



Appeal Decision

Site visit made on 23 February 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2021

Appeal Ref: APP/N4720/W/20/3262684

Land adjacent to Cockersdale Works, Whitehall Road, Drighlington, Bradford, BD11 1NQ

- 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 Matthew McHale against the decision of Leeds City Council.
 - The application Ref 20/02544/FU, dated 29 April 2020, was refused by notice dated 26 June 2020.
 - The development proposed is works to raise roof height and extension to agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for works to raise roof height and extension to agricultural building at Land adjacent to Cockersdale Works, Whitehall Road, Drighlington, Bradford, BD11 1NQ in accordance with the terms of the application 20/02544/FU, dated 29 April 2020, subject to these conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan drawing no. 2020 McHale-001a; Proposed Site Plan 1/500 drawing no. 2020 McHale-002a; Proposed Ground Layout Plans drawing no. 2020 McHale-005a; Unnamed drawing showing the proposed elevations drawing no. 2020 McHale-007a.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved drawings and the application form.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Appeal for Costs

3. An application for costs was made by Mr Matthew McHale Council against Leeds City Council. This application is the subject of a separate Decision.
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Main Issues

4. The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework, and the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site consists of a detached single-storey building in a plot of agricultural land, with an access track leading from the A58 Whitehall Road. The building appears to be currently unused and is in poor condition. The site falls within the Green Belt. Permission is sought for a two-storey-height extension to the existing building.
6. Paragraphs 145 and 146 of the Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve new buildings for agriculture.
7. Policy N33 of the Leeds Unitary Development Plan (Review) 2006 (UDP) is consistent with the Framework in that it seeks to protect the Green Belt but allows the construction of new buildings for the purposes of agriculture.
8. While the Council accepts that the proposed building has the capability to be used for agriculture, the Council argues that the appellant has not demonstrated that the building is reasonably necessary for the purposes of agriculture. The application form states that the building would be used for the storage of agricultural machinery and crops of hay which would clearly fall within an agricultural use. The plans are denoted similarly and the proposed portal frame design is typical of a modern farm building. The supporting statement highlights that the appellant owns this particular block of land, including the building and adjacent fields and that he rents other agricultural land elsewhere as part of his operation which he states includes the rearing of beef cattle and the production of hay for sale. There is nothing unusual in that arrangement. Whilst the buildings appear to be under-utilised at present, they appear to be on agricultural land and the surrounding fields within the blue line of the appellant's ownership appear to be in agricultural use. There is nothing to indicate that the buildings or the surrounding land have ever been used for any non-agricultural purpose.
9. It is not clear why the Council dispute the appellant's submissions as to how the building would be used and no evidence has been submitted that would lead me to doubt that the structure would be used in the manner suggested by the appellant. If permission was granted and the building was used for any other, materially different, purpose it would be open to the Council to consider taking enforcement action. However, on the information before me I am satisfied that the building would be used for agricultural purposes. It follows that it would fall within the exception listed at paragraph 145(a) of the Framework.
10. A test of whether a building in the Green Belt is 'reasonably necessary' for the purposes of agriculture is not set out in the Framework or local policy. The building simply needs to be used for an agricultural purpose to fall within the relevant exceptions. The Council has referred to three appeal examples where Inspectors have considered whether agricultural buildings

are 'reasonably necessary'. The appeal at Dycotts Farm, Horsemanside, Essex¹, was for an agricultural building that was argued to be reasonably necessary so as to be regarded as permitted development. Such a test is necessary for proposal to meet the requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. However this relates solely to the consideration of whether a proposal would be permitted development. It should not be applied when considering the merits of a planning application seeking permission for an agricultural building in the Green Belt. There is no such test or requirement in the Framework or policy N33 of the UDP. Therefore, the context of the Dycotts Farm appeal is notably different.

11. In the appeal at 82 Potters Lane, Woking², there was a local policy that required new agricultural buildings to be reasonably necessary for the purposes of agriculture and the Inspector was required to consider the proposal in that context. As set out, there is no such local policy in this instance. In the appeal at Leahurst Nursery, 36A Galley Lane, Barnet³, the Inspector concluded that the proposal was for an agricultural building however there was no test that such a building was reasonably necessary. Again, this appeal is therefore not directly comparable to the appeal proposal.
12. Consequently, I conclude that the proposal would meet the exception in the Framework for new agricultural buildings and therefore would not be inappropriate development within the Green Belt. The visual impact of an agricultural building or its effect on openness aren't relevant to the question of whether it amounts to inappropriate development. For these reasons, the proposal would satisfy Paragraph 145 of the Framework, and Policy N33 of the UDP and would not amount to inappropriate development within the Green Belt.

Openness of the Green Belt and very special circumstances

13. Given my conclusion that the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to go onto consider the proposal's effect on the openness of the Green Belt or whether there are any very special circumstances.

Character of the area

14. The site is to the north of Drighlington and is surrounded by open countryside comprising predominantly of grassland fields, which contributes to a rural and open character. The existing building is set below the height of the highway and the site is screened from the highway by a stone wall and a hedge. As a result the existing building has limited visibility from a public vantagepoint. While the proposed extension would be of a two-storey height and thus would be more visible, the proposed building is clearly designed to be an agricultural building and, given the existing land levels and screening, would be in keeping with the rural character of the area. The proposed materials are typical of a modern agricultural building and, subject to a

¹ Appeal ref. APP/H1515/C/03/1133439

² Appeal ref. APP/Y3615/A/14/2222847

³ Appeal ref. APP/N5090/W/20/3250343

condition to specify the exact finishes and colours, the external appearance of the structure would not look out of place in its setting.

15. I therefore conclude that the proposal would not cause harm to the character of the area. Consequently, the proposal would accord with paragraph 127 of the Framework.

Conditions

16. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.
17. The Council has suggested a condition requiring samples of all external and roofing materials to be submitted and approved before building works commence. The submitted drawings and application form provide details of the materials to be used, which would be in keeping with the existing building. It would therefore be unnecessary for samples to be provided or for a pre-commencement condition to be used. However, it is necessary for a condition requiring the external materials of the extensions to match the exterior materials referred to on the approved drawings and the application form, in the interests of the character and appearance of the area.
18. The Council has further suggested conditions that would require the access track and areas used by vehicles to be drained, surfaced and sealed, and for the boundary treatment to the site frontage to not exceed 1m in height. The existing access track is typical of access tracks to agricultural buildings in the countryside, and it has not been demonstrated that any intensification of the use of the track in its current condition would cause any harm or danger to users of the highway. The access track and gate are set back from the pavement by an area of tarmac, and a visibility splay exists as a result of the height and layout of the low stone boundary wall. The main road in both directions from the site access is long and straight, and I am satisfied that the existing access and boundary treatments provide a satisfactory visibility splay. It would therefore be unnecessary to attach either of these two conditions.

Conclusion and recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions above.

Chris Preston

INSPECTOR