



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/24/3357731

Meadow View Track Livery Ltd, 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 Meadow View Track Livery Ltd against the decision of Leeds City Council.
- The application Ref is 24/02554/FU.
- The development is change of use of land and building for commercial equestrian purposes.

Decision

1. The appeal is allowed, and planning permission is granted for change of use of land and building for commercial equestrian purposes, at Meadow View Track Livery Ltd, Wakefield Road, Leeds, LS26 0RZ, in accordance with the terms of the application, Ref 24/02554/FU, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved drawings and documents: i) 1:2500 scale red line site location plan, which includes the means of access to the site from the public highway and the sand paddock; ii) drawing number 2367-SCN-SK52 in so far as it relates to the horse track fencing details and cross section of limestone hardstanding; and iii) Biodiversity Metric Assessment by Rocket Ecology April 2024, including the post development Figure 2 plan at Appendix A, which identifies the extent of hardstanding relating to the sand paddock and the proposed limestone area adjacent to the barn. The limestone hardstanding area extending across the livery track as shown on drawing number 2367-SCN-SK52 is not permitted.
 - 2) The development hereby permitted relates to the commercial use of the site for full track livery purposes only and to the keeping of the appellants own horses.
 - 3) No more than 20 horses, including the appellants own horses, shall be kept on the site.

Preliminary Matters

2. The description of development is taken from the application form. The change of use of the land and building has already occurred and as such planning permission is sought for this retrospectively. The construction of an area of limestone hardstanding is proposed to be laid to the side and rear of the barn. The appellants have confirmed that the extent of the limestone hardstanding for which planning permission is sought, relates only to the area shown grey on the Figure 2 post development habitats site at Appendix A of the Biodiversity Metric Assessment by Rocket Ecology dated April 2024, and does not include the area

crossing part of the livery track as incorrectly shown on the appeal drawing number 2367-SCN-SK52.

3. A separate appeal¹ is before me for an extension to an access track, which serves the development, and a barn conversion occupied by the appellants. This is subject to a separate decision. My attention has also been drawn to other ongoing planning disputes and applications relating to the appellants dwelling and an extension to it. These matters are not currently before me, and I have considered this appeal on its own merits.
4. The additional information submitted with the appeal is in response to the Council's reasons for refusal and does not alter what planning permission was sought for in the submitted application or what works had already been undertaken on site. Furthermore, the Council has had the opportunity to respond to the appeal evidence and to revisit the site if necessary. Accordingly, no party would be prejudiced by my acceptance of any information that has been submitted with or further clarified as part of the appeal process.

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;
 - ii) the effect of the development on the appearance of the surrounding landscape; and
 - iii) the effect of the development on highway safety.

Reasons

Whether the development is inappropriate in the Green Belt

6. Paragraph 154(b) of the National Planning Policy Framework (the Framework) identifies the provision of appropriate facilities, in connection with an existing use of land or a change of use, as not being inappropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with purposes for including land within it. Paragraph 154(h) of the Framework lists various other 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, amongst other things, engineering operations, the re-use of buildings of permanent and substantial construction and material changes in the use of land.
7. Policy GB13 of the Leeds Unitary Development Plan (UDP) relates to equestrian development in the Green Belt. I note that the Council do not refer to any conflict with this policy and in its report the Council states the weight it has given to this policy is almost nil, given its inconsistency with the Framework. Despite being badly worded, this policy does support equestrian development in the Green Belt and is broadly consistent with the Framework.
8. The development primarily relates to the use of the land in connection with the keeping of the appellants own horses and those belonging to others on a commercial livery basis. The appellants operate a track livery system, where the horses live out on a track and are not stabled. They have a controlled diet and as

¹ APP/N4720/W/24/3357760

such do not graze the whole of the fields they are kept on. Instead, they walk around the track which has feeding troughs in various locations. Unlike a DIY livery, where owners simply rent a stable and paddock but visit daily to care for their horses themselves, the appellants provide a full livery care package, taking care of all of the horses needs on a daily basis on behalf of their owners. This reduces the number of visits that need to be made by the horses' owners, which in turn reduces the amount of activity on site, as well as reducing traffic movements and parking needs. Planning conditions can be imposed to ensure the commercial use of the site is restricted to full track livery and to limit the total number of horses.

