
Appeal Decision

Site visit made on 21 April 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/N4720/W/17/3168186

Springfield, Taylor Lane, Barwick in Elmet, Leeds, West Yorkshire, LS15 4LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class B of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Carol Bains against the decision of Leeds City Council.
 - The application Ref 16/07671/DAG, dated 6 December 2016, was refused by notice dated 12 January 2017.
 - The development proposed is a detached storage building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). Class B relates to agricultural development on units of less than 5 hectares. Where development is reasonably necessary for the purposes of agriculture within the unit it permits, amongst other things, the extension or alteration of an agricultural building (a).
3. In refusing Prior Approval the Council states that the scheme fails to meet the requirements of Schedule 2, Part 6, Class B as the site is not an agricultural unit for the purposes of the GPDO, nor does the proposal represent the extension or alteration of an agricultural building. I have therefore considered the appeal on the same basis, referring to the description of development used on the Council's formal decision notice, as this more accurately describes the proposal.

Main Issue

4. The main issue is whether or not the proposal would constitute the extension or alteration of an agricultural building on land within an agricultural unit.

Reasons

5. Springfield is a detached residential property with stables. Surrounding the house are a number of paddocks used by horses and subdivided by fences. The appellant confirms that the horses are primarily fed by the grass on the land.
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6. To the south-east of the stables is evidence of building debris where a barn once stood, as illustrated on the submitted land registry plans. It is intended to return the barn to its original dimensions in order to provide additional storage for the appellant and shelter for horses.
7. However, at the time of my site inspection the area of land around Springfield was primarily used for keeping horses stabled at the appeal property. No other agricultural buildings were present, nor were there any signs of agriculture taking place, only residential and equestrian activities. Based on the evidence provided I am therefore not convinced that the proposal would represent development on agricultural land within an agricultural unit for the purpose of the GPDO.
8. Furthermore, even if the site was part of an agricultural unit, the barn identified on the land registry plans no longer exists in a built form. Only the lower parts of the external walls are visible and the building has been fenced-off from the adjoining paddocks. The proposed development would therefore go beyond the extension or alteration of an agricultural building permitted by Class B(a).
9. In reaching this view I have taken into account that the former barn has its own access, that no trees would need to be removed to facilitate it's rebuilding, and that the appellant has offered to remove the detached swimming pool. The proposal would also re-use previously developed, brownfield land consistent with one of the National Planning Policy Framework's Core Planning Principles. In addition, evidence provided by the appellant states that the barn would not be inappropriate development in the Green Belt for the purposes of national planning policy, and would not go beyond a 30% increase in the volume of built development across the site. However, for the purposes of this appeal I am required to consider the proposal against the requirements of the GPDO. Although these are all factors that weigh in favour of the proposal, they do not justify granting prior approval.
10. Similarly, it is noted that the appellant was advised to submit an application under Schedule 2, Part 2 after discussions with the Council, only for it to be refused. However, whilst I appreciate the appellant's frustrations in this regard, the Council's approach to pre-application discussions is not a matter for me. Instead I am required to consider the proposal on its specific merits and I have determined the appeal on that basis.
11. Based on the evidence provided I therefore conclude that the proposal would not constitute the extension or alteration of an agricultural building on land within an agricultural unit. As such, it does not meet the requirements of Schedule 2, Part 6, Class B and cannot benefit from the permission granted by the GPDO.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR