



Appeal Decision

Site visit made on 28 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/N4720/W/20/3255246

High Royds Farm, Bingley Road, Menston, Ilkley LS29 6BB

- 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 John Ogden against the decision of Leeds City Council.
 - The application Ref 19/06385/FU, dated 10 October 2019, was refused by notice dated 27 January 2020.
 - The development proposed is erection of agricultural storage building and access track.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Ogden against Leeds City Council, which is the subject of a separate Decision.

Procedural Matter

3. During the course of the appeal I sought additional comments in respect of the effect of the development on nearby listed buildings and I have taken them into account in reaching my decision.

Main Issues

4. The appeal site is in the Green Belt and therefore the main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt;
 - (ii) Whether the Pump House should be treated as a heritage asset,
 - (iii) The effect of the development on the significance of nearby heritage assets, including the setting of listed buildings;
 - (iv) The effect of the development on the character and appearance of the area, having regard to its location within a Special Landscape Area;
 - (v) Whether the development would minimise impacts on and provide net gains for biodiversity; and
 - (vi) If any part of the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site is situated in the open countryside to the south of Menston. The building would comprise of vertical timber boarding set above a stone-faced plinth. The proposed roof materials are described as simulated stone slate. The front and rear elevations would contain a single roller shutter door as the only openings. A new access track would also be constructed from the building to meet the private roadway off Bingley Road.

Whether inappropriate development

6. Paragraph 145 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate development in the Green Belt, other than for a limited number of exceptions. One of the exceptions in sub-paragraph a) is buildings for agriculture. Although pre-dating the Framework, saved Policy N33 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (UDP) includes the exception of development in the Green Belt for the purposes of agriculture, and is consistent with the Framework in this respect.
7. The evidence before me indicates that the appeal site is part of several fields that comprise a larger agricultural unit of some 34.4 hectares. The majority of the unit lies a short distance to the north-west where sheep are grazed. The land at the appeal site is some 6.3 hectares and is used for production of meadow hay. Irrespective of the level of activity, these are agricultural uses.
8. The proposed building is required for the storage of hay, agricultural machinery, fencing materials, fertilisers and tools in association with the maintenance and management of the whole of the agricultural unit. Neither its design, materials, nor an internal mezzanine within part of the building, would suggest anything unusual for an agricultural building. I have noted the concerns raised over the scale of the building being excessive for its use. However, on the limited evidence before me, I am not persuaded that it would be. Nor do I agree that there is a need for any greater levels of ventilation given the building is not intended to house livestock.
9. Consequently, I am satisfied that the proposed building is for agricultural purposes on land in agricultural use. As such, it accords with one of the exceptions to inappropriate development within the Green Belt and does not conflict with saved Policy N33 of the UDP in this regard. The Framework does not require that effects on openness are considered in such circumstances.
10. The Council did not refer to the access track, but as noted by the appellant, the new access track is an engineering operation. Paragraph 146 b) of the Framework lists engineering operations as a form of development which is not inappropriate development in the Green Belt, provided that it preserves its openness and does not conflict with the purposes of including land within it. One of the five purposes of the Green Belt in paragraph 134 of the Framework is to assist in safeguarding the countryside from encroachment.
11. The appellant states that the track would be comprised of two wheel tracks surfaced with limestone, more or less level with the land. However, there are no details of its design or method of construction on the plans. The land is not level and therefore in the absence of any details it cannot be certain that there would not be any notable alteration of the landform. In any event, the width

and significant length of the track alongside an existing track, would add further operational development on land which was previously undeveloped, thereby encroaching into the countryside. Consequently, openness would be reduced to a small extent and there would be conflict with the Green Belt purpose of preventing encroachment into the countryside.

