



Appeal Decision

Hearing Held on 12 November 2019

Site visit made on 13 November 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/N4720/W/19/3233784

Land at Garforth Golf Range, Long Lane, Garforth, Leeds LS25 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Westerleigh Group Ltd against the decision of Leeds City Council.
 - The application Ref 17/06853/FU, dated 18 October 2017, was refused by notice dated 9 April 2019.
 - The development proposed is the demolition of the existing buildings/structures and the erection of a new crematorium with associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since making its decision the Council has adopted the Local Plan Document Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) and the Site Allocations Plan 2019. However, it was confirmed at the Hearing that these do not change the status of Saved Policy N33 of the Leeds Unitary Development Plan Review 2006 (UDP) referred to in the reason for refusal.
3. Policy N33 of the UDP sets out a presumption against development in the Green Belt subject to a number of exceptions. However, the Council accepts that a number of exceptions listed in Policy N33 are not consistent with the National Planning Policy Framework (the Framework) and can only be afforded limited weight where these inconsistencies arise.

Main Issues

4. The main issues in this appeal are:
 - Whether the development represents inappropriate development in the Green Belt; and
 - Whether, if the development is deemed inappropriate, the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

5. The appeal site is within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions including the limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The site consists of a driving range including buildings, parking and access road close to the northern boundary, and an extensive driving range green extending to the south. As part of the proposed development, the buildings and associated features would be removed and that part of the site landscaped. The crematorium building and associated roads and parking would be located further south within what is currently the driving green.
7. The definition of PDL given in the Framework refers to land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. There is some disagreement between the parties as to whether the driving range green should be included within the curtilage of the driving range buildings. I saw that the buildings had a relatively self-contained arrangement at one edge of the site although I am also mindful of the functional relationship between the buildings and the driving green.
8. However, even if I were to conclude that the crematorium would be within the curtilage of PDL, the Framework is clear that to be considered not inappropriate development then the proposal should not have a greater impact on the openness of the Green Belt than the existing development. The existing built development is located to one edge of the site and is also viewed in the context of built development at Hillside Farm. I saw that the existing built development within the site is not a prominent feature within the landscape and has a limited effect on the openness of the Green Belt. I also saw that the driving green appears as an open field and makes a significant contribution to the open character of this area of the Green Belt, even allowing for the golfing paraphernalia and other activity which may take place on the green.
9. The appellant refers to the reduction in the floorspace of buildings within the site. However, the site layout plans indicate that the extent of buildings, access roads, car parking and landscaping would cover a greater area than the extent of the existing buildings and associated hard-surfaced areas of the golf driving range. Whilst areas of landscaping would be included within the proposed roads and parking areas, I consider that this would appear as an obviously artificial feature to the detriment of the openness of the Green Belt. Due to its extent and siting, compared to the more self-contained existing buildings, the proposal would be viewed as a free-standing development encroaching into the countryside, in contravention of one of the Green Belt purposes.
10. Even allowing for the tree belt along the eastern boundary of the site, I consider that the proposal would be apparent in views from Long Lane. Whilst

I have had regard to the conclusions of the appellants' Landscape and Visual Impact Assessment which states that the proposal would not give rise to significant adverse landscape impacts, this does not lead me to a different conclusion with regards to the effect of the proposal on openness or the encroachment of development into the countryside.

11. Whilst the proposal may involve the redevelopment of PDL, due to its effect on openness I conclude that the proposal would be inappropriate development within the Green Belt.

Other Considerations

12. With regard to very special circumstances, the appellants have referred to a demonstrated need for a new crematorium based on a number of considerations, in particular:
 - Population growth
 - Capacity at existing crematoria
 - Travel time
 - Qualitative factors
13. With regard to **population growth**, the appellants refer to an industry guideline that the population served by a crematorium should be 150,000, and I note that this has also been referred to in other appeal decisions. Allowing for predicted population growth, the appellants refer to each of the existing three crematoria in Leeds serving an average population of 289,000 by 2041 which is significantly greater than the guideline figure referred to by the appellants.
14. However, evidence provided by the Council suggests that the population figure relates to the finance of crematoria, and therefore relates to matters of viability rather than a threshold in respect of need. Furthermore, a crematorium may provide for more than one cremator and buildings for services, with a resultant increase in capacity. That said, I am mindful that the provision of multiple cremators and buildings at a site may affect qualitative experience, which I will address later in this decision.
15. Population growth will inevitably lead to increased demand for funeral services, including cremations. However, based on the evidence before me, I consider that the 150,000 population figure per crematorium is an overly simplistic measure which relates to viability, and does not accurately reflect the need for crematoria or potential capacity. I therefore give the evidence in respect of population growth and particularly the threshold identified by the appellants limited weight in favour of the proposal.
16. With regards to **capacity** at existing crematoria, the appellant has undertaken an analysis based on a range of criteria. This includes various measures of capacity such as during the core hours of demand based on varying time lengths for funerals, which in turn informs consideration of the peak month of demand. The appellants conclude that on a theoretical or core capacity basis, that existing cremation capacity within Leeds is insufficient to serve existing demand and that this capacity issue will get more serious in the light of projected population growth.
17. However, the Council has highlighted the increasing number of 'direct cremations' where a service may be held elsewhere rather than at the

- crematorium. Due to the nature of these cremations, there is more flexibility for them to take place outside of the core hours with a resultant increase in core capacity. Even allowing for the current limited number of direct cremations, the appellants' calculations do not allow for the effect that these may have on the number of cremations outside of core hours as well as on increased capacity for cremations where a service slot is required during core hours. In my view, this undermines the robustness of the appellants' evidence, both in relation to existing and future capacity.
18. That said, the Council's evidence in respect of demand during core times is also not persuasive. General reference is made to there being no backlog of cremations in Leeds and that there is no need to create additional capacity during core hours. However, the evidence provided by the Council in relation to 'working capacity'¹ concentrates on a single crematorium at Lawnswood, and whilst this refers to the peak month of January it does not appear to provide an analysis of capacity during core hours.
 19. The Council has also referred to a downward trend in the number of cremations in Leeds and refers to the absence of equality and demographic data in the appellants' evidence. However, the evidence of both main parties in respect of the numbers of existing and predicted cremations does not differ to a significant degree.
 20. Reference is also made to the use of new technologies, such as web access to services and resomation. However, unlike the evidence in respect of direct cremations, the Council's comments on these technologies is speculative and unsupported by clear evidence in respect of the potential effect on capacity. This does not therefore weigh against the proposal.
 21. In conclusion on the matter of capacity, I consider that there are flaws in the evidence of both main parties which could not be addressed at the Hearing. However, I am mindful that in the case of inappropriate development in the Green Belt that very special circumstances are necessary to justify the development. Within that context, and on balance, I consider that it has not been demonstrated that cremation capacity is insufficient to serve either existing or future demand.
 22. With regards to cortege **travel times** to crematoria, the appellants have referred to an ideal upper limit of 30 minutes, whilst the Council has indicated that longer travel times may be appropriate, such as 45 minutes. Whilst there may not be an industry standard on travel times, the appellants have provided survey evidence which indicates that the majority of people consider that a journey over 30 minutes would be excessive. I have no reason to doubt the robustness of this survey and on that basis I consider that an ideal travel time of up to 30 minutes is an appropriate rule of thumb, particularly for urban areas where journey times to facilities are generally shorter.
 23. The appellants have provided a detailed analysis of the area within a 30 minute cortege drivetime of the existing and the proposed crematoria. This has identified a catchment area for the appeal proposal of 161,000 where it would be the nearest facility. However, there is a significant overlap with the 30 minute drivetimes for existing crematoria, and the population newly served by

