



Appeal Decision

Site visit made on 30 January 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal Ref: APP/N4720/W/23/3333762

Russells Yard, Wakefield Road, Drighlington, Bradford BD11 1EA

- 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 Mrs Geraldine Hoare against the decision of Leeds City Council.
 - The application Ref 23/01351/FU, dated 2 March 2023, was refused by notice dated 27 June 2023.
 - The development proposed is described as 're siting of existing wood yard and change of use of new part of land to a forestry wood cutting yard including new fencing with gates around the yard.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part E of the appeal form states that the description of development has been changed. Accordingly, the description of development in the heading above has been taken from the appellant's appeal form and Council decision notice.
3. I could see from my site visit that there was a similar use as that proposed operating adjacent to the appeal site. However, although the above description refers to the re-siting of existing wood cutting yard, this does not benefit from planning permission.
4. In December 2023, the Government published a revised National Planning Policy Framework (the Framework). The revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the views of the parties have not been sought in this instance. Updated paragraph numbers have been referenced where relevant.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework including the effect upon the openness and purposes of the Green Belt;
 - The effect on the character and appearance of the area;
 - If the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether or not inappropriate development in the Green Belt

6. The appeal site comprises a small part of a large irregular shaped agricultural field. It is situated within the Green Belt towards the edge of the settlement of Drighlington. The site is also located towards the extensive Gelderd Road roundabout network towards the extents of the larger town of Morley and settlement of Gildersome. It has a southern boundary with the A650, which is seen against the nearby M62 motorway and the extensive retail, business and industrial development to the south. The site has an access track from the B6135.
7. The proposed development would utilise the aforementioned access track to an area which would be capable of parking 2 light goods vehicles. Imported trees would be cut then bagged or stored on site. The site would be enclosed with fencing and gates. Section 336 of the Town and Country Planning Act 1990 (as amended) defines 'buildings' as 'any structure or erection'. Fences can therefore be a building for this purpose.
8. Paragraph 154 of the Framework states the construction of new buildings should be regarded as inappropriate. Saved Policy N33 from the Leeds Unitary Development Plan 2006 (the UDP) predates the Framework but reflects the above paragraph within it.
9. Under paragraph 154 a) of the Framework buildings for forestry are an exception. It is submitted by the appellant that the proposed use of the land for cutting of trees, storage of logs and fence posts are clearly associated with a forestry use. There is no statutory definition of forestry for planning purposes. Its dictionary definition is the science or practice of planting, managing, and caring for forests. Notwithstanding the description of development the Council this is an area of dispute between the parties. The appeal site is clearly not in forestry use.
10. The Design and Access Statement refers to the appellant's business called RD Forestry Ltd. It is stated that as a by-product from forestry that raw products (trees) would be brought back to the yard to be cut into logs. The appellant has also stated that trees are sourced from a forestry business. However other than operational hours there is no further information provided which explains the scope of the appellant's existing business, whether the appellant works on managed woodlands and how much raw material for the proposed use is sourced from this business.
11. There is also no substantive evidence which clearly explains whether the trees are imported from managed woodlands and forests actively planted and managed. Whilst the appellants business may be concerned with working on trees, there is little evidence before me to be certain that the trees brought to site, either by the appellant or from elsewhere are exclusively from forestry operations.
12. Furthermore, once imported rather than simply being stored, the trees are subjected to processing, in the form of cutting with chainsaws to create logs and fence posts. The operations taking place at the site would be an activity taking place after the actual forestry operations. Although the appellant does not consider this to be an industrial process, it is not clear why this is when

such uses are more often than not considered to be so, typically falling within Use Class B2¹.

13. The appellant's evidence is not sufficiently precise and unambiguous to conclude that the processing of timber on land that does not form part of or is ancillary to a forest or comprises the planting and growing of trees, falls within a forestry use. Whilst I have considered this appeal on its own merits this is a similar view to that of the Inspector appointed to determine the appeal² in respect of a similar activity falling within a forestry use, which was referenced by the Council.
14. However, paragraph 155 of the Framework states certain forms of development are not inappropriate in the Green Belt. Paragraphs 155 b), regarding engineering operations, and e) pertaining to material changes in the use of land, are both of relevance to this appeal. The list of changes of use within paragraph 155 e) is not inclusive, and therefore other changes of use may be treated as not being inappropriate development. However there are two tests in respect of both changes of use and engineering operations. A development must preserve the openness of the Green Belt, and also not conflict with the purposes of including land within it.

