



Appeal Decision

Hearing Held on 26 March 2024

Site visit made on 26 March 2024

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/W4705/W/23/3318553

Chestnut Acres, Slaymaker Lane, Oakworth, Bradford BD22 7EU

- 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 Janet Arkwright against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 22/04233/FUL, dated 30 September 2022, was refused by notice dated 28 February 2023.
 - The development proposed is described as the retention of 1no. 22m x 4m single storey sheep stalls and 1 no. 14m x 8m timber stable, along with 1 no. 25m x 4.1m range of animal stalls and 1 no. 25m x 2m chicken/duck, turkey and goose hut, access track and part hardstanding.
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Preliminary Matters

1. There is a discrepancy between the application plan before me and the plan on which the Council made its decision, despite the reference number of each plan being the same. The plan before me included reference to a static caravan (and other caravans which were to be removed) but these do not feature on the plan considered by the Council. It was confirmed at the hearing that there is no proposal to site caravans on the land, and the Appellant has entered a signed and dated note to confirm that position (appeal document 1). The plan before me has also been changed to omit the static caravan, and is also signed. The Council has no objection to my considering the proposal on this basis, and no prejudice would occur by my accepting this amendment. My decision is therefore based on the agreed plans as considered by the Council when it reached its decision.
2. There is significant planning history associated with the land, and the development has generated significant public interest. The development was carried out on the land without planning permission and an enforcement notice was subsequently issued. The Council acknowledges that the enforcement notice has been partially complied with. All written and oral representations have been taken into account by me in reaching my decision. It was clear from my site inspection that there are no caravans located on the appeal site and that these were removed in response to the enforcement notice.

Decision

3. The appeal is allowed and planning permission is granted for 1no. 22m x 4m single storey sheep stalls and 1 no. 14m x 8m timber stable, along with 1 no.

25m x 4.1m range of animal stalls and 1 no. 25m x 2m chicken/duck, turkey and goose hut, access track and part hardstanding at Chestnut Acres, Slaymaker Lane, Oakworth, Bradford BD22 7EU in accordance with the terms of the application, Ref: 22/04233/FUL, dated 30 September 2022, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

4. At the hearing an application for costs was made by Mrs Janet Arkwright against City of Bradford Metropolitan District Council. This application is the subject of a separate decision.

Main Issues

5. The site is located within the Green Belt and the main issues are therefore as follows:
 - (a) Whether the development is inappropriate development in the Green Belt, and if so whether there are any other considerations sufficient to outweigh the harm by inappropriateness, and any other harm, such as to amount to the very special circumstances required to justify granting planning permission;
 - (b) The impact of the development on the character and appearance of the locality.

Reasons

Whether Inappropriate

6. The Council has alleged that the use carried on at the appeal site has not been shown to be wholly agricultural and therefore the buildings erected do not benefit from the 'exception' for agricultural buildings set out in paragraph 154a) of the National Planning Policy Framework (NPPF). In this regard it has pointed to evidence presented at the planning committee meeting that the site was being used for livery purposes. This is disputed by the Appellant, albeit there was an accepted agreement for the stabling of at least one horse at that time. Whether or not the evidence produced at the planning committee was obtained in an appropriate manner is not for me to decide. However, that evidence seems to have provided the backbone of the single reason for refusing planning permission against officer advice (which of course is open to the elected members). What is crucial at the present time is the judgement in relation to the use of the site.
7. I was able to see the use of all of the buildings which the Appellant seeks to retain. They are being used to house cattle at various stages of life, which are regularly bought and sold. Evidence of movements of cattle has been submitted and shows that this is a regular occurrence which has continued for a number of years (appeal document 2). There is similar evidence relating to sheep and pigs (though no pigs were present at the time of my visit). Sheep in lamb and with lambs at foot were present. Three goats were also present. I did not seek to count the number of fowl roaming freely at the property, but they were numerous, and include chickens of various breeds, geese, guinea fowl and ducks. It is not contested that these produce eggs for sale and are themselves bred and sold at times.
8. There were also several horses and ponies present, 4 of which belong to the Appellant. Others are housed temporarily when a local rescue centre and the

RSPCA have a need for short term accommodation. I understand that those brought for temporary care have their feed paid for by those who place the animals. This is described by the Appellant as a very minor part of the activity on the site.

9. Though the viability of the enterprise is of limited relevance given that there is no proposal to site an agricultural workers dwelling here I was given some indication of the profits to be made from the rearing of the various stock on the land. I am satisfied that it has been demonstrated that this is not, in effect, a hobby type of farm, but is a bona fide agricultural enterprise. The various submissions from veterinarians confirm this finding. I bear in mind also that the enterprise is not confined to the appeal site itself, but also uses other land in the locality.
10. As to whether the short term housing of rescue horses would dilute the use to the extent that it would fall outside the definition of being agricultural, it is my judgement that it would not. Horses and ponies are not small animals, and it is understandable that there may be some questions asked about the nature of the use of the land given their obvious presence. But I accept that this is a minor and incidental part of the overall use of the land which is not of a scale which materially changes the principal use. I am therefore satisfied that the appeal site as a whole is in agricultural use, and that the buildings, because they are used for agricultural purposes, are not inappropriate in the Green Belt.
11. The primary aim of Green Belts is to keep land permanently open, but as the buildings in question are to be considered as agricultural buildings, the NPPF does not require me to carry out an assessment of the impact on the buildings on openness, or the purposes of including land in the Green Belt.
12. Similarly, as I have found the development to be not inappropriate there is no need for me to consider whether very special circumstances exist here. However, I must nevertheless assess any other impacts of the development, and with that in mind I turn to the second main issue.

