



Appeal Decision

Site visit made on 13 June 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/N4720/W/23/3320463

Land East of Meadow Lane, Bramham cum Oglethorpe, Leeds LS23 6LG

- 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 Mr Copeland of Copeland Farm Enterprises against the decision of Leeds City Council.
 - The application Ref 21/02681/FU, dated 26 March 2021, was refused by notice dated 3 January 2023.
 - The development proposed is a replacement agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement agricultural building at Land East of Meadow Lane, Bramham cum Oglethorpe, Leeds, LS23 6LG in accordance with the terms of the application, Ref 21/02681/FU, dated 26 March 2021, and the plans submitted with it, subject to the conditions set out in the schedule attached to this Decision.

Procedural Matter

2. The description on the above banner heading has been taken from the original application form. The description as set out on the decision notice relates to a change of use of land to agricultural use including construction of agricultural building. However, this description is disputed by the appellant. There is no evidence of confirmation of a change in the nature of the proposal, accordingly, I have determined this appeal on the basis of the description as submitted with the original application.

Main Issues

3. 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; and
 - 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site relates to a parcel of land located within the Green Belt to the west of the village of Bramham.
5. 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; essential facilities for outdoor sports and outdoor recreation; essential facilities for the park and ride sites shown on the proposals map; and other uses compatible with green belt purposes.
6. Paragraph 149 of the Framework explains 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. Policy N33 of the UDP is consistent with national Green Belt policy and as a result, I afford it full weight.
7. The proposed development involves the removal of multiple existing buildings onsite, replacing them with a single new building for agricultural use in the form of managing the land for grazing livestock. Other associated works include the provision of a hardstanding area, replacement fencing and planting. The materials of the building would comprise, concrete panels and vertical timber claddings with a fibre cement roof.
8. The land in question is relatively modest in size and I note concerns regarding the size of the land in relation to grazing of cattle as well as the size of the building which the Council argue is inappropriate/excessive for its intended use.
9. The Council question the use of the land suggesting that historical aerial photographs appear to show agricultural use up until 2008 with equestrian use thereafter. However, there is no evidence to demonstrate this, and the photographs referred to by the Council have not been provided. Moreover, there is no planning history relating to equestrian use on the site. As such, there is no substantive evidence before me to firmly indicate that the land in question is not in agricultural use or that the proposed building would not be used for its intended purpose. Importantly, the Framework does not set out any limiting criteria relating to the size of agricultural buildings, or any matters related to the detailed use of an agricultural building, similarly there is no advice in the Framework on the size of a holding required to sustain an agricultural building though I note that the site is smaller than that which would enable the appellant to apply for any agricultural permitted development.
10. The land may be detached from other agricultural land owned by the appellant and although details are limited, I have nothing before me to indicate that the proposed development would be used in association with the wider agricultural uses or land owned by the appellant. I acknowledge

the Council's comments regarding the lack of operational and economic justification for the building as well as noting various communications with the appellant during the application process. However, the Framework does not require that the operational and economic justification for the building is provided. Consequently, these matters do not alter my findings on the appeal proposal which I have dealt with as an agricultural building as described in the original application.

11. Taking these factors together I conclude that under the terms of paragraph 149 a) 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 also accord with Policy N33 of the UDP.
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.

Conditions

13. 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.
14. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to areas used by vehicles is also necessary to ensure the free and safe use of the highway although I have adjusted the wording suggested by the Council to remove unnecessary wording. A further condition relating to the removal of hedgerows, trees or shrubs, or built structures is necessary to protect nesting birds in vegetation and built structures. A condition requiring a plan detailing bat roosting and bird nesting features is also necessary to maintain and enhance biodiversity.

Conclusion

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

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. CC001; Proposed Site Layout Plan Drawing No. CC002 Rev A; Proposed Floor Plan Drawing No. 004 Rev A; Proposed Elevations Drawing No. CC003 Rev A.
- 3) Development shall not be occupied until all the hardstanding indicated on drawing number CC002 Rev A has been fully laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway. This hardstanding area shall remain free from obstruction.
- 4) No works to or removal of hedgerows, trees or shrubs, or built structures with bird-nesting potential shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation or built structures for active birds nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.
- 5) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: bat roosting and bird nesting features (for species such as House Sparrow and Swift) on the building. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first use of the building on which they are located and retained thereafter.

End of schedule