



Appeal Decision

Site visit made on 7 February 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/Z4718/W/22/3306224

**The Stables, Winfield Drive, East Bierley, Bradford, West Yorkshire
BD4 6RJ**

- 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 Lee Gardner against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/92059/E, dated 14 May 2021, was refused by notice dated 18 August 2022.
 - The development proposed is described as formation of new access.
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Decision

1. The appeal is allowed, and planning permission is granted for the formation of new access, car park and turning area at The Stables, Winfield Drive, East Bierley, Bradford BD4 6RJ in accordance with the terms of the application, Ref 2021/62/92059/E, dated 14 May 2021, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. Except for the surface treatment of the proposed section of access track between the existing field gate entrance and the proposed parking and turning area, the development hereby approved shall be carried out in accordance with the details shown on Drawing No 1916-101B, dated 14 May 2021. Notwithstanding those details, the proposed section of access track between the existing field gate and the proposed parking and turning area hereby approved shall be formed from a geogrid system.
 3. Details of the surface and drainage treatment of the first section of the existing access, from the back of the existing kerb line on Hunsworth Lane to the existing drainage channel, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full prior to the proposed access track being brought into use.
 4. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, which includes the existing and proposed ground levels of the section of track nearest the existing field entrance. The agreed details shall be implemented in full thereafter by the end of the first planting season following the access track hereby approved being brought into use.

5. Any specimens forming part of the approved landscaping scheme which die or become diseased or damaged within the 5-year period following their planting shall be replaced by a specimen of a similar size by the end of the next available planting season.

Preliminary Matters

2. The Council's officer report and decision notice confirm that the refused plan is Drawing No 1916-101B which formed part of the appellant's original planning submission. The appellant considers that the Council's decision is based on the incorrect plans and has sought to have that remedied through this appeal. The 2 revised plans which form part of the appellant's appeal submission show 2 different options for the surface treatment of the proposed track as well as the location of the existing tree belt and indicative proposed planting. There are no other material differences.
3. There is nothing before me to confirm that the original plans were formally superseded or that the Council based its publicity upon either of the revised submissions. Consequently, my assessment must be based upon originally submitted drawing No 1916-101B. However, I do acknowledge that the revisions now being pursued relate solely to matters which theoretically could be controlled by way of suitably worded planning conditions. I have made my determination with those suggested alternative details in mind as I am satisfied that given these particular circumstances no parties' interests would be prejudiced.
4. The submitted plan shows a proposed access track from an existing field gate which leads to a 'proposed' parking and turning area. However, there is no reference to the parking and turning area on the planning application form, or in the description of development used by the Council in their publicity. Nonetheless, the officer report refers to these within its description of the proposal and they are clearly shown on the plan which was consulted upon. Hence, I am satisfied that no parties' interests would be prejudiced by including the proposed parking and turning area within the scope of my determination. Accordingly, in the interests of clarity I have amended the description of development contained in paragraph 1.

Main Issues

5. The main issues are:
 - whether the appeal proposal is inappropriate development in the Green Belt and the effect on openness;
 - whether or not there is any other harm that would result from the appeal proposal; and
 - whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Green Belt considerations