¹ Tables in Appendix 4 of the Statement by LCC Parks and Countryside Team

- a 30 minute drivetime would be approximately 70,000², although this figure would be likely to increase as a result of new development proposed to the east of Leeds.
24. However, whilst the distribution of that catchment population includes urban areas, a significant extent of the area includes areas to the north east of Leeds which is characterised by freestanding small towns and villages located in a rural setting, where longer journeys to facilities may be more typical. Within that context, I am not persuaded that the 30-minute drivetime should be seen as a definitive limit as, due to the nature of this area, longer drivetimes may be more acceptable to residents.
25. My attention has been drawn to an Appeal Decision³ in South Staffordshire where the Secretary of State gave significant weight to a 30 minute drivetime which would serve a smaller population than the appeal proposal before me. However, the evidence suggests that this related to an assessment of competing proposals in an area where an existing crematorium had been identified as operating above practical capacity. The circumstances of that appeal are therefore different to the appeal before me.
26. I note the Council's stance that longer travel times may be calming and healing for bereaved families and would enable them to travel past memorable places. However, whilst this may be the case for some families, for others it may not.
27. In conclusion in respect of travel time, I acknowledge that the proposal would provide more convenient access to a crematorium for a large area to the east of Leeds, including a newly served population within a 30 minute travel time. However, given the rural setting of a significant extent of that area and the reasonable expectations that arise from that, I give the matter of travel time no more than limited weight in favour of the proposal.
28. With regard to **qualitative factors**, the appeal proposal has been compared to the experience provided by the existing crematoria in Leeds which serve broadly the same catchment i.e. the crematoria at Lawnswood and Cottingley Hall.
29. In respect of Lawnswood, this is a traditional facility which was opened in 1905 and used a pre-existing cemetery chapel. I acknowledge that due to the age of the buildings there may be some design shortcomings which fall short of contemporary standards. The evidence in respect of the single access and limited circulation area also indicates that congestion may occur leading to a cross-over between corteges and groups of mourners. Despite those considerations, I saw that a good quality environment for mourners was provided when operating on the basis of a single service rota. Whilst Lawnswood is adjacent to a major road it is located in an attractive landscaped setting and has an appropriate secluded character. Although the main car park is on the opposite side of the main road, suitable and safe access is provided for mourners.
30. However, should a need arise for an increase in the number of services, I consider that the experience at Lawnswood would be compromised due to the restricted nature of the approach to the chapel buildings and subsequent congestion. Whilst there may be potential to open a second chapel and

² Figure 10 of The Need for a Crematorium to Serve East Leeds, November 2017 (Westerleigh Group)

³ Appeal ref: APP/C3430/W/15/3039163

increase the number of cremators at the site, this would significantly increase the potential for cross-over between funerals, reduce privacy for mourners, and lead to unacceptable congestion on the approach to the chapels. That said, based on the evidence before me, it has not been demonstrated that an increase in the number of service slots at Lawnswood is inevitable.

31. In respect of Cottingley Hall, I saw that this has a more open character with intrusive overlooking from surrounding residential development. The open aspect to the nearby main road and commercial areas was also detrimental to the experience that mourners could reasonably expect, particularly when screening trees are not in leaf. Due to the arrangement of the site including an extant second chapel, I saw that there was more suitable opportunity for separate services to be held at the same time compared to Lawnswood. However, the potential to deal with increased capacity would not compensate for the comparatively poor wider environment provided by the crematorium at Cottingley Hall.
32. Compared to the existing crematoria, the proposal would be a modern purpose built facility in a secluded landscaped setting. It would also be designed to be more acceptable to various faiths or those with no faith.
33. Reference was made to road noise from major roads and motorways affecting the appeal site. However, whilst distant road noise was apparent on my site visit it was not intrusive and I consider it would not lead to background noise levels detrimental to the quality of the site. Although it would take time for landscaping to mature, I consider that the appeal proposal would provide a high quality facility for mourners, at least in terms of the experience of the site itself.
34. However, concern has been raised in respect of the quality of the access route to the site. I saw that Long Lane connected the settlements of Garforth and Barwick in Elmet and was a popular through route. Whilst traffic was not excessive at the time of my visit, I saw that the road had relatively high traffic speeds and that opportunities for traffic to pass a cortege along this route were limited. In this regard, I note that the appellants' evidence refers to criteria including access from a minor road of double carriageway width⁴ or being sufficient to allow corteges to approach along roads wide enough to pass without pulling over⁵. Even allowing for the respect that many drivers may show to funeral corteges, I consider that the length and nature of the access route via Long Lane would be likely to diminish the experience of mourners on this important part of the journey - either through inappropriate overtaking manoeuvres or pressure for the cortege to increase speed.
35. I note that the Council's Highway Safety Team does not object to the proposal. Based on what I have seen and read I also consider that the design of the access and associated vehicle movements would not be detrimental to highway safety. Reference has also been made to cortege manoeuvres through junctions, roundabouts etc. in nearby settlements, although this would be a common feature in routes to crematoria in urban areas. Whilst the proposal would have a limited bus service, I consider it is likely that mourners would usually share vehicles and in any event I note that it is proposed to improve the bus stop in the vicinity of the site. However, consideration of these

⁴ para 4.7 of the Design and Access Statement

⁵ Crematorium Site Search - East Leeds, letter from BHT dated 26 September 2017

matters does not lead me to a different conclusion in respect of the qualitative experience of the access road leading to the appeal site.

