



Appeal Decision

Site visit made on 9 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/N4720/W/23/3330921

Land at Thorpe Lane, Guiseley, Leeds

- 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 J Ogden (Hawksworth Estates) against the decision of Leeds City Council.
 - The application Ref 22/07054/FU, dated 7 September 2022, was refused by notice dated 9 May 2023.
 - The development proposed is erection of agricultural building for livestock housing and storage.
-

Decision

1. The appeal is allowed, and planning permission is granted for erection of agricultural building for livestock housing and storage at land at Thorpe Lane, Guiseley, Leeds in accordance with the terms of the application, Ref 22/07054/FU, dated 7 September 2022, subject to the following 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: Location Plan (1:10); Site Block Plan Drawing No 2022-WC1(1:1250); Proposed Roof Plan/Floor Plan Drawing No 2022-WC2 (1:200); Proposed Elevation Plans Drawing No 2022-WC3 (1:200).
 - 3) Before the development of the access commences details of the proposed materials for the access shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in line with the approved details.
 - 4) Prior to commencement of development details of the colour of the steel profile 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.

Applications for costs

2. An application for costs was made by Mr J Ogden (Hawksworth Estates) against Leeds City Council. This application is the subject of a separate decision.

Procedural Matter

3. An update to the National Planning Policy Framework (the Framework) has been published dated 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issues

4. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, including any effect on openness, having regard to the Framework and any relevant development plan policies;
- The effect of the proposed development on the character and appearance of the site and surrounding area, including its effect on the Special Landscape Area in which it is located; 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 and effect on openness

5. The appeal site relates to land located within the Green Belt to the west of Guiseley.
6. 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.
7. Paragraph 154 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.
8. The proposed development involves the erection of an agricultural building for livestock housing and storage. It would be steel framed with steel sheet profile cladding to the walls and roof. Although the proposed development would be sited in the far northeast corner of the holding remote from the farmhouse, the siting would be adjacent to another agricultural building of a similar appearance and dimensions which as set out in the officers' report did not require planning permission as it benefitted from permitted development rights under Part 6 of the General Permitted Development Order. This is understood to have been confirmed by the Council through a formal prior approval application and whilst not yet fully constructed, it forms a significant material consideration in this case. This is discussed in more detail throughout my decision.
9. I am aware of the Councils' concern that the size of the proposed building is considered excessive in relation to the agricultural capacity of the holding in which it is proposed to be located. 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 proposed building would not be used for its intended purpose which would be agricultural and thus not inappropriate in the Green Belt.
10. Given that I have concluded that the agricultural building would not be inappropriate development in the Green Belt, there is no requirement to assess the impact of the building on the openness of the Green Belt. That said, the proposed development would also include the creation of a hard access track which would comprise an additional 75 metres of track over and above the 100

metre track that has already been driven across the field to access the permitted development.

11. Paragraph 155 of the Framework explains that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes amongst others, engineering operations.
12. Paragraph 142 of the Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 explains that the Green Belt serves five purposes which includes amongst others, to assist in safeguarding the countryside from encroachment.
13. Whilst the proposed access track would be relatively lengthy, it appears undisputed that a longer surfaced track across the field from the existing access point is able to come forward as part of the scheme for the agricultural building which benefits from permitted development rights which would be located nearby. To this end, I was able to see at the time of my site visit that the topsoil has been stripped with the base layer of the track being laid. On this basis, there is no compelling evidence to indicate that the permitted development scheme including provision of access would not be constructed in this location. The proposed access track would branch off this access provision and would pass close to the end of the building which benefits from permitted development rights in order to access the second building as proposed. It would therefore appear relatively discreet and would benefit from some visual association.
14. I note concerns regarding the level of engineering operations, formal appearance, and hard surfacing materials. However, surface treatment is not detailed in the application, and I note the appellants' claims that the topsoil would be stripped, and a suitable hard surface would be laid comprising rolled limestone to the existing ground levels. It is claimed that no civil engineering, embankments, or other structures would be required, and I am satisfied that the engineering operation works associated with the proposed access track over and above that already able to come forward would be relatively minor with limiting effect on the openness of the Green Belt. It would also be seen in the context of the wider access arrangements and would not significantly encroach into the countryside and landscape over and above that of the permitted scheme. To my mind, it would be a logical location in comparison to the permitted development scheme for the farm to expand. The design would be functional in appearance and commonly associated with accesses for buildings of this type and thus would not constitute an alien feature at odds with the open rural character or agricultural land.
15. For the above reasons, I conclude that under the terms of paragraph 154 of the Framework and Policy N33 of the UDP, the proposed agricultural building would not be inappropriate development in the Green Belt as it relates to a building for agriculture. The other works required as part of the scheme which includes the proposed access would comprise engineering operations which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and thus would also not be inappropriate in the Green Belt. The proposed development would therefore comply with

Policies N32 and N33 of the UDP as well as paragraphs 142-143 and 152-155 of the Framework relating to protecting Green Belt land.

16. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, there is no requirement to assess whether there are other considerations that amount to the very special circumstances that justify the proposal.

Character and appearance

17. The appeal site has an agricultural character and rural appearance with the area being identified as a Special Landscape Area with features such as trees, hedging and nearby open fields surrounding the site. The proposed works comprise an agricultural building which would be used for livestock housing and storage. The overall design of the development would exhibit a common style for this type of building and would be located to the west of another agricultural building of a similar appearance and dimensions which is to be constructed under permitted development rights. Works appear to have started onsite at the time of my site visit in connection with this development and I have no compelling evidence to indicate that this building and associated works would not be constructed in this location. On this basis, when viewed from the A65 to the north and Thorpe Lane to the south, it would be seen in context with the other agricultural building and access track. The surrounding landscape including its character would be impacted to no greater degree than that of the permitted development scheme without significant encroachment of the countryside.
18. Notwithstanding, the existing landscaping surrounding the site would help screen the development and whilst it would still be visible, the general scale of the development would not be overly excessive or dominant in its setting and thus would still retain the intrinsic beauty of the countryside and Special Landscape Area in which it is located. It would be related to an agricultural use and its overall design would reflect its intended use which would not represent an untypical feature within the rural landscape or considered unreasonable in this context.
19. For the reasons given above, I conclude that the proposed development would not have a significant harmful effect on the character and appearance of the site and surrounding area including its effect on the Special Landscape Area in which it is located. Accordingly, the proposed development would accord with Policies P10, P11 and P12 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and saved Policies GP5, BD5 and N37 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. In the designated Special Landscape Areas, development will be acceptable provided it would not seriously harm the character and appearance of the landscape. For the same reasons, the proposed development would also comply with paragraph 180 of the Framework requiring planning policies and decisions to contribute to and enhance the natural and local environment by amongst others, protecting and enhancing valued landscapes.

Other Matters

20. The Council confirm that the start of the access track is within the Conservation Area (CA) with the proposal being visible from the adjacent CA on the other side of the road. As such, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council do not raise any particular concern with regard to the CA and I have no reason to disagree particularly given that only a small section of the access track is within the CA and this access is able to come forward as part of the scheme which benefits from permitted development rights. Further and as set out above, the development would not be an untypical feature within the rural landscape which further minimises any adverse impact on the CA.
21. I have had regard to all relevant matters raised including those from third parties. I note concerns regarding the access arrangements, parking, and additional traffic. However, the access is an existing access serving the site and there is no substantive evidence before me to suggest that the development would create additional traffic/parking to and from the site that would have a detrimental effect. Further, such matters have been considered by the Council whereby they do not raise any highway safety concerns and I have no reason to disagree for reasons already set out. Problems associated with a nearby gym would not alter my findings on this as it does not directly relate to the appeal site nor proposal in question. There is also no compelling evidence before me that any additional traffic, lighting, and noise would have a significant adverse effect on the local bird and bat community/environment.
22. As set out above, the Framework does not set out any limiting criteria relating to size or any other matters when considering buildings for agriculture in the Green Belt and it is not my role within the context of this appeal to assess the overall need or why existing buildings cannot be used or other feasibility options. Any future applications would also need to be considered on their own merit.
23. I note frustrations regarding a lack of contact with neighbours about the proposed development. However, this would not alter my findings in relation to the above main issues. I am also aware of the location of the nearby public right of way. However, provided care is taken where the footpath crosses the track and that drivers are aware of the dual use which is likely to already be the case for those using the site, then I do not consider any likely harm to arise from the outcome of my decision.

Conditions

24. 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.
25. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to details of the proposed materials for the access is also necessary in the interests of highway safety and visual amenity. I have attached a condition relating to the colouring of materials which I find necessary in the interests of visual amenity.

26. I am aware of the conditions suggested by the Councils' Transport Development Services including resurfacing works for the first 10 metres (up to the gate). This access is an existing access, and the site already benefits from permitted development including provision of an access track. On this basis, I do not consider it either necessary, reasonable, or enforceable to attach a condition in this regard. A further condition relating to areas to be used by vehicles is also not considered necessary given that the site already benefits from permitted development including provision of an access track.

Conclusion

27. 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