



Appeal Decision

Site visit made on 31 January 2023

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/W4705/C/22/3299654

Deanstones Farm Deanstone Lane, Queensbury, BRADFORD, BD13 2LL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Richard Hall against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice, numbered EN07, was issued on 14 April 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised construction of a pre-fabricated building that is being used as a residential dwelling house, as shown in the attached photograph.
 - The requirements of the notice are to: Demolish the building; Remove all arising materials from the land; and reinstate the land to its former appearance.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

The Appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a pre-fabricated building used as a dwellinghouse at Land at Deanstones Farm as shown on the plan attached to the notice and subject to the following conditions:

- 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 2) The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before 1 June 2026 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Ground (a) and the deemed application for permission

1. The main issues are:

- a) 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;

- b) The effect of the proposals on the openness of the Green Belt;
 - c) Whether any 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.
2. The site is part of the larger unit of Deanstones Farm and is in a semi-rural location on the edge of Queensbury with existing built-up housing estates on Deanstones Lane and Brighthouse Road to the north, west and east and Trinity Academy to the north-west. The wider site contains various buildings including the house and associated farm buildings, largely constructed from stone, wood and metal. The development is a pre-fabricated residential unit sited further down the sloped site to the southeast of the other buildings. It is one storey and clad in wood with a tiled roof.
 3. The appeal site and surrounding area is undulating which means that views of the development are not constant and indeed fairly limited. The main views of the development are from the south (for example, from Green Lane and Syke Lane) when it is seen on the context of both green fields and industrial features such a wind turbine and old mill, as well as the storage containers and the other farm buildings, and the adjoining residential areas. I was referred to the previous appeal decision and I agree with the view of the inspector in that appeal that the harm to the character and appearance of the area limited. I also note that the Council did not include this as a reason for the issue of the notice.
 4. The Framework, which is a material consideration, advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
 5. The parties accept, and I agree that the development is inappropriate development in the Green Belt having regard to the Framework and development plan policies, as it does not fall within any of the relevant exceptions. For the reasons set out above the effect of the development on the openness of the Green Belt is limited, due to the context of the site and location on the edge of Queensbury. The development is an additional building on the appeal site which inevitably effects the openness of the Green Belt in both visual and spatial terms. However, the views of it are limited within the context of many other buildings both within the farm and in adjoining sites including some very large buildings such as the old industrial building to the north, school, wind turbine and housing estates, and the visual harm caused is therefore negligible. The development therefore causes modest harm to openness.
 6. As the development is inappropriate it is necessary to look at whether there are other considerations which weigh in favour of it. The appellant has argued that the development is used by his son who works on the farm and is therefore a rural worker's dwelling. I accept that the appellant has scaled back his involvement in the farm and no longer runs the farm alone, with his son who lives in the mobile home with his family undertaking most of the work. It would

not be reasonable to expect the appellant to leave his home in the farmhouse to make way for the replacement farmer.

7. The Rural Consultants' Appraisal submitted by the appellant highlights that the suckler herd at Deanstones Farm need constant supervision with a worker located on the site within sight and sound of the animals, and this can no longer be provided by the appellant alone. It is intended that the appellant's son, as the third generation of the family to farm at Deanstones Farm, will take over all responsibilities at the farm in due course, but is already working on the farm and providing the supervision of the cows. The longer term plan is to extend the number of cows and therefore the profitability of the business which would allow more permanent accommodation plans to be considered (i.e. consideration of the conversion of an existing outbuilding). I am satisfied from the information submitted that the farm business is a commercially viable ongoing concern.
8. This proposal also accords with national policy in terms of succession planning to ensure the continued viability of the farming business, and whilst the development is not an isolated dwelling in the countryside as categorised in the Framework, the same type of considerations relating to the essential need for a rural worker's dwelling in this location clearly apply.
9. I am satisfied, on the evidence submitted by the appellant that there is an essential need for a rural worker to be on the site, including outside of day-time hours. Whilst the appellant is currently still undertaking some work in the farm, he is no longer undertaking this alone and it is reasonable, due to his age and health, to assume that the work that he would wish or be able to undertake alone will continue to reduce over time. As it would not be fair to expect the appellant to move out of the farmhouse (the only existing house on the site) the requirement for an additional dwelling has been met in order to provide the necessary level of supervision of the cows and security required on site (as opposed to within the nearby settlement), particularly outside of normal working hours. I therefore accord substantial weight to the need for a rural worker's dwelling to properly run the farm.
10. The evidence submitted by the appellant was on the basis that permission would be for a temporary period of three years. Planning practice guidance advises that planning permission may be granted for a specified temporary period which may be appropriate to enable the temporary use of land prior to any longer term-proposals coming forward. The appellant is not seeking a permanent permission in this case and the Rural Consultant's Appraisal states that a longer-term solution will be sought considering the ongoing economic viability of the farm business in light of the plans to increase the number of cows. I have taken into account that the development has already been on the appeal site for more than 3 years. I nevertheless find that a temporary permission is appropriate in this case as it further reduce the harm to the openness of the Green Belt but supports the existing farm and allows the appellant to properly assess the viability of the expansion of the business and to provide a more permanent accommodation as appropriate.
11. The Framework, which is a material consideration, states that planning decisions should enable the development of agricultural businesses¹ and I

¹ National Planning Policy Framework 2021, Paragraph 84(b)

therefore accord significant weight to the fact that this development will support the current agricultural business in the future to sustain it.

12. I have taken into account the substantial weight that must be given to the harm to the Green Belt caused by the development. I have accorded substantial weight to the essential need for a rural worker (in addition to the appellant) to live on the appeal site, and significant weight to the fact that the development promotes and supports the existing agricultural business which in turn supports a prosperous rural economy. Taken together, these other considerations clearly outweigh the substantial harm to the Green Belt caused by the development.
13. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conditions

14. The appeal is only successful because of the very special circumstances that exist due to the requirement for an agricultural worker to be present on the appeal site and the limited period of the permission. It is therefore necessary to secure these restrictions on the use and duration of the development by the imposition of Conditions 1 and 2 as set out above, and I am satisfied that they meet all of the statutory and policy tests.

Conclusion

15. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

Zoë Franks

INSPECTOR