



Appeal Decision

Site visit made on 28 January 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2025

Appeal Ref: APP/X4725/W/24/3351493

23B Low Moor Lane, Woolley, Wakefield WF4 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by John Burton against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/01687/FUL.
 - The development proposed is erection of stable building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of stable building at 23B Low Moor Lane, Woolley, Wakefield WF4 2LJ in accordance with the terms of the application, Ref 23/01687/FUL, the plans submitted with it, and subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in December 2024. Parts of the Framework most relevant to this appeal have been amended. As a result, both parties were given the opportunity to comment on the amended Framework, and I have taken into account representations received. The appellant requested that the appeal site should be given serious consideration as grey belt, claiming that it is previously developed land.
3. The stable building was in situ at the time of my site visit, and I have dealt with the appeal on the basis that is a retrospective application.

Main Issues

4. The main issues are:
 - whether or not the development is inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - the effect of the stables and their use on the living conditions of neighbouring occupiers, with particular regard to outlook, odours, noise and disturbance.

Reasons

Inappropriate development

5. The appeal site is within the Green Belt, to which the Government attaches great importance. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the

essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 of the revised Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 and 155 of the revised Framework set out a series of exceptions where development may not be considered appropriate, some of which relate to the use of previously developed land. Policy LP62 of the Wakefield District Local Plan 2036 (LP) sets out details of the Council's approach to the assessment of proposals in the Green Belt and is consistent with the Framework in this regard.

6. The parties dispute whether the appeal site is previously developed land. The undated photographic evidence before me is inconclusive, but I have no reason to doubt the Council's statement that the land had been cleared of earlier buildings. Nevertheless, the site is part of the residential curtilage associated with 23B Low Moor Lane and it is not in a built-up area, rather it is on the edge of a rural settlement. Therefore, based on the evidence before me, I am satisfied that the appeal site was previously occupied by built form and as such, falls within the definition of previously developed land, as defined by the Annex to the Framework.
7. As a development on previously developed land, the stables could be considered as an exception either under paragraph 155 or 154g) of the Framework. I will deal with each of these exceptions in turn.

A) Paragraph 155

8. The development is on previously developed land and loss of Green Belt arising from its development is small. It therefore follows that its loss does not fundamentally undermine the purposes (taken together) of the remaining Green Belt across of the area of the plan. The appeal site is therefore grey belt.
9. However, for a development to be considered 'not inappropriate', it would also have to comply with the remaining criteria set out in paragraph 155. There is no evidence before me that there is a demonstrable unmet need for stables. The scheme therefore fails to meet the requirements of the exception test under paragraph 155.

B) Paragraph 154 g)

10. Paragraph 154 g) allows for the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
11. Spatially, the scale and massing of the stable is modest, it has a relatively compact form. The building has a footprint and a volume. There is a spatial loss openness, albeit a modest one.
12. Visually, the stable is positioned tight into the corner of the site, amongst built form in the immediate vicinity of the appeal site. The stable does not project beyond the extent of the existing built form of this rural settlement or visually intrude into the surrounding landscape, rather it's relatively discrete siting serves to impede public views of the stable. The building directly relates to the menage which was previously approved, and the paddocks beyond. Given the layout and context of its

siting within an existing building group, the visual impact of the stable building on the openness of the Green Belt is minimal.

13. I acknowledge that the Council has recently granted planning permission for a stable block and tack room elsewhere on the site. Even having regard to the approved stable block and tack room, there will be a loss of spatial openness, but given the visual harm will be minimal, the overall effects on openness will be modest.
14. Previously, the 2023 Framework required a scheme for redeveloping previously developed land not to have a greater impact than the existing development. The 2024 Framework has changed this requirement. The stable does not cause substantial harm to the openness of the Green Belt and thereby satisfies the exception set out at paragraph 154 g) in the revised Framework. I therefore conclude that it is not inappropriate development.

Living conditions

15. The properties, specifically 27A Low Moor Lane and the annex associated with 23 Low Moor Lane, are orientated away from the stable building. The elevations of both buildings nearest to the stable, which face the shared boundaries, are blind walls. Given the modest scale and low roof height of the stable, the outlook for these neighbouring occupiers is unaffected.
16. The courtyard onto which the stable faces, is open and spacious, thereby allowing any unpleasant odours from the stables to diffuse. The appellant has indicated, and I observed on site, that the waste is removed from the stable and stored in the short term on a trailer adjacent to the menage, before being removed from the site on a frequent basis, thereby minimising any impact upon neighbouring occupiers arising from unpleasant odours and flies. The Council's Environmental Health Officer was satisfied with this arrangement regarding waste storage. The management of waste could be addressed in a related condition. In any case, given the countryside location, arguably odours emanating from livestock, equestrian and agricultural activities are to be expected as being synonymous with rural living.
17. The stables would provide for a maximum of 4 horses. As they are kept for private use rather than commercial purposes, any associated noise and disturbance is likely to be minimal. As such there would not be undue harm to the living conditions of neighbours.
18. For these reasons, the development would not adversely affect the living conditions of neighbours arising from undue loss of outlook, unacceptable odours, noise and disturbance. As such, the development accords with Policy 56 of the Wakefield District Local Plan (2024) (LP), which states, amongst other things, that development should have no significant detrimental impact on the amenity of neighbouring users or residents and existing or prospective users (n).
19. The development also accords with LP Policy 67, which relates to pollution control. In determining development proposals, requiring particular consideration to be given to, amongst other things: b.) where there is an identified risk that public health may be affected. Furthermore, Policy 67 states that development proposals that include external artificial lighting which would cause unacceptable light

pollution will only be permitted if the Council is satisfied that adequate and reasonable controls can be put in place (3).

Other Matters

20. I note the Council's comments relating to parking for the stable building and the host dwelling. I observed a spacious courtyard in the foreground of the host dwelling and the stable building, which provides sufficient parking space to serve both the host dwelling and the stables, which are for private use.
21. Concerns about subsidence arising from the proximity of the stable block to adjacent buildings is not a matter for me to consider in the context of this appeal, which is confined to a consideration of its planning merits.

Conditions

22. I have considered the lists of conditions suggested by the Council having regard to the tests set out in paragraph 57 of the National Planning Policy Framework and the advice of the Planning Practice Guidance (PPG). I have made minor amendments to the wording where necessary for the sake of clarity and precision.
23. As the stable building is already in situ, there is no need for the standard commencement condition. However, I have imposed condition (1) specifying the plans for the sake of certainty. Condition (2) is necessary to prevent the use of the stables for commercial purposes to protect the living conditions of neighbours and to ensure highway safety. Condition (3) is warranted to secure an appropriate material palette in the interests of visual amenity and to protect the character of the Green Belt. Condition (4) requires details of waste management, which is necessary in the interests of neighbour amenity. Condition (5) is required in the interests of minimising light pollution, to protect the character of the Green Belt and to protect the residential amenity of nearby properties.
24. The submitted Arc Environmental Phase 1: Desk Top Study Report and Coal Mining Risk Assessment, dated 05/03/2018, found that there is a risk to the development from potential shallow coalmine workings. The Coal Authority's concerns are addressed through imposition of conditions (6&7), in the interests of ground safety and stability.
25. Conditions 3, 4, 6&7 are imposed to ensure that the required details of the timber cladding finish, the waste management, the scheme of intrusive investigations and the signed declaration, are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use negatively worded conditions to secure the approval and implementation of the timber cladding finish, the waste management, the scheme of intrusive investigations and the signed declaration before the development takes place. These conditions will ensure that the development can be enforced against if the requirements are not met.

Conclusion

26. I have found that the development is not inappropriate development in the Green Belt.

27. I also concluded that the development does not harm the living conditions of neighbouring occupiers at 27A Low Moor Lane and the annex associated with 23 Low Moor Lane, arising from loss of outlook, or unacceptable odours, noise and disturbance.
28. Therefore, the development is in accordance with the development plan and the Framework, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
29. For the reasons given above, the appeal is allowed.

N Kempton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: Proposed Elevations and Plan Rev. A; Location Plan RBS-21/2443/002.
- 2) The stable building shall be used for the private stabling of horses incidental to the enjoyment of the dwelling house known as 23B Low Moor Lane, Woolley, Wakefield WF4 2LJ, and shall not be used for livery or any commercial purpose.
- 3) Unless within 3 months of the date of this decision a scheme for the external walls of the stable building to be fully finished in timber cladding, which in all respects matches the timber cladding on the host dwelling (23B Low Moor Lane), is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought on to the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme for external timber cladding specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has finally been determined.

- 4) Unless within 3 months of the date of this decision a scheme for the management of waste related to the use of the stable building is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's

approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought on to the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme for the management of waste related to the use of the stable building specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has finally been determined.

- 5) No external lighting shall be either fixed or mobile within and /or associated with the stable building hereby approved and associated land at any time unless first approved in writing by the local planning authority.
- 6) Unless within 3 months of the date of this decision a scheme of intrusive investigations and remedial works to address land instability arising from coal mining legacy is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought on to the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme of intrusive investigations and remedial works to address land instability arising from coal mining legacy specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has finally been determined.

- 7) Unless within 3 months of the date of this decision, a signed statement or declaration prepared by a suitably competent person confirming that the site is or has been made safe and stable for the approved development is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no declaration in accordance with this condition is approved within 3 months of the date of this decision, the use of the site shall cease, and all equipment and materials brought on to the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved declaration specified in this condition, that declaration shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has finally been determined.

END OF SCHEDULE OF CONDITIONS Appeal Ref: APP/X4725/W/24/3351493