



Appeal Decision

Site visit made on 19 December 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal Ref: APP/X4725/W/23/3325125

189 Netherton Lane, Netherton, Wakefield WF4 4HL

- 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 and Mrs Gascoigne against the decision of Wakefield Metropolitan District Council.
 - The application Ref 23/00441/FUL, dated 8 March 2023, was refused by notice dated 18 April 2023.
 - The development proposed is described as 'Extension to existing agricultural fodder and implement shed'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.
3. The declaration part of the application form has been redacted. I have therefore taken the date that the Council state that it received the application from the decision notice and have used it in the banner heading above.

Main Issues

4. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt;
 - (iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposal.

Background

5. The appellants' holding includes approximately 5.5 acres of agricultural land, which was purchased in 1981, and is accessed via a track off Netherton Lane. It contains the appeal site and a detached profile metal cladded building with a profile fibre cement sheet roof. Whilst there are some dwellings in the vicinity,

the wider surroundings are predominantly rural and characterised by further agricultural land.

6. The submitted Agricultural Justification Report (AJR) also identifies an additional 14 acres of agricultural land in the village that is rented by the appellants. I am informed that all of these separate parcels of land are utilised to produce hay for sale to local farmers and the horse trade. Furthermore, the AJR states that the appellants provide contracting services including cultivations, ploughing, mowing, tedding and hedge cutting to over 10 farms, comprising 1500 acres of land in the local area. In addition, I have read that the appellants operate several trailers providing farm haulage for things such as walling stone, straw, hay and plant.
7. Due to the growth of the business, the AJR concludes that there is insufficient space to store all of the machinery and fodder inside of the existing building.

Reasons

Whether Inappropriate Development

8. The appeal site lies within the Green Belt. Policy CS 1 of the Wakefield Local Development Framework Core Strategy 2009 (Core Strategy) requires conformity with national policy when assessing development proposals in the Green Belt. Paragraph 152 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 further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154.
9. I concur with both main parties that the exceptions most pertinent to this appeal would be paragraph 154 a) buildings for agriculture and forestry and c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
10. The definition of agriculture under Section 336 (1) of the Town and Country Planning Act 1990 (the Act) includes 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'.
11. I have been made aware of the planning history of the site, however at the time of my site visit I saw that the building was being used to store a number of tractors, trailers and other agricultural machinery, along with part of it being used as a workshop. There was also similar equipment stored outside of this building. On the basis of the evidence before me, I therefore consider that the majority of the appellants' work is that of an agricultural contractor. Work as an agricultural contractor is not an agricultural activity which falls within the definition of agriculture as defined in section 336 of the Act.
12. Furthermore, the AJR confirms that the proposal is required to extend and provide additional space to store hay and farm machinery for the appellants' contracting services and own farm holding. Thus, from what I have seen and

read, I am unable to find that the scale and design of the proposal would be solely for agricultural purposes or that it would constitute a building for agriculture.

13. In addition, it has not been disputed that the original building has been previously extended. According to the Council's uncontested measurements the previous extension (Ref:10/00934/FUL) doubled the volume of the original building, and the proposal would result in a 68% increase in volume over and above that of the existing floor area. Based purely on these statistical measurements the proposed extension would lead to a substantial increase in the size of the original building.
14. Notwithstanding these figures, assessing proportionality is primarily an objective test based on size. The proposal would add significantly to the bulk of the existing building, and on the basis of the evidence before me, would result in a significant cumulative increase in the floorspace and volume of the original building. Together with the previous extension, the cumulative volume of additional built form would thereby result in disproportionate additions over and above the size of the original building.
15. Accordingly, the proposed development would not satisfy exceptions a) or c) or any other exceptions listed in paragraph 154 of the Framework. As a result, it would constitute inappropriate development which is, by definition, harmful to the Green Belt and in conflict with the Framework.

Openness

16. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
17. The proposal would sit within a gradually sloping part of the site, be set back from the front face of the existing building and have a lower roof ridge height than it. It would also be constructed in materials to match those found on this building and utilise the existing access track. Nonetheless, although some of the views of the proposal would be obscured by perimeter tree and hedge planting, it would still be visible from the rear windows and garden areas of the dwellings on Netherton Lane.
18. Moreover, whilst the proposal would result in the removal of some equipment that is stored outside, it would substantially increase the bulk and massing of the existing building and would give rise to a spatial loss of openness on the site as it results in development where there was previously none. It would therefore inevitably impact on the spatial and visual dimensions of the site and cause moderate harm to the openness of the Green Belt in this location. It would also fail, albeit to a relatively small extent, to safeguard the countryside from encroachment.

Other Considerations

19. The Framework seeks to support a prosperous rural economy. It requires planning decisions to enable the sustainable growth and expansion of all types of business in rural areas. The provision of affordable services to local farmers and the operational needs of the appellants' business, including the economic

and security benefits put forward in respect of having internal storage, are issues that attract modest weight in favour of the proposal.

20. I have also been made aware that the site is not designated for any important landscape features or wildlife habitat. However, these matters did not appear to be contentious in the application and the absence of harm in these respects are not factors that weigh in the scheme's favour.

Green Belt Balance

21. I have found the proposal to be inappropriate development in the terms set out by the Framework, and to result in moderate harm to the openness to the Green Belt. The Framework requires me to give these collective harms substantial weight. Even when taken together, the benefits of the scheme, referred to above, carry only modest weight. These other considerations do not therefore clearly outweigh the substantial harm that I have identified due to inappropriateness and loss of openness. Consequently, the very special circumstances required to justify the proposal have not been demonstrated. As a result, the development conflicts with Policy CS 1 of the Core Strategy, and with Section 13 of the Framework which seek to protect Green Belt land.
22. Although the Council's reason for refusal also refers to Policies D 8 and D 9 of the Wakefield Local Development Framework Development Policies Development Plan Document 2009, the criteria within these policies are not specific to Green Belt matters. Whilst this does not alter my overall findings, I do not consider these policies to be relevant to the main issues of this case.

Conclusion

23. The appeal scheme consequently conflicts with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR