



Appeal Decision

Site visit made on 5 December 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/A4710/W/23/3321523

**Land at Lee Side Farm, Off Lee Bottom Road and Stoodley Lane,
Todmorden OL14 6HD**

- 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 John Garbutt against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 23/00064/FUL, dated 18 January 2023, was refused by notice dated 16 March 2023.
 - The development proposed is an agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 March 2023, after the planning application was determined and before the appeal was made, the Council adopted the Calderdale Local Plan (the LP). This supersedes the policies in the Replacement Calderdale Unitary Development Plan, cited in the Council's decision notice. Both parties are aware of the adopted LP and they have been provided with the opportunity to comment on the implications for their cases through the appeal process. Therefore, I am satisfied that neither main party would be prejudiced by my determination of the appeal in accordance with the LP.
3. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023 and it is a material consideration in the determination of this appeal. On the basis that the revisions to the Framework are not directly relevant to the main issue, I am satisfied that the interests of the main parties would not be prejudiced by this change.

Main Issue

4. The main issue is whether the proposal would be appropriate development in the countryside, with particular regard to whether the building would be necessary for agriculture.

Reasons

5. The appeal site lies within a grassland field in the Area Around Todmorden, which is a countryside designation beyond the Green Belt. The field is bounded by Stoodley Lane, Lee Bottom Road and Stoodley Wood, a short distance from Lee Side Farm on the opposite side of Lee Bottom Road. The agricultural

storage building would be accessed via a hardstanding track from the existing field gate on Stoodley Lane close to its junction with Lee Bottom Road.

6. The appellant's agricultural business relates to the rearing and fattening of beef cattle across a holding formed of several separate parcels of land. The building would be used to store hay and silage harvested from the land to the west of Lee Bottom Road, which comprises the appeal site field at Stoodley Wood and a larger area of land between the road and Back Wood. The building would also be used to store machinery and equipment, primarily trailers and livestock feeding rings and troughs. The evidence indicates that the nature of the land, the layout of the holding and access issues along Lee Bottom Road make it difficult to manage the land west of the road without a building.
7. Little substantive evidence has been provided in relation to the business or the management of the land. There are few details in relation to the quantity of hay and silage produced from the land west of Lee Bottom Road or whether the entire harvest is used to feed livestock on that land over winter. There is little evidence in relation to the number of cattle on the holding, the pattern, timing and duration of winter grazing, or the requirement for winter feed.
8. There is direct access to the Back Wood land via a gate next to Higher Stoodley Farm on the opposite side of the road to Lee Side Farm. However, the evidence indicates that there is a wet field between the road and the main area of land which is unsuitable for farm vehicles. As such, the best means of access to the Back Wood land is via a right of access from Stoodley Lane near The Coach House and Stoodley Hall.
9. The storage building would be closer to this right of access than are the existing farm buildings. If the grass harvest is consistently transported to the farm via Stoodley Lane, then the proposal would reduce the distance that hay and silage are transported for storage. Similarly, if winter feed is transported from the farm to the Back Wood land via Stoodley Lane, then the proposal would reduce the transportation distance. However, the distances involved are relatively short. Moreover, even accepting that the rural roads are narrow and modern machinery can be large, the farm vehicles and machinery would still need to travel between the farm, the storage building and the Back Wood land via Lee Bottom Road and Stoodley Lane.
10. In summary, it has not been demonstrated that the nature and layout of the land or highway access significantly constrain the management of the land west of the road, including the appeal site field. The proposal might reduce the distance that the harvest and winter fodder was transported, but the distances are not great. While the rural roads are narrow and enclosed, farm machinery and tractors would continue to be moved around the holding via the local roads. It has not been demonstrated that the storage needs cannot be met in existing farm buildings. The need for an agricultural building in order to manage land west of Lee Bottom Road has not been robustly demonstrated.
11. I am aware of the appellant's farm building on the land at Mankinholes, which provides storage and shelter for livestock if required. The Mankinholes land is located on the opposite side of the rural settlement and it is considerably further from Lee Side Farm than the land west of Lee Bottom Road. There is little evidence in relation to the age or planning history of that building, but neither it nor its accessibility and relationship with the main farm complex appears directly comparable to the appeal proposal.

12. My attention has also been drawn to a timber-clad modern agricultural building (Ref: 17/40011/AGR) on elevated land above Stoodley Clough. Each case must be considered on its individual merits and the acceptability of agricultural buildings elsewhere in association with other rural businesses does not provide a justification for the proposal.
13. Therefore, I conclude that the proposal is not demonstrably necessary for agriculture. Accordingly, it would conflict with LP Policy GB2 which, among other things, supports appropriate proposals in the countryside including uses necessary for agriculture.

Other Matters

14. The Council states that the appeal site is bounded by listed buildings but, subject to the building being timber-clad, the proposal would not harm the significance of the heritage assets. In the absence of details of any affected listed building, I am unable to assess potential impacts on designated heritage assets. Nevertheless, as I am dismissing the appeal for other substantive reasons this is not a matter that I need to consider further.
15. The appeal site is in a bat alert area. The nearby wooded cloughs and watercourses provide habitat for foraging bats, and buildings and trees may provide roosting opportunities. However, the improved agricultural grassland in the appeal site provides low quality habitat and the proposal would not result in significant adverse impacts on bats or their habitat. A planning condition could be imposed to secure a bat box in the building. The absence of harm in relation to this, or any other matter, is a neutral factor.

Conclusion

16. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
17. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR