



Appeal Decision

Site visit made on 12 March 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/N4720/W/24/3357196

Field 1659, Rhodes Lane, Clifford, Wetherby, Leeds, LS23 6LQ

- 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 Clifford Moor Pet Hotel and Spa against the decision of Leeds City Council.
 - The application Ref is 24/04700/FU.
 - The development is described as: 'Revised proposals change of use of field to form dog walking and training area; associated works including new fencing, parking and access associated with existing kennel/boarding business (Retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is retrospective in that the field is already in use for dog walking, has been fenced off, and the parking and access have been constructed. Nevertheless, for the avoidance of any doubt I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - whether the 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework identifies 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 openness and permanence. It goes on to state

that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework further establishes that new development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Paragraph 154. h) lists forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at v), material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
6. Broadly consistent with the Framework insofar as it relates to this appeal, Policy N33 of the Leeds Unitary Development Plan Review (2006) (the UDP) permits changes of use of land which do not compromise Green Belt objectives.
7. The appeal site is a 0.3 Ha portion of a grassed field that has been enclosed by a 1.8 metres high post and wire fence. The site forms part of a network of open, green fields sloping gently from north to south from the public bridleway along Rhodes Lane. Together these fields form an extensive swathe of undeveloped countryside comprising part of an open undulating agricultural landscape. The site is highly visible in views for much of the length of Rhodes Lane which is slightly more elevated than the appeal site.
8. Whilst the parking and access area serving the dog walking field has already been created, its gravelled surface would be replaced with 'grasscrete' in an effort to mimic the appearance of grass and reduce the visual impact of this space. The parking area is enclosed by a fence and accessed immediately off an existing track. I saw a car parked on this area at the time of my site visit. The parked car was highly evident in all views in the vicinity where it appeared at odds with the otherwise open landscape. I also observed a car parked immediately adjacent to the parking area, as its driver waited for the existing user of the field to complete their session. I acknowledge that the visibility of the surface of the car parking area would reduce were an appropriate 'grasscrete' treatment to be agreed, however, the enclosure required to form this space and its use for the parking of vehicles have considerably harmed the openness of this highly exposed and visible location.
9. Spread across the extent of the field were a water bowser, benches, jumps, ramps, and other equipment which are required as part of the use of the land as a dog walking field. These elements have also contributed to making the appeal site less open. I would note that the water bowser in particular, owing to its pale colouration and scale, stood out significantly against the green, open backdrop. Whilst the appellant argues that this field previously contained equestrian jumps which have now been relocated to a nearby field, I did not observe any nearby field with a similar level of equipment placed upon it as the appeal site. Indeed, in my experience, equestrian jumps are not clustered as close to one another as the equipment at the appeal site.
10. I acknowledge that there are buildings at Clifford Moor Farm as well as an equestrian facility. However, my impressions on site were that these buildings and their associated development were clustered together and surrounded by trees, further mitigating their visibility. The appeal site on the other hand, lies in an open and exposed location, detached from any other discernible development.
11. Overall, the parking area, in particular, has urbanised this corner of what was previously an open, green field within an open field network and thus has led to the

encroachment of development into the countryside. This has led to a significant reduction of spatial and visual openness compared to the previously existing open situation and would conflict with the fundamental aim of keeping land permanently open.

12. Reference is made in the evidence to providing landscaping and to planting that has already been carried out (which I was unable to identify on the site visit) but I have not been provided with any specific details of this other than an annotation indicating a beech hedge on the site plan. Nonetheless, it would be some time before any landscape planting becomes established and before any realistic screening benefits are realised, if at all, given the exposed nature of the site, during which time the proposed development would remain visible.
13. I have taken into account in my reasoning that the use will not be operating for 24 hours a day, and I recognise that the parking area will not always be occupied by a vehicle. However, I have not been provided with precise opening hours and it does appear to be in use 7 days a week. Therefore, the use will most likely be in operation at times when it is equally most likely to be observed by the public using the adjacent public bridleway.
14. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development included at paragraph 154 of the Framework and as such is inappropriate development in the Green Belt.
15. For these reasons it would therefore conflict with Policy N33 of the LP, described above.

Character and Appearance

16. As set out above, the appeal site was previously an open green field within a network of similar fields sloping to the south from the public bridleway. Together these fields comprise of an attractive open landscape that is highly evident in public views. Due to the proximity of the parking area to the bridleway and the nature of this enclosed space, containing a parked vehicle, encroaching into the otherwise open green field, this has resulted in harm to the character and appearance of the area. Owing to the extent of the incursion into the field, I am satisfied that modest harm has occurred.
17. For these reasons the development has resulted in modest harm to the character and appearance of the area. In that regard, the proposal would conflict with the provisions of paragraph 187 of the Framework which seeks to ensure planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Highway Safety

18. On the site visit I saw that the parking area adequately accommodated a single vehicle. I observed that vehicle turn around and drive out of the parking area in a forward gear. Whilst I acknowledge that there may be instances of very large vehicles being unable to turn around, Rhodes Lane is a very lightly trafficked lane, despite the commercial activity at Clifford Moor Farm. Due to the narrow nature of the road and its rural context, vehicles are likely to be travelling slowly. The risk to

pedestrians, or other road users, from vehicles reversing out of the parking area is therefore minimal.

19. As such, the proposal would not have an unacceptable impact on highway safety and would accord with paragraph 116 of the Framework.

Other Matters

20. The change of use supports the existing Pet Hotel business, and it is argued once planning permission is granted, it would lead to the creation of a 0.5 FTE post, thus representing an employment benefit. Whilst the extent of the contribution of the dog walking field to the overall business is unclear, I acknowledge that there are modest economic benefits to the scheme. The development has added to recreation opportunities in the local area which constitutes a limited benefit of the scheme, owing to its scale and nature.
21. Whilst the appellant argues the provision of a hedge would generate a biodiversity benefit, there is a lack of detail with regard to the hedge and its planting and the proposal would use a single species. Furthermore, I cannot be certain as to the appropriateness of this species, which, in my experience is typically used for more formal hedging in an urban setting rather than as a field boundary. Owing to the lack of detail and the use of a single species, I conclude that the biodiversity benefits would be limited.
22. The appellant's fallback position of the site reverting to equestrian use would result in the provision of horse jumps and equestrian paraphernalia within the field. However, it would likely lead to the loss of the parking area and vehicles being parked within the field. I am therefore not convinced that the fallback position would have a materially greater effect on openness than the appeal scheme. The weight I can therefore give to the fallback position in justifying allowing the appeal is therefore limited.

Planning Balance and Conclusion

23. The development is inappropriate development in the Green Belt and has harmed openness. It has also resulted in modest harm to the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm, relative to the modest benefits of the scheme outlined above, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
25. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR