

Appeal Decision

Site visit made on 25 October 2016

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/Z4718/W/16/3155616

Land to the rear of 481 Hunsworth Lane, East Bierley BD4 6RN

- 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 Mr A Heron against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93545/E, dated 29 October 2015, was refused by notice dated 30 December 2015.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building at Land to the rear of 481 Hunsworth Lane, East Bierley BD4 6RN in accordance with the terms of the application, Ref 2015/62/93545/E, dated 29 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and 14/52/C Revision E.

Procedural Matter

2. The Council's Decision Notice refers to drawing number 14/52/C Revision D. However drawing number 14/52/C Revision E has also been submitted with the appeal. I note that the proposed building as shown on drawing 14/52/C Revision E is the same as that shown on the earlier revision with the only change to the drawing appearing to be the addition of dimensions for the steel frame. The revised drawing does not materially alter the proposal and as such I have had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area.
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Reasons

Whether the proposal is inappropriate development

4. The appeal site comprises a piece of land and associated vehicular access located to the rear 481 Hunsworth Lane. The land forms part of a wider agricultural holding and the appeal site is located within the Green Belt. The proposal is to construct a detached agricultural building which would be used for cattle pens and for an implement and food store and an associated yard and parking area. Planning permission was initially granted for an agricultural building on the appeal site in 2014 (Ref 14/92268) with a modified proposal granted planning permission in 2015 (Ref 15/90968). The proposal seeks a further modification to the agricultural building approved in 2015.
5. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes buildings for agriculture and forestry.
6. The Council has previously accepted the need for an agricultural building on the appeal site by the granting of planning permission (Refs 14/92268 & 15/90968). The appellant states that the proposed building is to be used for the housing of rare breed cattle and that it has been designed to meet the needs of the cattle which are currently housed in rented buildings nearby. The size of the proposed building has been increased slightly from that approved in 2015 to improve animal welfare and mucking out arrangements. At the time of my visit I saw cattle on the appeal site and on the adjoining land, including young cattle.
7. Though I have had regard to the concerns raised by the Council about the justification for the proposed building, I am satisfied that it has been designed for agricultural purposes. I therefore conclude that the proposal would not be inappropriate development in the Green Belt and that it complies with relevant paragraphs of the Framework. These policies seek, amongst other things, to prevent inappropriate development in the Green Belt.

Character and appearance

8. The proposed building would be set back from Hunsworth Lane, some distance to the rear of No 481 and its neighbouring dwelling. It would be designed for agricultural purposes and constructed from appropriate materials. Though it would be visible from various vantage points along the road and from the rear of nearby dwellings, it would not be particularly prominent and I do not consider that its size, scale or appearance would cause harm to the character and appearance of the area.
9. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore complies with policies BE1 and BE2 of the Kirklees Unitary Development Plan. These policies seek, amongst other things, to ensure that development is of a good quality design and that it is in keeping with surrounding development.

Conditions

10. No conditions have been suggested by the Council. However I have imposed a condition specifying the approved plans as this provides certainty.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR