



Appeal Decision

Site visit made on 23 May 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2023

Appeal Ref: APP/N4720/W/23/3319915

Land at Nethertown Stud, Old Lane, Drighlington, Leeds BD11 1NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by A & G Hoare against the decision of Leeds City Council.
 - The application Ref 22/06942/FU, dated 6 October 2022, was refused by notice dated 6 January 2023.
 - The development proposed is erection of agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural building at land at Nethertown Stud, Old Lane, Drighlington, Leeds BD11 1NA in accordance with the terms of the application, Ref 22/06942/FU, dated 6 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Proposed Site Plan Drawing No. 0347_NETH_101; Proposed Agricultural Building Drawing No. 0347_NETH_102.
 - 3) Prior to commencement of development details of the colourwash of concrete panels and the colour of metal supports/sheet and roof shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed details shall be implemented and maintained as such.

Main Issues

2. 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;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site relates to a parcel of land located within the Green Belt to the east of the village of Drighlington.
4. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) explains that except in very special circumstances approval will only be given in the Leeds Green Belt for certain development including amongst others, construction of new buildings for purposes of agriculture and forestry.
5. Paragraph 149 of the Framework sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, amongst others, buildings for agriculture and forestry.
6. The Council's officers report explains that Policy N33 of the UDP largely accords with the exceptions of paragraph 149 of the Framework and I have no reason to disagree. As a result, I afford Policy N33 of the UDP full weight.
7. The proposed development involves the erection of an agricultural building for the storage of farm machinery / equipment required to maintain the appellants' land holding and hay. The building would be constructed of blockwork and profile metal cladding to elevations and roof. Although the proposed development would be sited on a parcel of land which also serves storage/livery yard, menage and stables as well as accommodating a number of trailers and plant, the overall holding is said to extend to 71 acres, and I have no substantive evidence to suggest otherwise. 25 acres surrounds the appeal site which is used for hay and haylage for the appellants' animals and for sale to others and I have had regard to the land registry plans provided by the appellant.
8. There are a number of uses on site that would not fall within the parameters of the definition of agriculture including the menage and stables and I am aware of the case law surrounding equestrian uses. However, equipment and machinery required for the production of hay was evident on site, as was hay stored in heaps in the field or within trailers on site. This demonstrates agricultural activity. Moreover, I have also had regard to the appellants' submitted photographs showing agricultural activities being carried out onsite and I am satisfied that these fall within that of an agricultural use.
9. I am aware of the planning history associated with the site and other land in the appellants' ownership, its connection with former Nethertown Farm and unauthorised works that have taken place onsite including associated enforcement action. The Council assert that the appellant has not demonstrated that the proposed building is reasonably required in relation to agricultural use of the land given the current uses as described above as well as their being no evidence provided which justifies the need for a building of this size, for the storing of hay or machinery used in connection with an existing agricultural use or business. However, the Framework does not set out any limiting criteria relating to size or any other matters and there is no substantive evidence before me to firmly indicate that the land in question and its surrounding fields are not of an agricultural use or that the proposed building would not be used for its intended purpose which would be agricultural.

10. I acknowledge the Council's comments regarding the overall design of the proposed building including its ventilation for the purpose of hay and the height limitations for machinery. However, this does not alter my findings on the proposed use of the building applied for which is agricultural.
11. I conclude that under the terms of paragraph 149 of the Framework and Policy N33 of the UDP, the proposed development would not be inappropriate development in the Green Belt as it relates to a building for agriculture. It would therefore comply with Paragraph 149 of the Framework and Policy N33 of the UDP. The decision notice cites Policy GP5 of the UDP. However, this policy relates to general planning matters and thus not relevant to this main issue.
12. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, there is no requirement to assess the impact of the development on the openness of the Green Belt or whether there are other considerations that amount to very special circumstances that justify the development.

Character and appearance

13. The appeal site has an agricultural character and rural appearance with features such as the trees, hedging and nearby open fields contributing positively to the character and appearance of the site and wider area. The general scale of the proposed building would not be overly excessive or dominant in its setting and would be seen in context with the existing buildings onsite and access track whereby providing a minimal addition to the surrounding development without significant encroachment of the countryside.
14. The building would be located to the front of a large landscaping bund that exists along with a substantial amount of trees and hedging which would screen the building from certain viewpoints particularly from Old Lane even taking into account the topography of the land. The building would be visible from the Public Right of Way running through the site. However, given that the building would be related to an agricultural use and would be consistent with other agricultural buildings, it would not represent an untypical feature within the rural landscape. The re-use of a building the appellant already owns would not alter my findings on this.
15. There are a number of containers, equipment, machinery and trailers storing hay on the site which are associated with the use of the land. The appellant sets out that once the proposed building is erected, some of the external storage would be removed from the site as they would no longer be required. This would facilitate the clearing of the site to the visual benefit of the site and surrounding area.
16. I conclude that the proposed development would not have a significant harmful effect on the character and appearance of the surrounding area. Accordingly, the proposed development would accord with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and saved Policies GP5 and BD5 of the UDP which together, amongst other matters, requires new development for buildings and spaces, and alterations to existing, to be based on thorough contextual analysis and provide good design that is appropriate to its location, scale and function. The proposed

development would also accord with chapter 12 of the Framework relating to achieving well-designed places.

Conditions

17. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
18. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to the colouring of materials is also necessary in the interests of visual amenity. The Council have requested a condition requiring that no external storage of plant, materials and/or products shall take place on any part of the site. However, given the agricultural uses associated with the land and building, I am not persuaded that this is necessary or relevant to the development to be permitted and has therefore been omitted.

Conclusion

19. For the above reasons and having had regard to the development plan as a whole, the appeal is allowed subject to conditions.

N Teasdale

INSPECTOR