Openness and Purposes

15. The effect on openness has spatial and visual aspects and is not confined to permanent physical works but also relates to the purpose or use of land. It is a matter of planning judgement. In respect of the five purposes these are listed in paragraph 143. As a matter of judgement I consider the purposes within a), which check the unrestricted sprawl of large built up areas, b) prevent neighbouring town merging into one another and c) assist in safeguarding the countryside from encroachment to be most relevant.
16. The field was a quarry, now reclaimed and is grassed over. Notwithstanding the structures and vehicles that are on another part of the site, the field subject of the appeal is largely free from built form. Despite the nearby urban context given the surrounding fields it has an open character and provides a role in preventing the main built core of Drighlington merging into the outer part of the settlement which is focussed along Bradford Road to the west.
17. The hard standing for the site, although not encompassing a large part of the field, would be of considerable size. Although this would be at ground level it is in an area where there was no development, as evidenced in the Council's photograph³. Although the vehicles using the access and parking on the site would be transient, I have no details regarding their movements or how long they would be parked on site. However, the proposed gates and fencing and any associated storage of raw material and cut logs, could potentially be in place at all times and would lead to the spread of development across the field. Although the full extent of the operation would only occur at certain times, in spatial terms, it would have a demonstrable effect on the openness of the Green Belt by introducing development to land that was previously permanently open.

¹ The Town and Country Planning (Use Classes) Order 1987 as amended

² APP/H2265/W18/3218714

³ Appendix 1 of the Council's appeal statement Aerial Photo 2020

18. The site would not be visible from the A650, by virtue of the tree belt along the edge of the site, but it could be visible in longer distance views from residential properties and from the nearby hotel, its car park, and from the B6135. The visual effects would ultimately be limited and localised. However, The fact that the proposal would be viewed within the context of the wider urban area with limited public views or could be screened does not affect the concept of spatial openness.
19. The fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open. Although Drighlington is largely surrounded by fields, it is within a very urban context in this particular location. As such, as a matter of judgement, whilst it would not lead to encroachment within the countryside, by introducing development onto land that was previously permanently open, it would encroach into land on the edge of the settlement and thus fail to check the unrestricted sprawl of large built up areas or prevent neighbouring town merging into one another.

Conclusion on whether inappropriate development

20. In conclusion, the appeal proposal would have a harmful effect on the openness of the Green Belt and conflict with two of the Green Belt purposes. The appeal proposal would, therefore, be inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I give this conclusion substantial weight.
21. The proposal would, therefore, conflict with saved Policy N33 of the Leeds Unitary Development Plan (UDP) 2006, which seeks to protect the Green Belt from inappropriate development except in very special circumstances. This policy is broadly consistent with the Framework, the proposal would also conflict with the provisions relating to the Green Belt in chapter 13.

Character and appearance of the area

22. The appearance of the of hardstanding for the access track, fencing and the parking of vehicles site within the context of an existing agricultural field would be overtly incongruous and would visually contrast with the surrounding undeveloped grass field. However, the development would be positioned close to field boundaries and existing development adjacent to the site at the hotel. The development is set far back into the site away from the residential properties and therefore would not jar with this context.
23. The concerns in respect of existing trees, landscape and enhancement of habitats could be controlled through the imposition of suitably worded planning conditions. This could address the recommendations within the Council's Greening the Built Edge Supplementary guidance No.25. The proposal would result in development on an open field. However, in the context of the surrounding area, which is highly urbanised, with numerous industrial businesses in the vicinity, particularly at the nearby Adwalton Business Park, as well as a major motorway, bypass which are visibly notable the proposal would largely respect the character and appearance of the area.
24. I therefore find the proposal would be in overall compliance with Policies GP5, LD1 N9, N24, N25, G1, G2, and G8 of the UDP and Policies P10 and P12 of the Local Development Framework Core Strategy (2014, as amended by the Core

Strategy Selective Review 2019). Together, and insofar as they are relevant to the above matter, these policies seek, amongst other things, to resolve detailed planning considerations, provide good design appropriate to its location including provision of landscape, protection of trees and habitat enhancements.

Other Considerations

25. I have concluded that the proposal would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt and conflict with two of its purposes. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.
26. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
27. There would be some economic benefits through the construction of the development. Although the existing business provides three full time employees and two sub-contractors jobs, there is very little information provided regarding the proposed development. It is unclear if the development would create any further employment over and above what is currently provided. However, the overall scale of the economic benefits and level of employment would ultimately be small, and the weight to be attached would be limited.
28. It is understood that the appellant has had difficulty finding other locations for the proposed use. However I have no evidence of any searches being undertaken and therefore I do not know if the appeal proposal is the only feasible or realistic option available. There are no details regarding whether the development is essential to support the existing business.

Green Belt Balance

29. Whilst there may be some benefits of the proposal in terms of the economic contribution the proposal would make. Although the proposal would not harm the character and appearance of the area, residential living conditions, highway safety or flood risk these are neutral matters that do not weigh for nor against the proposal.
30. I have found that there would be a loss of openness to the Green Belt and that there would be conflict with two of the Green Belt purposes and harm to the Green Belt by reason of inappropriateness. This is a high hurdle for any development proposal to overcome.
31. I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations. There are no other considerations that clearly outweigh the harm I have identified and that the very special circumstances necessary to justify the development do not exist.

Conclusion

32. The proposal is, therefore, contrary to the development plan and the Framework. There are no material considerations which would indicate a decision other than in accordance with the development plan. For the reasons given above and taking all other considerations into account the appeal should be dismissed.

K Williams

INSPECTOR