



## Appeal Decision

Site visit made on 29 April 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

**Appeal Ref: APP/N4720/W/24/3357642**

**Whingate Farm Bungalow, Wike Ridge Lane, Alwoodley, Leeds, LS17 9JF**

- 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 Mr Diarmaid Kelly against the decision of Leeds City Council.
- The application Ref is 24/03024/FU.
- The development proposed is the creation of a new access to serve existing equestrian use.

### Decision

1. The appeal is allowed, and planning permission is granted for the creation of a new access track to serve existing equestrian use at Whingate Farm Bungalow, Wike Ridge Lane, Alwoodley, Leeds, LS17 9JF, in accordance with the terms of the application, Ref 24/03024/FU, subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, having regard to its effect on the openness and purposes of the Green Belt, the National Planning Policy Framework (the Framework) and relevant development plan policies; and
  - ii) the effect of the proposal on the landscape and the character and appearance of the area.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. Paragraph 154(h) of the Framework states that engineering operations are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Policy N33 of the Leeds Unitary Development Plan (UDP) is not consistent with the Framework in that it fails to recognise this.
4. The proposal relates to the upgrading and resurfacing of an existing field access on Tarn Lane and the construction of a new track along the edge of the field boundaries to provide improved access between the highway and an existing barn and stable block, which together with the surrounding land are in lawful use for equestrian purposes. The existing access to the barn and stables from Wike Ridge Lane, has severely sub-standard visibility due to a dip in the road, and requires large vehicles such as horse boxes and hay deliveries to cross over the domestic access, driveway and parking area and to pass through the narrow gap between the side of the bungalow and boundary trees and hedges.

5. The new track would comprise two ribbons of geogrid surfacing. Such surfaces are generally dark in colour and barely visible, other than very close up, as they are sunk into the ground and grass grows through them. The wheel tracks would each be approximately 500mm wide with a gap of approximately 1000mm in between them. Although the track would be approximately 270 metres long, given that the width of the two wheel tracks would be minimal, and the basic form of construction would be at ground level, discrete in colour, located along the edge of the existing field boundaries, which are already partially screened by hedges, and would not obstruct any open views, the track would preserve the visual and spatial aspects of the openness of the Green Belt.
6. The field gates are existing and are set back from the highway in line with the boundary hedge. The initial access point crossing the highway verge and watercourse that separates Tarn Lane from the equestrian grazing land beyond is also existing, is partially tarmacked, and from its condition and historical google earth images appears to have been so for many years.
7. There is an existing hedgerow along the boundary of the field closest to Tarn Lane. Although there is currently no hedgerow along the boundary of the second field, closest to the barn and stables, this area is seen in context with the existing buildings, and associated vehicles and paraphernalia. A new Hawthorne hedge would be planted the full length of the new track, and the wider site is already well screened by existing mature hedges that bound the surrounding grazing land.
8. Vehicles using the track would be limited in number and transient in nature and as such would have a very limited and temporary visual effect. The lawful development certificate for the site would relate only to the development that existed at the time it was granted and would not enable the construction of new buildings or the introduction of new or significantly intensified uses of the site without planning permission. As such, the provision of a new safer access, that does not run through the domestic curtilage of the dwelling, would not be likely to result in increased traffic movements to and from the barn and stables.
9. As accepted in the Council's delegated report (page 8), the trimming and planting of hedges is not development as defined by the Town and Country Planning Act. Such works could not therefore constitute inappropriate development in the Green Belt that would result in harm to it. Furthermore, as the proposed hedgerow would run parallel to an existing one and would not need to be high to screen the barely visible ground level geogrid tracks, it would not create a substantial barrier or close off any existing open views.
10. Whilst the proposal would introduce development where there is currently none, the form of development proposed is an engineering operation and is not inappropriate provided it preserves openness and does not conflict with Green Belt purposes. It would be unreasonable to suggest that engineering operations, which are not inappropriate in principle, can only take place where there is existing development or where they would be wholly invisible and take up no space on or above the ground. If that was the intention the Framework would say that.
11. The proposal would not be highly visible, urban in appearance or form an extension to an urban area, as such it would not in my view constitute urban sprawl or result in the encroachment of urban development into the countryside.

Nor would it conflict with any of the other purposes of the Green Belt as set out at paragraph 143 of the Framework.

12. I therefore conclude that the proposed engineering operations would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal is not inappropriate development in the Green Belt and would accord with the Framework. Whilst the proposal would not accord with Policy N33 of the UDP, I afford this very little weight given its inconsistency with the Framework.

