
Appeal Decision

Site visit made on 30 October 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

Appeal Ref: APP/N4720/W/24/3349855

Station House, Calverley Lane, Horsforth, Leeds LS13 1NP

- 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 & Mrs Smith against the decision of Leeds City Council.
 - The application Ref 24/01386/FU, dated 6 March 2024, was refused by notice dated 13 May 2024.
 - The development proposed is retrospective horse menage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal varies from the application form to the decision notice. That on the application form is adequate to describe the proposal although contains wording that is not a description of development and I have amended it accordingly. I have therefore determined the proposal on the basis of the description of 'horse menage'. I acknowledge that the menage includes fencing.
3. The horse menage was in place at the time of my site visit and appeared to broadly accord with the plans before me. For the avoidance of doubt, my decision has been made on the basis of the plans.
4. The appellants indicate that the site is within the Far Headingley Conservation Area, although the Council have confirmed that this is not the case and the site does not fall within a Conservation Area.

Main Issues

5. The main issues are i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework¹ and any relevant development plan policies; ii. the effect of the proposal on the character and appearance of the area; and iii. whether the proposal would achieve biodiversity net gain.

Reasons

6. The appeal site is within the Green Belt. The proposal can be considered an engineering operation under Paragraph 155 of the Framework.

¹ National Planning Policy Framework 2023.

Whether inappropriate development & openness

7. The Framework advises that with regard to proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. At paragraph 155, the Framework advises that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
9. Policy N33 of the Leeds Unitary Development Plan Review (2006) (UDP) seeks to protect the Leeds Green Belt. In that respect its aims are broadly consistent with the Framework. It outlines that only certain types of development would be acceptable within the Green Belt except in very special circumstances. Policy GB13 of the UDP in consideration of control of development within the Green Belt outlines when equestrian development will be permitted.
10. However, these policies do not specifically identify engineering operations and in that respect are out of step with the Framework. I therefore afford substantial weight to the more up to date Framework with regard to this main issue.
11. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
12. The effect of the menage on openness in spatial terms is very limited given the nature of the development under consideration. The fencing which surrounds the surfaced area is lightweight, in a timber post and rail format, and is not of a substantial height. It also therefore follows in this case that in visual terms, the proposal has resulted in very little adverse impact on the openness of the Green Belt.
13. A menage is a type of feature that one may expect to see within countryside, especially in an urban fringe location. The proposal does not therefore conflict with Green Belt purpose c) to assist in safeguarding the countryside from encroachment. Nor does it conflict with any of the other green belt purposes identified within the Framework.
14. As a result, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. The scheme is not therefore inappropriate development within the Green Belt.

Character and appearance

15. The area has a reasonably mixed character. The busy A6120 runs to the east, fields sit to the north-west and the railway line and commercial units sit to the south-west.
16. Although the menage is set down from the main road, it does have some degree of visibility from adjacent locations along the road, visibility which would be likely to increase during times of the year when trees forming intervening cover were not in leaf. However, given the mixed nature of

development within the area, the menage has resulted in no harm to the character and appearance of the area.

17. There is therefore no conflict with policies GP5 of the UDP or P10 of the Leeds Local Plan Core Strategy (2019) (CS) which amongst other things require that proposals should seek to avoid problems of environmental intrusion and loss of amenity and require proposals of good design appropriate to their location.

Biodiversity

18. The menage is largely surrounded by mature trees. There is a dispute between the parties as to the amount of trees that have been removed to facilitate construction. I am advised by the appellants that three trees have been removed along with overgrown brambles.
19. The appellants state that they have carried out substantial additional planting, although accept that not all of this has been successful. Further planting around the menage area is indicated including a hawthorn hedge with a mix of native species and dense planting of native species on the north and west side of the menage.
20. However, regardless of removal or introduction of planting at the site, there is no evidence to indicate that biodiversity net gain has been or would be achieved at the site with regard to its previous versus current condition.
21. The proposal is therefore in conflict with Policy G9 of the CS which states amongst other things that development will be required to demonstrate that there will be an overall net gain for biodiversity, commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement. Development will also be required to demonstrate that the design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife.

Other Matters

22. I note the appellants situation with regard to the exercise of their horses and that one of the horses is unable to leave the land and must therefore be exercised on site. I do afford this matter some weight, although there is nothing to convince me that the provision of the menage is essential to providing on site exercise for the horses or that there are no other alternative solutions to address that matter.

Planning Balance and Conclusion

23. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan with which the proposal conflicts. The appeal is therefore dismissed.

T Burnham

INSPECTOR