



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: 04 June 2025

Appeal Ref: APP/N4720/W/24/3357760

Haigh Meadow Barn, Wakefield Road, Rothwell, Leeds, LS26 0RZ

- 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 Ben Thompson and Leigh Dardzinski against the decision of Leeds City Council.
- The application Ref is 24/02455/FU.
- The development is an access track.

Decision

1. The appeal is allowed, and planning permission is granted for an access track at Haigh Meadow Barn, Wakefield Road, Leeds, LS26 0RZ, in accordance with the terms of the application, Ref 24/02455/FU, and the plans submitted with it.

Preliminary Matters

2. The description in the banner heading and decision are taken from the application form. As the term retrospective does not relate to an act of development the reference to this has been removed. Where planning permission is sought for operational development or engineering works, it is not also necessary to apply to change the use of the land upon which that development would take place. An access is an engineering operation not a use of land. Should it be necessary to control or restrict the use of the access a condition could be imposed.
3. For the avoidance of doubt, the drawings I have considered in reaching my decision are drawing number 2367-SCN-SK50-, which shows a cross section of the no dig track, and the 1:2500 scale plan showing the extent of the new access track outlined in red.
4. The land adjoining the access track is subject to a separate appeal¹ for change of use of agricultural land and buildings to mixed agricultural and equestrian use. It has also been brought to my attention that there are other ongoing planning disputes between the Appellants and the Council. However, I have determined this appeal on its own merits and note that regardless of recent developments at Haigh Meadow Barn, there have always been buildings on the site that the access would serve regardless of their lawful use.

Main Issues

5. The main issues are:
 - i) whether the development is inappropriate in the Green Belt, having regard to its effect on the openness and purposes of the Green Belt; and

¹ APP/N4720/W/24/3357731

- ii) the effect of the development on the appearance of the surrounding landscape.

Reasons

Whether the access track is inappropriate development in the Green Belt

6. 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. The Council has therefore afforded no weight to Policy N33, and I agree with this approach.
7. The access track provides an alternative route to a recently approved and completed barn conversion. I understand that when prior approval was granted for the conversion of 2 barns to 3 dwellings, the approved access was via a new section of road, approximately 90 metres long, proposed to be constructed through an undeveloped field between Haigh House Farm and The Grange. This field is now in use as a sand paddock. Its use as an access would result in vehicles driving closely past the front and side windows of the two neighbouring properties along a shared road, which the occupiers are strongly opposed to. This existing shared road is very narrow, comprising two ribbons of track with grass between them, beyond the driveway into Haigh House Farm. Due to its narrow verges, the position of mature hedgerows and garden fencing, and the adjacent fields being at a lower level, the provision of passing places along this route would be difficult to achieve. The approved access route would also have resulted in a tight 90-degree bend, or a new junction being created, close to the existing sharp bend in the road.
8. The new track cuts through a small copse of trees and then runs along the rear of Haigh House Farm, which is bound by a dense 2 metre high hedge. The opposite side of this section of the track is bound by a post and wire fence. The remainder of the track more or less follows the originally approved route up to the barn conversion. Beyond the adjacent field there is a dense mature landscape buffer that screens the site from the M1 motorway. No trees have been removed or harmed to create the track and adjacent trees appear to be in good health. The trees are also very effective in terms of screening the first section of the track.
9. The section of track in question is approximately 100-110 metres long. It runs between the existing established track serving the barns to the west of it and the previously approved track. It is approximately 3-4 metres wide and comprises a geotextile membrane laid over the ground, covered with a porous sub-base and compacted road planings, which match the adjoining access roads to adjacent residential properties and agricultural buildings. Without looking at the submitted plans and historical images, it is not possible to tell the difference on site between the original and new sections of track.
10. Based upon the evidence before me, it appears there is very little difference in size between the approved access route to the barn conversion and the constructed route currently before me. Overtime, it is likely that moss and grass will grow through the central section of the track that is not frequently over-run by tyres, as it has along other hard surfaced tracks nearby.

11. Both the originally approved access route and the new route utilise an existing long established access road that runs from the A61 Wakefield Road to the neighbouring dwellings and farm buildings. Both routes would also entail undertaking engineering operations in the form of a new section of access track on previously undeveloped land. The new route would be partially screened by mature trees and would run alongside the established hedge line on the rear boundary of Haigh House Farm. The approved access would have run through the middle of a narrow field, subdividing it.
12. Although the Council agrees that the access track is an engineering operation, which in principle is not inappropriate in the Green Belt, and acknowledge that the track lies flush with the ground and would not be visible in the same way that an above ground building or structure would be, it considers that as the access is on land that is otherwise open and where there was previously an absence of development, the track causes material harm to the openness of the Green Belt and encroaches into the countryside contrary to one of the purposes for including land within the Green Belt. However, there is no policy requirement for engineering operations in the Green Belt to be on previously developed land. 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. Occupiers and visitors to the site would park close to existing buildings not along the access. The approved access route would have had similar visual effects and would also have resulted in disturbance to the living conditions of occupiers of neighbouring dwellings and resulted in the need for more passing places along the shared section of road leading up to the existing dwellings.
13. Historical imagery on Google Earth indicates that the track has been present in its current form since around April 2021, which appears to coincide with the barn conversion works taking place. Neighbours, who have lived adjacent to the site for over 45 years, also state that the route of the new track has always been used as an agricultural track. Undated photographs show part of the access through the woodland previously comprised some shale that grass grew through. A letter from the farmer explains how this access has been maintained once or twice a year prior to it being surfaced. However, access to the land prior to 2021 would have been limited to very infrequent movements by farm machinery only, and consequently I afford this very little weight.
14. As the new track comprises a basic form of ground level construction, that is discrete in colour, is located along the edge of the existing field and hedge boundaries, is not highly visible and does not obstruct any open views, it preserves the visual and spatial aspects of the openness of the Green Belt. As the track is not urban in appearance and does not form an extension to an urban area, it does not constitute urban sprawl or result in the encroachment of urban development into the countryside. Nor does it conflict with any of the other purposes of the Green Belt as set out at paragraph 143 of the Framework.
15. I therefore conclude that the engineering operation undertaken preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such, it is not inappropriate development in the Green Belt, and it does accord with the Framework. Whilst the development does not accord with Policy N33 of the UDP, I afford this very little weight given its inconsistency with the Framework.

Landscape

16. The area of access track created is similar in scale to that of the previously approved route and whilst I have not been provided with any details of how the approved access would have been surfaced, as it was proposed to serve 3 dwellings it is likely it would have comprised a substantial construction and bound non porous surface that would be equally if not more visible than the revised access track.
17. The track surface reflects that of others in the area and that are typically found in the countryside. It is not visible from outside of the site except by the farmer sharing the main track to access the large barn to the west.
18. I therefore conclude that the track does not result in harm to the landscape. As such it accords with Policies P10 and P12 of the Leeds Core Strategy (As Reviewed 2019) and the Framework, which collectively seek to ensure that development in the countryside does not seriously harm the character and appearance of the landscape or any particular features that contribute to its character. As Policy GP5 of the UDP is very general in nature setting out the considerations and problems that need to be taken into account in development proposals, I do not consider that the development conflicts with this.

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.
20. I have had regard to the 3 appeal decisions referred to me by the Council. The Gorse Hill decision relates to a long winding track that swings out into a field, is on a steeply sloping valley side and would be visible from an adjacent public right of way and in key views and vistas. The Springwell Farm decision relates to commercial vehicular sales and storage. The Owl Lodge appeal relates primarily to residential use and an extension, which are subject to different policy tests. Whilst I note the Inspector commented that access works would have a limited effect on openness in that case, the decision did not turn on that point. I have determined the case before me on its own merits.

Conditions

21. As the plans before me are sufficient to identify the location and extent of the new track extension for which planning permission is sought and the original track which links it to the public highway, it is not necessary to condition the submission of any further plans, particularly as the development is already complete. Planning permission was not sought for anything other than the construction of the access track.
22. As the extension of the existing private track does not in itself result in any increase in traffic or have any effect on users of the A61 Wakefield Road, it is not necessary to impose conditions relating to visibility splays or other improvements. Prior approval has already been granted for the use of the existing track to serve a development comprising the conversion of 2 barns to 3 dwellings, in addition to the existing dwellings and remaining farm buildings and land. The effect of the equestrian use of the adjoining land on highway safety will be considered separately under the appeal against that application. Furthermore, the original

track, which links the new track to the public highway, is already surfaced and of suitable width for two vehicles to pass at its junction. It also has 4 existing passing places between the public highway and the start of the new track and has existing visibility splays. The local highway authority has powers to address any encroachment of the adjacent hedgerow over its land should it cause obstruction.

23. As the track has already been present for several years and the adjacent trees, which are separated from it edges by wide grass verges appear healthy, the suggested landscaping remediation condition is not considered necessary.
24. As I have not found the track to be harmful, it would not be reasonable to condition its removal if the livery use ceases, particularly as it would still be required to access the converted and unconverted barns on the residential part of the site.

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