



Appeal Decision

Site visit made on 22 May 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 June 2025

Appeal Ref: APP/N4720/W/24/3357453

Land/Stables off Blind Lane, East Ardsley, Wakefield, WF3 2LB

- 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 Miss Bethany Edginton against the decision of Leeds City Council.
 - The application Ref is 24/05246/FU.
 - The development proposed is conversion of stable block to 1no dwelling and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of stable block to 1no dwelling and associated works at Land/Stables off Blind Lane, East Ardsley, Wakefield, WF3 2LB, in accordance with the terms of the application, Ref 24/05246/FU, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, after the Council issued its decision. However, the appeal was submitted after this date and as such both main parties have had the opportunity to comment upon this in their appeal statements.

Main Issue

3. The main issue is whether the proposed development would be inappropriate in the Green Belt having regard to its effect on openness.

Reasons

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate with a limited number of exceptions. These exceptions include 154(g) the partial or complete redevelopment of previously developed land (including a material change of use to residential) whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
5. Policy N33 of the Leeds Unitary Development Plan 2006 Review (the UDP) supports the re-use of buildings in the Green Belt subject to satisfying the criteria set out in Policy GB4 of the UDP. These policies and the criteria set out within them are not consistent with the current Framework.
6. The site comprises an existing brick built stable block within part of a larger grass paddock. There is an existing gated access and an existing area of hardstanding. It is undisputed between the main parties that the site comprises previously developed land (PDL) as defined by Annex 2 of the Framework. Consequently, the change of use of the site to residential would only be inappropriate if it would

cause substantial harm to the openness of the Green Belt. This test is slightly different and more relaxed than that set out in the previous version of the Framework, which required development, other than affordable housing, to not have a greater impact on the openness of the Green Belt than the existing development.

7. The building is of permanent and substantial construction and no extensions to it are proposed. Whilst the change of use would result in domestic vehicles being parked outside of the building, the previous use of the site for training young horses would also have generated parking and activity around the outside of the stable block. The continued use of the building as a private stable block could also result in persons visiting the site by car once or twice a day to turn horses in and out, feed, groom, ride, muck them out and so on.
8. The proposed garden and parking areas would be commensurate to the scale of the proposed dwelling and within an area that already comprises paving slabs and a large grey gravelled surface, with grass growing through it in parts. Whilst the access crossing over the grass verge would need to be surfaced with a bound material to prevent mud or loose material being carried onto the road, this would comprise a small engineering operation at ground level, which given its size and its relationship with the public highway and the appeal building, would preserve openness. The plans confirm that boundary treatment would comprise timber post and rail fencing and new native species hedge planting, which would be in keeping with the rural character and appearance of the area. Conditions can be imposed to ensure that the proposed hedge planting is implemented and retained.
9. Items of domestic garden paraphernalia are not development and would not be visually prominent in the wider landscape. Items such as garden furniture, bins and bicycles would be screened by the proposed boundary hedge planting and washing lines are generally only visible close up or when the washing is hung out on them. The Framework specifically allows changes of use and redevelopment of PDL to residential use. It is inevitable that such residential use will require the inclusion of indoor lighting at nighttime, which does not affect openness, some domestic parking, and outdoor space provisions. It would be unreasonable and illogical to suggest new dwellings are acceptable in the Green Belt but not any domestic parking, outdoor space or activity associated with their use. Previous appeal decisions brought to the appellants attention by the Council at application stage would have pre-dated the current Framework and the new test of substantial harm.
10. As the building, access and hardstanding areas are existing there would be no encroachment into the countryside and utilising this previously developed site, to provide a small single dwelling in a relatively sustainable location, would not undermine urban regeneration objectives.
11. For the reasons given above, I conclude that the proposal would not cause substantial harm to the openness of the Green Belt and as such it would fall within the exception set out under paragraph 154(g) of the Framework. Accordingly, it would not comprise inappropriate development in the Green Belt and would not conflict with Policy H2 of the Leeds Core Strategy Review 2019, which requires new housing in the Green Belt to satisfy Green Belt policy. As the UDP Green Belt Policies N33 and GB4 predate the current Framework and impose much stricter tests that are not consistent with this, I afford these policies very little weight.

12. The Supplementary Planning Guidance document (SPG) 'Greening the Built Edge', sets out the purpose of the guidance note in supporting Policy N24 of the UDP. At paragraph 1.4 it specifically confirms that it relates to land not defined as Green Belt. Accordingly, Policy N24 of the UDP and the SPG are not relevant to the proposal, and I have afforded no weight to these.
13. As I have concluded the proposal would not amount to inappropriate development in the Green Belt, I do not need to consider whether there are any other considerations that would amount to very special circumstances.

Conditions

14. 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. Conditions to control external materials and implementation of the proposed boundary hedge planting are necessary to prevent harm to the character and appearance of the site and its surroundings.
15. A scheme to protect the internal environment of the dwelling from nearby external noise sources is necessary to ensure high quality living conditions for future occupiers. Likewise, as the site could be at risk of contamination from historic uses nearby, conditions relating to this are necessary to reduce health risks to future occupiers of the dwelling and users of land within its curtilage.
16. As the vehicular access to the site crosses over a grass verge, the surfacing of this is necessary in the interests of highway safety. As the site is unlikely to be close to mains drainage services and limited drainage details have been provided, a condition is necessary to ensure foul and surface water from the development is disposed of in a suitable and sustainable manner.
17. Having regard to the size of the site, the fact the front elevation of a dwelling is generally considered to be the principal elevation providing the main entrance, and the proximity of the dwelling to the road, the site access and side boundary, permitted development rights for the property would be somewhat limited. These rights are not restricted in Green Belt areas by the Order, unlike for example in Conservation Areas and National Parks, and Planning Practice Guidance advises that area-wide or blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. There would be plenty of space to store bins and bicycles within the site and the provision of EV charging points for new dwellings is covered by Building Regulations. Conditions relating to these matters are not therefore necessary to make the development acceptable in planning terms.

Conclusion

18. For the reasons given above, and having considered all matters raised, I conclude that the proposal would accord with the Framework and relevant development plan policies and accordingly 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 2024-13-03 Rev D site location plan, 2024-13-06 site plan 200 and 2024-13-02 Rev B plans and elevations as proposed.
- 3) Any external alterations made to the walls or roof of the building shall be undertaken using materials to match the existing building or alternative materials that have first been submitted to and approved in writing by the local planning authority.
- 4) The development hereby permitted shall not commence until a scheme for protecting future occupiers of the proposed dwelling from noise from the M1 motorway has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before the dwelling is first occupied and shall be retained thereafter.
- 5) The new Hawthorne (or other native species) boundary hedge planting shown on the approved site plan shall be provided in full within the first planting season following the commencement of the conversion 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.
- 6) The dwelling hereby approved shall not be occupied until the initial access to it over the grass verge has been constructed and surfaced with a bound material to prevent mud or debris being carried onto Blind Lane.
- 7) The development hereby permitted shall not commence until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwelling.
- 8) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

- 9) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

END OF CONDITIONS