12. I therefore conclude that the access track is inappropriate development in the Green Belt when judged against the Framework, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Whether the Pump House is a heritage asset

13. There is a dispute over whether the Pump House adjacent to the appeal site should be treated as a curtilage listed building. In accordance with Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the listed building also includes any ancillary object or structure within the curtilage of the building which forms part of the land and has done so since before 1st of July 1948.
14. It is common ground that the Pump House served the grade II listed High Royds Hospital and therefore it has some functional historic relationship with the listed building. However, whether it falls within the curtilage of the listed building depends on a number of factors, including the physical layout.
15. The evidence before me on this matter is extremely limited. Nonetheless, in physical layout terms, the Pump House is not only clearly outside of the defined area of the hospital park and gardens, it is also separated from the landscaped park and gardens by agricultural land. Therefore, irrespective of other factors, the physical separation when combined with the nature of the agricultural landscape between them, points to the likelihood that the Pump House is outside the curtilage of the High Royds Hospital and does not form part of the listed building.
16. That said, the Pump House is not without local heritage interest and significance. Its historic function helps to evidence the infrastructure and engineering of the hospital complex. In addition, the building is a distinctive feature in the landscape and retains a modicum of its original character and architectural interest. Some of the legibility which has been lost through removal of the roof slates and windows could easily be restored.
17. Consequently, it is appropriate to treat the Pump House as a non-designated heritage asset. Paragraph 197 of the Framework states that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

Significance of heritage assets

18. The aforementioned Pump House is a modest single storey stone building. At the time of my site visit some works were being carried out to the building, but the main structure was intact and could be appreciated. Its materials and careful architectural detailing are visually distinctive. Even in a disused form it sits unassumingly within the landscape and contributes positively and distinctively to its surroundings, including to the settings of the nearby

grade II listed buildings High Royds Hospital and High Royds Hall, which it is seen in context with.

19. The agricultural building would be located a short distance to the south of the Pump House. Due to its proximity and scale, it would dominate the modest Pump House resulting in an awkward incongruous relationship between the two buildings. It would also obscure the Pump House from views to the south. This would diminish its contextual relationship with High Royds Hospital, as well as the positive contribution it makes to the area generally, thereby causing unacceptable harm to the significance of the non-designated heritage asset.
20. As the development would also lie within the setting of the two nearby grade II listed buildings, I have a statutory duty in determining this appeal to have special regard to the desirability of preserving the setting of these listed buildings, irrespective of the Council's refusal reasons. Paragraph 194 of the Framework sets out that the significance of a heritage asset can be harmed through development within its setting.
21. High Royds Hospital was built between 1884 and 1888, and lies to the east of the appeal site. The listing includes the surrounding parkland. Notwithstanding recent development within the hospital grounds, I consider that its significance is derived from its historic use as an echelon-style psychiatric hospital and its architectural representation of a philosophical approach to mental health treatment. The relation to its parkland and wider rural setting in this regard are also important components of its significance.
22. Whilst the intervening woodland limits intervisibility between the appeal site and the main hospital complex, the rural views towards and out from the listed parkland encompass the appeal site and Pump House and allow the parkland to be readily appreciated. For the reasons set out above, the agricultural building would have a harmful relationship with the Pump House, which, in turn, would detract from the views in which the listed parkland and the wider hospital setting is experienced. Consequently, the significance that this designated heritage asset derives from its setting, and the contextual relationship with the Pump House, would be moderately harmed.
23. High Royds Hall has early to mid C17 origins and lies just a short distance to the north of the site. I consider that its significance derives from its age, architectural detailing, materials and its relationship to the countryside over which it looks.
24. From the south, the appeal site is viewed in the context of the listed Hall. Unlike the subservient Pump House, the agricultural building would have a large bulk and mass, which combined with its orientation, would be dominant in views from the south. The visual dominance of the building would draw the eye on approach to the listed Hall and unacceptably detract from the clear and open views in which the listed Hall and its setting is experienced. Consequently, the significance that this designated heritage asset derives from its setting would be significantly harmed.
25. The proposed building would support a rural business by providing storage for winter feed, machinery and other related items, but there is no evidence that this could not be achieved in a less harmful manner within the unit. Heritage assets are irreplaceable and great weight should be given to their conservation. Therefore, as set out in paragraph 196 of the Framework, there are no public

benefits that outweigh the less than substantial harm that would occur to the designated heritage assets in this case.

26. I conclude, on this issue, that the development would have a harmful effect on the setting of the nearby grade II listed buildings, contrary to the expectations of Section 66(1) of the Act, and on the setting of a non-designated heritage asset. Consequently the significance of the identified heritage assets would be harmed. This is contrary to the Framework and Policies P10 and P11 of the Leeds Core Strategy 2014 (CS), which together require the historic environment to be conserved. The Council also cites saved UDP Policy N15 in the refusal reasons, but as the proposal does not involve conversion of a listed building it is not relevant to this appeal, and I find no conflict with it.

