The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/N4720/W/19/3227978
Mission House, Ridge Road, Ledston Luck, Castleford LS25 7BZ

- 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 Jermaine Barber against the decision of Leeds City Council.
- The application Ref 19/00925/FU, dated 14 February 2019, was refused by notice dated 17 April 2019.
- The development proposed is a retrospective application for 4 no. timber sheds.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was publicised by the Council as amounting to a retrospective application for three timber sheds to front and rear, as distinct from the proposal for 4 timber sheds as set out on the application form. A neighbour consultation response refers to a retrospective application for four timber sheds to front, side and rear. The appellant's appeal form describes the proposal as three outbuildings used for domestic agriculture. Application Plan drawing number A(20)000 Rev C shows three outbuildings on the site, omitting a fourth building erected to the eastern side of the house. (A fourth shed, which may or may not be this one, is said in the plan description to have been demolished.) That Plan also shows areas of 'animal runs' which do not expressly form part of the current proposal.

3. In the light of these apparent discrepancies, I have limited my consideration of the proposal to the elements as described in the Council's notice of refusal, constituting three timber sheds to front and rear. I exclude the 'animal runs' from consideration, and also exclude consideration of the existing fourth shed to the eastern side of the dwellinghouse.

Main Issues

4. The site lies within an area of designated Green Belt, and the Council's reason for refusing planning permission was that the development amounted to inappropriate development in the Green Belt for which no very special circumstances had been demonstrated. Accordingly the main issue arising in the appeal is whether the proposal would constitute inappropriate development in the Green Belt. If it would, then further issues are the effects of the proposal on the openness of the Green Belt, whether any other harm would arise, and whether any harm by reason of inappropriateness and any other harm would

be clearly outweighed by other considerations that amount to very special circumstances necessary to justify the development.

Reasons

5. Paragraph 145 of the National Planning Policy Framework ('the Framework') advises that the construction of new buildings in the Green Belt is to be regarded as inappropriate development. Exceptions include extensions or alterations to buildings that do not amount to disproportionate additions over and above the size of the original building. This policy is given local effect by policy N33 of the Leeds Unitary Development Plan (Review) 2006 that permits the limited extension, alteration or replacement of existing dwellings in the Green Belt. The Leeds Householder Design Guide suggests that an extension of not more than 30% of the original building's volume will not be disproportionate.

6. The proposal does not on its face amount to an extension or alteration of an existing building, but comprises the provision of domestic outbuildings. The appellant contends that the proposal involves the provision of agricultural buildings. The reason is that the sheds are used to support Mission Dogs Limited, which the appellant describes as a registered agricultural farming business. Elsewhere the sheds are described as being used to house (1) pet rabbits (2) pet dogs and (3) garden tools. The appellant describes an operation plan for raising and breeding dogs, and an intention to apply for a dog breeding licence. The appellant points out that the construction of buildings for agriculture or forestry would not be inappropriate development in the Green Belt.

7. A use for the breeding and keeping of livestock, which would include any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, would amount to an agricultural use. This is not what is described by the appellant as being the purpose of the sheds. Reference is made to 'domestic animals' and that all activity is 'domestically managed'. The proposal does not amount to the construction of agricultural buildings.

8. The three sheds that form the proposal under consideration do not themselves appear to amount to a volumetric increase of more than 30% over the size of the house. (Taken together with the other built elements for which permission is not now being sought, it appears that that threshold would be exceeded.) However, it is not suggested why the 30% threshold should apply to the outbuildings proposed. They do not on the face of it amount to extensions or alterations to the dwelling. If however policy N33 and the supporting paragraph HDG3 of the Householder Design Guide were to apply, and the 30% threshold was relevant, a further consideration would be whether the openness of the Green Belt would be affected by the proposal. I return to this question below.

9. Ledston Luck is a small settlement that I do not consider amounts to a 'village', within with limited infilling would not be inappropriate. As the appeal site does not lie in a 'built up area', for the purposes of the Framework's definition of previously developed land, then limited infilling may not be inappropriate. This depends on whether the development would have a greater impact on the openness of the Green Belt than the pre-existing development.

10. The appeal site lies adjacent to open farmland to the south and to an enclosed paddock to the west. Single storey dwellings lie to the east of the house. The development of the sheds to the western side of the appeal site increases the prominence of the built form adjacent to the paddock. From the amenity areas fronting the dwellings to the east, the view to open farmland is interrupted by the rear sheds. Although limited, I therefore find that the openness of the Green Belt has been reduced as a result of the development.

11. Consequently I consider that the appeal proposal amounts to inappropriate development in the Green Belt. It would have a greater impact on openness than the pre-existing development and would therefore not benefit from the 'exception' of paragraph 145(g) of the Framework concerning the limited infilling or redevelopment of previously developed land. It would also not meet the requirements of policy N33 or HDG3. I attach substantial weight to this harm by reason of inappropriateness.

12. Turning to the question whether other considerations could outweigh this harm by amounting to very special circumstances, I have insufficient information before me as to the benefits to the public interest of the proposed development. The appellant describes a limited company engaged in dog breeding activities. It has not been demonstrated how such a use would be consistent with the purposes of Green Belts, or why a Green Belt location is otherwise required. Consequently I am unable to conclude that sufficient considerations exist to outweigh the harm to the Green Belt that I have identified. It follows that very special circumstances to justify the development do not exist.

Conclusions

13. For the above reasons the proposal amounts to inappropriate development in the Green Belt for which very special circumstances do not exist. The proposal is contrary to the development plan and to the advice in the Framework. For these reasons the appeal is dismissed.

Laura Renaudon

INSPECTOR