



Appeal Decision

Site visit made on 22 March 2022

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/N4720/W/22/3290573

Land off Priesthorpe Road, Farsley, Pudsey LS28 5RE

- 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 and Mrs K Lowe against the decision of Leeds City Council.
 - The application Ref 21/01082/FUL, dated 20 January 2021, was refused by notice dated 12 July 2021.
 - The development proposed is the erection of a new agricultural barn.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new agricultural barn on land off Priesthorpe Road, Farsley, Pudsey LS28 5RE in accordance with the terms of the application, Ref 21/01082/FUL, dated 20 January 2021, 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: Site Location Plan / Red Line / OS Plan received on 09.02.21, Proposed Elevations and Floor Plans ref 109670/02 Rev A received on 09.02.21
 - 3) Prior to the commencement of any above ground works, samples of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples which shall be made available on site for inspection by the Local Planning Authority during the construction of the new barn.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework ('the Framework');
 - if the development is inappropriate, the effect of the proposal on the openness of the Green Belt; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal site is located within the Green Belt. The Framework seeks to protect the Green Belt from inappropriate development. Paragraph 149 of the Framework advises that the construction of new buildings within the Green Belt should be regarded as inappropriate, other than for certain listed exceptions. The first of these exceptions are buildings for agriculture and forestry. Saved policy N33 of the Leeds Unitary Development Plan Review (UDP) is consistent with the Framework in this regard. Saved policy GP5 of the UDP has also been referred to. However, as this policy relates to general planning considerations it is not relevant to this issue.
4. The appellant has a holding of 13.8 acres of pasture and an agricultural holding number, although no agricultural livestock are currently kept on the land. A stable block is present together with four horses. It is stated that horse grazing is limited to approximately 4 acres of the holding due to laminitis leaving 10 acres free for other purposes.
5. The production of hay is an agricultural activity. The stated purpose of the proposed building is to house machinery and 500 – 1000 small hay bales produced from the holding. There is no good reason to believe that 10 acres of land could not produce the number of small hay bales proposed. The size of the building has been assessed by the Council's agricultural surveyor who is of the view that, whilst on the large side, it is within tolerable limits for the proposed use.
6. The appellant states that since the loss of the original barn on the site, following a tree falling through its roof, agricultural activity on the site has been severely curtailed as there are no other agricultural buildings. Some of the local responses to the application and appeal challenge this and states that in the previous decade or more prior to the demolition of the barn no hay production took place and that the building was used for the storage of building related materials. This is disputed by the appellant. Disagreements over the recent past use of the original barn and fields within the holding though do not alter the proposed use of the building applied for.
7. None of the information sought by the Council to evidence the operation of an agricultural business involving the production and selling of hay, such as business details, evidence of sales or details of delivery and collection have been provided by the appellant. However, the conduct of a trade or business is not required to meet the definition of agriculture in section 336 of the Town and Country Planning Act 1990. In this case, the appellants state in their Design and Access Statement that the hay produced is stored on site until it is needed for feed and it is not a matter in dispute that stables and a number of horses are present on part of the holding. The appellant states that the proposed building would allow him to store the equipment needed for hay production on the holding and also store the hay bales produced under cover. In the absence of substantive submitted evidence to the contrary, I therefore find on the evidence before me that the proposed building would be used for agriculture.
8. Taking all these matters into account, I therefore conclude that the proposal would comply with the exception contained in paragraph 149 of the Framework in relation to buildings for agriculture and so also complies with saved policy N33 of the UDP. As a result, it would not be inappropriate development. It is therefore unnecessary

to consider the effect of the proposal on the openness of the Green Belt and whether there are very special circumstances that justify the development.

Other matters

9. As the proposed building would be set back from Priesthorpe Road and positioned behind a building positioned immediately next to the road it would not be a readily visible feature in public views of the site. Set slightly into a slope, and with natural stone walling, timber boarding and roof sheeting, it would appear as a functional barn whose size and appearance would be in keeping with its surroundings. As a result, it would complement the character and appearance of the area.
10. For exiting vehicles at the site entrance visibility of oncoming traffic from the left is limited by the flank wall of a building. However, Priesthorpe Road is a quiet road with little traffic and the very poor quality of its surface means that traffic travels slowly along it. Moreover, as the Council notes, as hay making would involve the use of agricultural machinery stored within the barn operating within the fields of the holding, which are accessible without use of the road, the development would not result in notable vehicle movements to and from the site. As a result, highways safety would not be harmed by the proposal.
11. In relation to living conditions, the proposed barn would be located sufficiently far away from neighbouring dwellings for outlook, privacy and levels of natural light not to be adversely affected. With regard to surface water drainage, satisfactory provision would be secured by Building Regulation requirements.
12. Concerns regarding the appellant's future intentions for the building have been raised. Any future development proposal would be determined by the Council on its planning merits and against local and national planning policy, or against the conditions and limitations that apply in the General Permitted Development Order, as relevant. As a result, this is an issue that is not a consideration of material weight against the proposal.

Conclusion

13. I have found that the proposal would comply with the development plan and the Framework and there are no other considerations which outweigh this finding. Therefore, for the reasons given above, the appeal should be allowed.
14. For the avoidance of doubt, and in the interests of proper planning, development needs to be carried out in accordance with the approved plans. To ensure that the walling and roofing materials complement the character and appearance of the area, samples need to be approved and made available on site. I have required these matters by condition.
15. The condition suggested by the Council in relation to external materials required details to be agreed prior to the commencement of development. However, I am not persuaded that this is necessary and I have amended this condition accordingly.

Ian Radcliffe

Inspector