Character and appearance

27. The area is designated as a Special Landscape Area (SLA), which in accordance with UDP Policy N37 is a designation given to the most attractive areas with high landscape value. Amongst other things, scenic quality and attractive groups of buildings are identified as positive factors of the SLA. The appeal site and its surroundings are reflective of this character.
28. Taken in isolation, the scale, design and appearance of the agricultural building and access track would not be uncharacteristic of existing agricultural development scattered throughout the wider area. Nevertheless, for the reasons set out above, the agricultural building would cause harm to the significance of designated and non-designated heritage assets. It would therefore fail to protect or enhance features that contribute positively and distinctively to the landscape and rural character of the area. The access track would also be located alongside an existing track resulting in two side-by-side tracks. Even though the proposed track would be at a lower level where the undulating topography would offer some screening, it would still be visible from the adjacent public footpath and cause a small degree of intrusion in the landscape, thereby harming its scenic quality. Overall, this would amount to serious harm to the SLA.
29. I conclude, on this issue, that the development would cause unacceptable harm to the character and appearance of the area, with particular regard to its Special Landscape Area designation. This is contrary to saved Policies N37 and N37A of the UDP. It is also contrary to Policies P10 and P12 of the CS, which amongst other things, require development to protect and enhance the district's existing historic and natural assets. Saved UDP Policies BD5 and GP5 are also referred to by the Council, but I do not find them to be directly relevant to the appeal matters, and I find no conflict with them.

Biodiversity

30. I am informed that the appeal site is subject to a Wildlife Protection Management Plan (WPMP) which requires the land to be managed as a hay meadow to encourage species biodiversity. Whether the appellant was aware of it at the time the land was purchased is not a matter for this appeal.
31. Paragraph 170 d) of the Framework requires that planning decisions should minimise impacts on and provide net gains for biodiversity. Saved Policies G8 and P12 of the UDP, and Policy G9 of the CS reflect this provision.

32. There is no indication that the proposed building is intended to house livestock or result in the land being grazed. Nevertheless, as noted by the appellant, construction of the building and track would result in a small loss of managed hay meadow.
33. It is proposed to offset this loss by making a larger area of land available to be included in the WPMP. However, there is no evidence that this compensatory land is suitable and would provide net gains for biodiversity. Nor is it clear how and by whom it would be managed. Without such assurances I cannot reasonably conclude that the proposal would provide net gains to biodiversity.
34. I conclude, on this issue, that it has not been adequately demonstrated that the development would minimise impacts on and provide net gains for biodiversity, contrary to the Framework and Policies G8 of the UDP and G9 of the CS in this regard.

Other considerations

35. The appellant has expressed concern over the Council's approach in determining prior approval applications relating to the appeal site and considers that the proposal constitutes Permitted Development under Class A of Part 6 of The Town and Country Planning (General Permitted Development) Order 2015. However, those matters are subject to a separate procedure and have no effect on the planning merits of the proposal before me. Moreover, as prior approval has not been given, there is no realistic 'fallback' position.
36. The appellant has drawn my attention to a number of appeal decisions relating to agricultural buildings and access tracks within the Green Belt. I have very few details of those schemes so it is difficult to draw any meaningful comparisons. In any event, just as each of those cases turned on their own merits having regard to the circumstances specific to those schemes, I must determine this appeal on its own merits having regard to the very specific situation of the appeal site and the evidence before me.

Whether very special circumstances exist

37. I have concluded that the proposed access track would be inappropriate development in the Green Belt. It would be an engineering operation that would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. This harm attracts substantial weight. It would also result in a small adverse effect on the character and appearance of the area and biodiversity.
38. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
39. In this case, there are no other considerations that would clearly outweigh the totality of the harm identified. Therefore, the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist.

Overall Conclusion

40. The agricultural building would not be inappropriate development in the Green Belt, but it would cause unacceptable harm to the significance of heritage assets, to the character and appearance of the area, and to biodiversity. In addition, the access track would be inappropriate development in the Green Belt and very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist. Consequently, the proposal would conflict with the development plan and the Framework as a whole. There are no material considerations to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR