



Appeal Decision

Site visit made on 17 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/N4720/W/22/3310122

Land off Windmill Road, Bramham, West Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs M Rhodes against the decision of Leeds City Council.
 - The application Ref 22/01440/OT, dated 24 February 2022, was refused by notice dated 12 September 2022.
 - The development proposed is described as a 'proposed general purpose agricultural and forestry building upon land at Windmill Road Bramham West Yorkshire'.
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Decision

1. The appeal is allowed and planning permission is granted for a forestry building on land at Windmill Road, Bramham, West Yorkshire in accordance with the terms of the application, Ref 22/01440/OT, dated 24 February 2022, subject to the conditions identified in the attached Schedule.

Preliminary Matters

2. The description of development set out in the banner heading above differs from that in the formal decision in paragraph 1 to reflect that the development as considered by the Council was amended during the application process to omit the proposed agricultural use of the building. All parties have had the opportunity to comment on the amended proposal as part of the appeal process and I do not consider that any party would be prejudiced by my acceptance of it. I have therefore determined the appeal based on the amended proposal.
3. Outline planning permission is sought with all matters reserved. I have therefore taken any details pertaining to the reserved matters, as shown on the submitted drawings, to be for indicative purposes only.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site is a plot of land in the Green Belt. The National Planning Policy Framework (the Framework) paragraph 149 establish that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed. One such exception, 149(a), is buildings for agriculture and forestry. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) indicates that buildings for agricultural and forestry purposes will only be given approval in very special circumstances.
6. As the Council highlight, forestry is not defined in the Framework. Dictionary definitions of forestry, however, include the science and practice of planting, managing and caring for forests, and the science of developing, caring for, or cultivating forests.
7. It is submitted by the appellant that the building would be used to store forestry equipment, machinery, tools and implements, and as a dry store to season timber. I understand that the appellants' forestry business was established in the 1950's and that currently the business annually forests around 4,641 acres across Yorkshire.
8. The Council does not dispute that the appellants undertake forestry activities. However, it contends that any building required for forestry purposes should be located within, or close to, a woodland in which such forestry practices take place. As the land is not in use for, or of a sufficient scale suitable to accommodate, the cultivation or extraction of timber the Council consider that the proposed use of the building would be more akin to general storage. However, my reading of the Framework and UDP Policy N33 does not support this. They solely require the building to be for forestry purposes. Hence, the geographic location of the building is not a requirement that the appeal scheme needs to fulfil insofar as satisfying Green Belt policy.
9. Whilst the business operated by the appellants may include tree surgery, I am in no doubt that a significant element falls within the dictionary definition of forestry and based on the evidence before me, I am satisfied that the building would be used for forestry purposes.
10. I therefore conclude that the building is not inappropriate development in the Green Belt, and the proposal would accord with saved UDP Policy N33 and the Framework. Thus, it is not necessary for me to address whether there are other considerations that amount to very special circumstances.

Other Matters

11. In the reason for refusal, the Council refer to the impact of the proposal on the openness of the Green Belt and that it encroaches into the countryside, which would be contrary to one of the Green Belt. However, the exception from inappropriate development in the Green Belt at paragraph 149(a) of the Framework relating to agriculture and forestry buildings is without qualification. The effect upon the openness and purposes of the Green Belt of such a building is, therefore, implicitly taken into account. Consequently, once development of a forestry building is found to be not inappropriate these matters require no further consideration.
12. The appeal site lies close to the Clifford Conservation Area. The Council has not raised any objection to the effect of the proposal on the character and

appearance of this heritage asset. Having seen the separation distance between the appeal site and the Conservation Area and its relationship to it, I have no reason to disagree.

13. I note the concern that has been expressed regarding the implications of the proposal on highway safety. However, no objections have been received from the Local Highways Authority. In the absence of any firm evidence to the contrary I have no reason to conclude that the proposal will cause harm to highway safety or that it would be reasonable and appropriate to restrict the number of vehicles operated from the site.
14. I have had regard to public concerns raised about the size of the building and its impact on openness. Although the proposal is in outline and the submitted drawings are indicative, the building would be of a scale that would be visible from a number of public vantage points including nearby Public Rights of Way. Nonetheless, the Council consider that the clustering of the building with the existing stables and menage on site is appropriate design and character terms and that suitable landscaping would ensure a degree of assimilation into the surrounding open land. From what I saw on my site visit, I have no reason to disagree.
15. The Council has not raised concerns regarding noise, disturbance and pollution arising from timber chipping activities and burning on site, and I have no evidence before me to conclude otherwise.

Conditions

16. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.
17. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development.
18. As the appeal is in outline with all matters reserved, I have not included a condition clarifying the approved plans as suggested by the Council as there are no such plans.
19. I have imposed conditions relating to foul and surface water drainage to prevent flooding and pollution. To ensure that adequate provision for drainage is made at an early stage, it is necessary for these details to be agreed prior to the commencement of development.
20. A condition is necessary to secure a Construction Method Statement, requiring details to minimise noise and disturbance, to protect the living conditions of nearby residents. This must be a pre-commencement condition to ensure controls are agreed and can be implemented prior to the start of any construction works. For the same reason, a further condition is necessary to secure restrictions on the hours of use of the building.
21. In the interests of biodiversity value and the rural character of the area, a condition is required to secure the agreement and implementation of external lighting. It is reasonable to impose a condition that secures biodiversity net-gain on the site to accord with policy.

Conclusion

22. For the reasons given above I conclude that the proposal accords with the development plan when taken as a whole and there are no material considerations which indicate that the decision should be taken otherwise than in accordance with it. Consequently, the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter referred to as the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The development hereby permitted shall take place not later than 2 years from the date of the approval of the last of the reserved matters.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) Prior to the commencement of any construction works at the site, full details of a drainage and foul water disposal scheme (i.e., drainage drawings, summary calculations and investigations) detailing the surface water and foul water disposal works as well as arrangements for its future maintenance (e.g., adoption by the Water Company, if required) shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.
- 5) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking)
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction including those generated by vehicles. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary
 - A scheme for recycling/disposing of waste resulting from construction works
 - Details of construction hours
- 6) No building works shall take place until details of how biodiversity net gain will be achieved as part of the development have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented prior to first use of the buildings on which they are located and

retained thereafter, unless otherwise agreed in writing by the local planning authority.

- 7) The development hereby permitted shall not be brought into use until details of the proposed hours of use of the building have been submitted to and approved in writing by the local planning authority. The building shall only be operated in accordance with the approved hours.
- 8) Prior to their installation, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed and retained thereafter in accordance with the approved details.