Openness

6. The appeal site forms part of a larger wedge-shaped area of land mainly comprising a sloping grassed field which is currently being utilised for equestrian purposes. This larger land parcel falls beyond the built-up framework and settlement boundary of East Bierley. Being situated immediately behind existing dwellings which front onto Hunsworth Lane and Winfield Road, it is well contained on its second side by a heavily wooded embankment and recreation ground beyond and its remaining edge is bound by further fields. Its edge of settlement, predominantly undeveloped grassed state, associated equestrian development and fencing along its undeveloped edges all reinforce this area's role as countryside. Both the appeal site and the wider associated land parcel form part of the much wider designated West Yorkshire Green Belt.
7. Access to the existing stable building and menage, which are both located at the furthest corner from the neighbouring dwellings, is currently achieved from Winfield Road. A second means of access into the appellant's land holding can be gained from Hunsworth Lane along an existing roughly surfaced track and through an existing field gate. Due to the predominantly grassed nature and sloping topography, this particular entrance is limited to accessing the upper undeveloped reaches of the appellant's land holding. The appeal proposal would enable the appellant to reduce their reliance on Winfield Road as their primary means to access the developed lower reaches of their land holding. Furthermore, the positioning of the proposed parking and turning area would formalise an existing roughly surfaced area which provides reasonable access to and around the existing building and menage.
8. Views of the area earmarked for the proposed parking and turning facilities are significantly obscured by the existing building and menage. Views of the proposed route of the access track are largely restricted to very localised private vantage points given the existing wooded embankment immediately to one side and the existing surrounding dwellings. However, the sloping topography of the site and the more exposed remaining boundary edge mean that the route of the proposed track is visible from medium to longer distance points, from where it is read as part of the wider countryside which surrounds East Bierley and forms part of this Green Belt.
9. The proposed positioning and extent of the proposed parking and turning area means that these components would be confined to the developed part of the site where it is reasonable to expect to find vehicles and activity associated with the existing equestrian use. The proposed surfacing material for the proposed parking and turning area, coupled with the screening already provided by the menage and existing building would significantly limit its presence to an extent which would not be intrusive. For these reasons the proposed parking and turning area would preserve openness of the site and wider Green Belt in both spatial and visual terms.
10. The proposed track would read as an extension of an existing access track which forms part of the character and appearance of the appeal site's current context. Even when experienced from localised views, the use of a geogrid surface system would represent a discrete and reversible physical change which would not unduly dissect the land parcel within which it would be located. Of the surfacing options suggested by the appellant, it would be the least visually apparent and would not have an urbanising effect. This surface treatment could be necessarily managed by a planning condition.

11. Moreover, the appellant is receptive to undertaking planting to screen the proposed track along its length and mitigate the visual effects of the proposed regrading works. The proposed positioning of the track means that this planting would be largely read against the existing boundary and wooded embankment. Such landscaping could take the form of native species which could significantly limit the visual impact of the track and associated regrading of the land without compromising the site's openness.
12. Crucially, with the imposition of planning conditions to control the materials for the track, parking and turning areas and landscaping would ensure that the appeal proposal would not appear as an undue physical scar in the landscape.
13. The appeal proposal would not increase the number of existing accesses into the landholding itself. The physical activity associated with the use of the existing field gate on the upper reaches of the appellant's land holding is already a possibility, albeit its extent is restricted because of the existing ground conditions and topography. The uncommercial nature and limited scale of the associated equestrian use, along with the limited width of the proposed track mean that the appeal proposal would not be capable of generating a significant level and frequency of traffic movements over and above those already encountered across this open site.
14. Overall, for the reasons outlined and subject to the necessary planning conditions identified, I find that the proposed access track would preserve openness of the site and wider Green Belt in both spatial and visual terms.
15. Policy LP56 of the Kirklees Local Plan Strategy and Policies (the Local Plan) sets out the circumstances where facilities, including access roads, will normally be accepted in Green Belt locations. It requires that the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, taking account of the impact of any new or improved access, the degree of engineering operation required and re-grading of land, including any earth mounding and retaining structures. It requires that proposals do not result in incongruous or discordant landforms that are out of character with a proposal's setting. In the absence of harm, the appeal proposal does not conflict with this policy in these regards.
16. Policy LP56 also requires that the scale of the proposal is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated. In this instance, neither of the main parties have clearly demonstrated how the appeal proposal performs against that policy criteria. The appeal proposal relates to an existing access into the appellant's land holding and will assist in the internal operation of the site. Crucially, I have not found that any harmful visual or spatial effects would arise that would indicate any conflict with the policy. Neither is the intensification of use of the site likely as a consequence of the appeal proposal itself. Consequently, overall, I find no conflict with Policy LP56 of the Local Plan.