### *Character and appearance*

13. I am advised that the site falls within a designated special landscape area (SLA) albeit I have been provided with very little information regarding the landscape character or what is special about it. Based upon the description of the SLA provided by the Council, it is apparent that the designation covers a substantial area comprising ridges, valleys, scattered villages and several golf courses.
14. At a more local level, I observed that the surrounding land not forming part of a golf course, comprised primarily smaller grass fields and paddocks, sub-divided and bound by fencing and hedgerows, served by gated agricultural accesses, and a mixture of grass or crushed stone tracks.
15. As set out above the proposed access track would comprise two ribbons of geogrid surfacing, which would be sunk into the ground and which grass would grow through, and with grass retained between the two surfaced tyre tracks. This would reflect the rural character and appearance of the area and would be clearly distinguishable as a rural access track that is typical of the countryside as opposed to a public road of more substantial and permanent construction. Its use would be limited to the equestrian development it would serve, which would not be excessive or draw attention to its presence. Upon the establishment of the new hedgerow, and the regrowth of the grass through the geogrid, the track would be barely visible other than in close up views between the hedgerows on either side of it. In public views, the new track would only be seen from its entrance on Tarn Lane.
16. The Council make reference to middle and long distance views but have not pointed out any views from which the dark sunken geogrid grassed surface would be visible. Whilst the new surface may be visible in the short term, when it is first laid, and prior to the hedge planting being completed, the grass would return relatively quickly and given the ground level nature of the development the new hedgerow would be effective in screening this even before reaching maturity or any significant height. As the track would run along the edge of the field boundary and existing hedge and fence lines, it would not disrupt or dissect the existing field pattern, arrangement, features or structure.
17. Whilst the existing hedging along Tarn Lane may need to be trimmed back to retain visibility, it would not need to be removed, and maintenance of the hedge is presumably undertaken from time to time anyway. Moreover, the new hedge planting would more than compensate for this and would make a positive contribution to the landscape in which hedgerows are noted as being positive factors. The resurfacing of the longstanding existing field access crossing the highway verge would also not result in substantial harm to the landscape given its proximity to the wide public highway and the presence of other nearby hard surfaced access points.

18. I therefore conclude that the proposal would not result in harm to the character and appearance of the area, including to the special designated landscape area. As such it would accord with Policies P10 and P12 of the Leeds Core Strategy (As Reviewed 2019), saved Policies N37 and N37A of the UDP, and the Framework, which collectively seek to ensure that development in the countryside and designated landscape areas would not seriously harm the character and appearance of the landscape or any particular features that contribute to its character.

### **Other Matters**

19. As the proposal would not result in harm by reason of inappropriateness, or any other harm, very special circumstances are not required to justify the proposal. However, I acknowledge that the proposal would result in benefits to highway safety and residential amenity, by providing an access with appropriate visibility, and which does not pass through the residential curtilage and close by the existing dwelling, and biodiversity benefits from the planting of a substantial length of new native species hedgerow.
20. I have had regard to the various appeal decisions drawn to my attention by both main parties. However, these all relate to different schemes in different areas. I have determined this appeal based upon the submitted plans, having regard to the circumstances of this site, its surroundings, and relevant current policies.

### **Conditions**

21. Conditions specifying the time limit for commencing the development and listing the approved drawings that the development must accord with, are necessary to provide certainty. A condition to ensure the geogrid surface is a dark neutral colour is necessary to preserve the appearance of the local landscape. Although no landscaping or hedge planting conditions have been suggested by the Council, given that some form of barrier is likely to be required to avoid conflict between horses and vehicles traveling along the access track, it is reasonable to impose a condition requiring the hedge planting shown on the approved drawings to be implemented in a timely manner and retained thereafter, to ensure the appearance of the landscape is preserved and to provide biodiversity net gains.
22. West Yorkshire Archaeology Advisory Service have advised that the route of the proposed track crosses a former Roman road, which is approximately 7 metres wide and approximately 30cm below the existing field surface. Whilst I appreciate geogrid surfaces are not usually particularly deep, no details have been provided of the depth of the geogrid, the level of excavation required to lay it or whether any base course below it would be required. As the development has the potential to disturb the Roman road and land adjacent to it, a condition is reasonable and necessary to ensure any archaeology is protected, recorded and suitably preserved.
23. The local highway authority consultation responses that I have been provided with copies of do not suggest any conditions and I acknowledge that any works required to be undertaken in the highway would be likely to require separate highway consent. However, as the surfaced track would increase the use of the existing field access, it is necessary to ensure that the visibility splays shown on the submitted plans are provided and retained and that the initial access crossing over the verge and watercourse is resurfaced to avoid mud or loose material from

being carried onto the road in the interests of highway safety. As the existing gates and those shown on the approved drawings are in line with the field boundary, which is set well back from the highway on the opposite side of the adjacent watercourse, a condition to control this is unnecessary.

24. As I have not found the access track to be inappropriate development in the Green Belt or to result in any other harm, a condition to control its use or to require its future removal would be unreasonable and unnecessary.

### **Conclusion**

25. The proposal would accord with the Framework and relevant development plan policies. I therefore conclude the appeal should be allowed.

*R Bartlett*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. PRGN-2269-HGN-DR-CH-0001D and PRGN-2269-HGN-DR-CH-LP revised.
- 3) The new access wheel tracks and vehicle turning area to be created between the field boundary gates adjacent to Tarn Lane and the existing equestrian buildings on the site, shall be constructed using a dark coloured black, brown or green, geogrid surface, which allows grass to grow through it, and shall be retained as such thereafter.
- 4) The new Hawthorne (or other native species) hedge planting shown on the approved drawing shall be provided in full within the first planting season following the construction of the access track and shall be retained thereafter. Any hedge plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the first use of the new access track, the visibility splays of 2.4m x 120m in both directions shown on the approved drawings shall be provided and shall thereafter be retained clear of any obstruction exceeding 1.0m in height above the level of the carriageway.
- 6) Prior to the first use of the new access track, the initial access crossing, between the edge of the Tarn Lane carriage way and the field boundary gate shall be surfaced with a bound material to prevent mud or debris from being carried onto the road and shall be retained as such thereafter.
- 7) No excavation works shall be undertaken within the fields on the site until:
  - (i) An archaeological evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
  - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

## **END OF SCHEDULE**