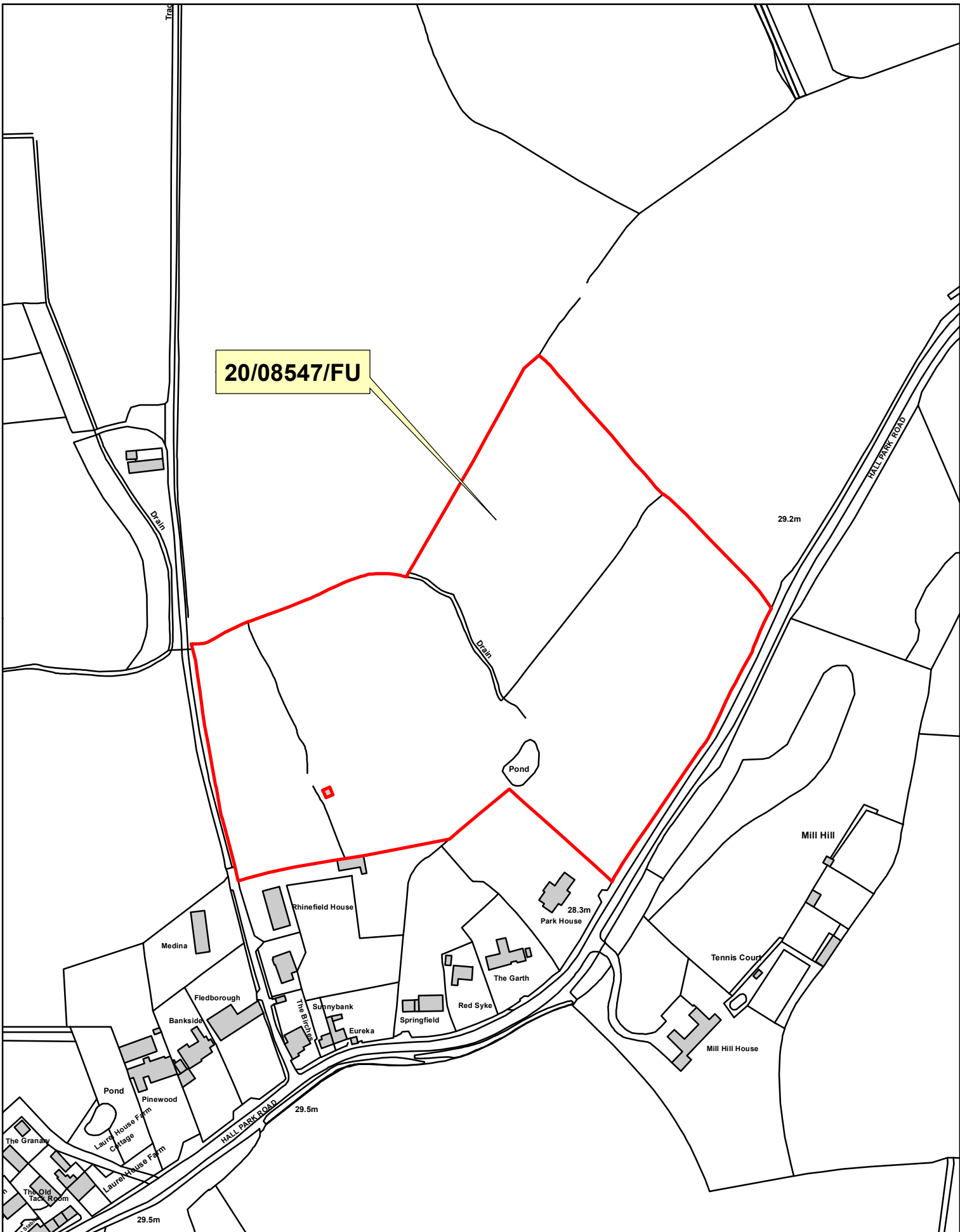
Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include:

- (d) planting plans,
- (e) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment), and
- (f) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.



NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500





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PLANS PANEL PRESENTATION

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