Character and Appearance

13. The buildings lie at the lower end of the appeal site and have a partial backdrop of vegetation. From the west they are unobtrusive and set against the rising ground of the main part of the land. The main views into the site are achieved when using the public rights of way which surround the holding. For the most part these views are of the open field and vegetation which lies at the eastern and northern end of the land. The buildings themselves, though in clear view when moving east to west along the southernmost public right of way, are low key. They blend into the landscape and are seen as low lying buildings which are associated with the use of the land for the keeping of livestock.
14. The overall character of the locality is defined by the rolling fields largely defined by dry stone walls, intermittent tree cover and scattered farmsteads. There are significant agricultural buildings nearby which emphasise the agricultural nature of the surroundings. In this context the modest buildings on the appeal site are not out of place.
15. I accept that the materials from which the buildings have been constructed are not of the highest quality, but nonetheless they are clad in timber which is clearly in the process of weathering to the extent that they have taken on the character of buildings which might be expected on an agricultural holding. The finish of the buildings could be improved and that could be required by

condition. Similarly, the already modest visual impact could be further mitigated by additional landscape planting, again which could be required by condition.

16. Taking these matters together it is my judgement that the buildings erected are not unduly harmful to the character or appearance of the surrounding attractive countryside. But in any event the opportunity arises to improve their appearance such that they are fully assimilated into their surroundings.

Development Plan Conclusions

17. The Council cited a single policy in its reason for refusal, that being Policy SC7 of the adopted Core Strategy. CS7 is a strategic Green Belt policy and seeks to conserve the countryside in accordance with the advice of the NPPF. However, given that I have found the proposal to be not inappropriate in the Green Belt it is also the case that there is no conflict with Policy SC7.
18. Saved policies of the Unitary Development Plan (UDP) have also been brought to my attention by third parties. There is no conflict with Policy GB1 which makes allowance for the erection of agricultural buildings in the Green Belt. In addition I am satisfied that the buildings are sufficiently low key that they do not offend the objectives of CS Policies DS1 and EN4, which seek to ensure that development is of suitable design and that any changes in the landscape are acceptable. The proposal complies with the development plan as a whole.

Other Matters

19. Some other matters have been raised by other parties and I deal with the principal ones here. First, I am content that the operations at the site are unlikely to materially impact on local ecology. The Appellant has already installed owl nesting boxes and the restriction of lighting by condition would protect bat foraging areas. Secondly, the access to the land is clearly of some age and could be used as part of any agricultural operations here. It does not seem to me to be problematic and no expert evidence has been offered which suggests otherwise.
20. I have carefully considered all other representations made but find that there are none which would alter the balance of my conclusions.

Conditions

21. A number of conditions were suggested and discussed at the hearing. It is unnecessary to impose a time limit for commencing development since it is already present. A condition specifying the approved plans is necessary to ensure that the planning permission is clear. As noted above conditions requiring agreement of the final finish to the buildings, further landscaping, and restrictions on external lighting are necessary in order to ensure the impact of the development is minimised.

Overall Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
BD22-2856 Location Plan as existing
BD22-2856 Plans as Proposed – Revision E, Sheet 2
 - 2) Within 9 months of the date of this permission the external surfaces of the buildings hereby permitted shall be finished in a manner to be agreed in writing by the local planning authority and shall thereafter be retained as such.
 - 3) Within 3 months of the date of this permission a scheme of landscaping at the western part of the site around the permitted buildings, as defined by the western site boundary and the existing fence line between the buildings and the open field shown on the approved plans, shall have been submitted to the local planning authority for approval in writing. The approved scheme shall be implemented in the first planting season after its approval and any trees or plants which within a period of 5 years from the completion of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) No new external lighting shall be installed unless details have first been submitted to and approved in writing by the local planning authority before its installation. Any approved lighting shall be retained as approved.
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APPEARANCES

FOR THE APPELLANT:

Mrs Janet Arkwright	Appellant
Mr N Boughey MRTPI	Director, Acorn Planning Ltd
Mr Marsden	Appellant's colleague

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Baig	Planning Officer, Bradford MDC
Mr M Hutchinson	Area Planning Manager, Bradford MDC

INTERESTED PERSONS:

Cllr R Poulsen	Ward Member, Bradford MDC
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DOCUMENTS

- 1 Note of amendment to the submitted plan from Mrs Arkwright
- 2 Bundle of documents showing stock movements from Mrs Arkwright
- 3 Costs response from the Council