Purposes

17. Paragraph 137 of the National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts and the fundamental aim is to prevent urban sprawl by keeping land permanently open. The submitted evidence does not demonstrate which of the 5 specific purposes of Green Belt are relevant to the appeal site. Nonetheless, the

supporting text to Policy LP56 of the Local Plan confirms that the principal objective of Green Belt policy is to maintain an open character.

18. With this in mind and given my earlier conclusion on openness, I find that the particular appeal proposal presents no conflict with the purposes of including this particular site in the Green Belt.

Inappropriate development

19. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework provides specific exceptions which are not to be regarded as inappropriate development. The appeal proposal falls within the scope of these exceptions provided that it preserves openness of the Green Belt and does not conflict with the purposes of including land within it. Moreover, under the terms of the exception set out in paragraph 150(b), the disputed lawful permitted use of the appeal site itself is irrelevant to my assessment of whether the appeal proposal is inappropriate development.
20. I have already found that the appeal proposal will preserve the visual and spatial openness of the Green Belt and will not conflict with any of the purposes of being included within this designation. Consequently, under the terms of the Framework's exceptions, the appeal proposal is not inappropriate development. Therefore, very special circumstances do not need to be demonstrated to justify this appeal proposal.
21. Moreover, for the reasons given earlier, I have also found that the appeal proposal does not conflict with criterion (a), (b) or (c) of Policy LP56 of the Local Plan which seeks to support appropriate facilities associated with outdoor recreation in the Green Belt.

Other Matters

22. The Council has drawn my attention to the nearby East Bierley Conservation Area to which they have confirmed no harm would arise. I have already found that in both visual and spatial terms, the appeal proposal would not have a negative effect. In this instance it also follows that there would be no harm to the existing countryside character and appearance of the area. Consequently, there is no conflict with Policy LP24 of the Local Plan. Given the discreet nature of the appeal proposal, the absence of harm to the character and appearance of the area and the lack of any meaningful visual interplay between it and that designated heritage asset, I am satisfied that there would be no effect on its significance or setting.
23. Neither the Council nor the Local Highway Authority have raised any highway safety objections to the appeal proposal or the retention of the Winfield Road access. Any further proposals on the appellant's land which fall within the scope of planning control would be considered on their own merits according to the circumstances at play at that time. There is nothing to indicate that the Council has failed to take account of any relevant planning history of the surrounding land. Nonetheless, as the appeal proposal would result in the slight intensification of use of an existing unmade track off Hunsworth Lane, I agree that surface and drainage improvements are necessary to prevent debris being dragged onto that main route through East Bierley. A condition to secure the

appropriate improvement of the first section of this track from the existing kerb line is therefore necessary in the interests of highway safety.

24. From the evidence before me, my own site observations, subject to that planning condition I have no cause to find any harm in access and highway safety terms. The concerns raised in those regards therefore attract no material weight. Moreover, I acknowledge that the appeal proposal has scope to reduce the existing movements associated with the operational requirements of the appellant's equestrian use which could be beneficial to the living conditions of occupants of dwellings in Winfield Road. That weighs moderately in favour of the appeal proposal.
25. There are no other matters in contention between the main parties. From the evidence before me, there is no reason for me to dispute that stance.
26. In summary I find that overall, subject to the identified conditions, the appeal proposal would preserve openness of the Green Belt, does not conflict with the purposes of including land within it and would not give rise to any other harm.

Conditions

27. In addition to the planning conditions identified earlier in my Decision as being necessary to safeguard the character and appearance of the area and highway safety, conditions to control the timescales for implementation in accordance with the approved plan are necessary. I am satisfied that these would meet the tests prescribed in the Framework and Planning Practice Guidance.

Conclusion

28. I have found that the appeal proposal is not inappropriate development in the Green Belt. In view of that and, in the absence of any other harm, it does not conflict with the development plan when taken as a whole. Consequently, both local and national policies do not provide a clear reason for refusing the appeal proposal.
29. Therefore, I conclude that the appeal should be allowed, subject to the conditions set out in paragraph 1 of this Decision.

C Dillon

INSPECTOR