36. Reference has been made to the service times at 40 minute intervals provided by the existing crematoria in Leeds. I acknowledge that an increase in capacity resulting from a new facility may enable longer service slots to be offered which would improve the experience of mourners. However, I am mindful that this service time is in line with the industry recommended minimum of 40 to 45 minutes and within that context I give this only limited weight in favour of the proposal.
37. Drawing the above together, I conclude that the proposal would provide a material, albeit limited, improvement to the qualitative factors identified compared to Lawnswood at the existing level of service provision. This is particularly the case with regards to vehicle circulation and congestion within the site. Whilst the qualitative experience at Lawnswood may deteriorate further should the number of services need to be increased, it has not been demonstrated that there is a significant possibility that this will occur. The proposal would also provide an improved experience compared to Cottingley Hall, both at existing service levels and should there be a need for the number of services to increase.
38. However, mindful of the qualitative issues arising in respect of the access route to the appeal proposal, qualitative considerations in favour of the appeal are not as substantial as submitted by the appellants. Therefore, on balance, I give qualitative factors only limited weight in favour of the proposal in respect of the current level of service provision in the area. Furthermore, should the need for more services be identified, on balance I give this no more than moderate weight in favour of the appeal proposal even allowing for the limitations of Lawnswood with regard to the opening of a second chapel.
39. In respect of both quantitative and qualitative need, the appellants have provided correspondence from funeral directors operating in the area and I note that similar evidence has been given weight in other appeals. However, this is a limited sample size and I am mindful of the Council's comments that this may not be representative of the substantial number of funeral directors that operate in the area. Furthermore, whilst reference is made to various issues including delays to cremation slots during the winter months I also note the Council's contention that this can arise due to factors which do not depend on capacity at crematoria. In contrast the Council has confirmed that it has achieved the Gold Standard in a relevant industry standard over the last three years, although the assessment criteria have not been specified. Whilst I have had regard to this evidence, due to its anecdotal and/or unsupported nature when read as a whole this is not a determinative issue in this appeal and weighs neither for nor against the proposal.

Other Matters

40. The proposal would involve the loss of the driving range which as a facility for outdoor sport may be considered as not inappropriate in the Green Belt. I saw that this was in active use and appears to be a popular facility for the area. However, the proposal would involve the replacement of one facility with another which would also serve the community, and in that regard I give the loss of the driving range no more than limited weight against the proposal.

41. My attention has been drawn to a report to the Council's Executive Board on 22 June 2016 on the subject of cremator replacement. This report refers to the potential to develop a new crematorium to the east of the city. However, I note that this was only one of two options referred to in the report, both of which were to be subject to further consideration - the other option being to replace existing cremators at Lawnswood. Furthermore, the comments of the Parks and Countryside Team indicate that subsequently a feasibility study has been undertaken which concluded it was possible to replace the cremators at Lawnswood. Whilst I have had regard to comments in the Executive Board report on the matter of a crematorium to the east of the city, including population growth and the geographic spread of crematoria, this does not lead me to different conclusions in respect of my previous consideration of these issues and the weight I attach to them.

Conclusion

42. I conclude that due to its effect on openness the proposal would represent inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
43. I acknowledge that the proposal would provide a more convenient facility for a catchment population to the east of Leeds and would add to the city-wide choice of crematoria. However, in respect of wider qualitative and quantitative considerations, based on the evidence before me these matters carry no more than moderate weight in favour of the proposal. On balance, it has not been demonstrated that these other considerations are of a scale or nature which would represent the very special circumstances to justify inappropriate development in the Green Belt.
44. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The proposal would therefore conflict with Policy N33 of the UDP with regards to the very special circumstances where development in the Green Belt is approved. However, this policy is not consistent with the Framework in respect of the consideration of the redevelopment of previously developed land and in this regard I give this conflict limited weight. Nonetheless, the proposal would also be contrary to the Framework in respect of protecting Green Belt land. The overriding consideration is that the proposal would conflict with the development plan and the Framework considered as a whole with regards to protecting Green Belt land.
45. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

Appearances

FOR THE APPELLANT:

Ian McArdle	Westerleigh Group
Richard Irving	I D Planning
Kate Broadbank	I D Planning

FOR THE COUNCIL

Jenna Riley	Leeds City Council
Joanne Clough	Leeds City Council
Andy Haley	Leeds City Council

INTERESTED PERSONS

Joanne Austin
Phil Maude
Howard Bedford

Documents Submitted at the Hearing

1. Schedule of suggested conditions.
2. Policy N32 of the Leeds Unitary Development Plan Volume 1: Written Statement 2006.
3. Leeds Unitary Development Plan Review 2006, Volume 2: Appendices, A5 Control of Development in the Green Belt.

Documents Received Following the Hearing

1. Planning Obligation
2. Schedule of suggested conditions including tracked comments.