9. The tracks have been marked out using 1.2 metre high timber fence poles with 3 lines of equine electric fencing wire strung between them. Other than the appellants own gated private access track, which runs adjacent to a small part of the equine livery track, the fencing is not adjacent to any highway used by vehicular traffic and the Council accepts that consequently most of the fencing is permitted development. The fencing is an appropriate facility required in connection with the use of the land for keeping horses. It is low level, and its simple post and wire form, which is no different in appearance to fencing used to enclose agricultural farm animals, does not obstruct any open views and is barely visible other than from very close up. It preserves the openness of the Green Belt and does not conflict with any of the purposes for including land within it.
10. The livery tracks have not been surfaced but are well trodden and grazed with little grass remaining. Small rubber mats have been laid over parts of the track, which can easily be lifted by hand and moved around as and when required. These mats would not constitute development and are only visible when very close up on the site. They are mostly located around the feeding and water troughs, which are also not development, to prevent the ground from becoming churned up and muddy in these frequently trodden areas. The tracks surround two large hay fields, a smaller grass paddock and the appellants home. The use of the tracks for keeping horses, the fencing that encloses them and the use of the land for growing hay and grazing sheep preserves the openness of the Green Belt and does not conflict with any of the purposes for including land within it.
11. The barn on the site is of permanent and substantial construction. At the time of my visit, it was being used to store hay and a small number of equine items such as horse tack and blankets. Its internal sub-division to create a feed and rug store, a grooming store and looseboxes for horses, in addition to hay storage, would not have any effect on the openness of the Green Belt. The muck trailer outside of the barn is mobile, not a building or structure. I did not see a portaloo but this like the trailer would normally be considered a chattel rather than development requiring planning permission. In any event these facilities would be reasonably required in connection with the agricultural and/or equestrian use of the site, and given their limited size and location alongside the barn, are not/would not be visible from outside of the site other than from the adjacent barn. The adjacent barn, which is much larger than the appellants barn and has large external areas of concrete hardstanding and outdoor storage, remains in agricultural use and is in separate ownership. The use of the existing barn in connection with the agricultural and equestrian use of the adjoining land, together with the siting of the portaloo and trailer, preserves the openness of the Green Belt and does not conflict with any of the purposes for including land within it.

12. The sand paddock is located between two high hedges that separate it from the two neighbouring houses. This area was previously granted consent for an access road to serve the conversion of 2 barns to 3 dwellings. It comprises a level surface formed by a layer of compacted stone, geotextile membrane and topped with sand. It is used for providing physiotherapy and rehabilitation exercises for horses. Although the paddock is visible from the private access track serving the neighbouring dwellings, due to its ground level surface between existing buildings and hedges, and the presence of a high hedgerow on the opposite side of the access track, it is not visible in and does not obstruct any open or long-distance views. New hedge planting could be undertaken along the eastern boundary of the paddock, adjacent to the access track serving adjacent dwellings, following the resolution of other outstanding planning disputes relating to the barn conversion and access to it. This form of development, comprising an engineering operation or provision of an appropriate facility required in connection with the keeping of horses on the site, preserves the openness of the Green Belt and does not conflict with any of the purposes for including land within it.
13. It is proposed to create a new area of hardstanding formed by a geotex membrane, compacted stone and topped with limestone, which I am advised drains well, absorbs and neutralises horse urine and helps to condition equine hooves naturally. I am advised this area would provide some external storage for hay and plant adjacent to the barn, as well as providing a well-drained area for the horses, which is particularly necessary during or following prolonged periods of wet weather. This form of development, comprising an engineering operation or provision of an appropriate facility required in connection with the keeping of horses on the site, would be acceptable in principle. Its use, in connection with the keeping of horses and for some incidental outdoor storage around the outside of the barn, would be reflective of the rural area and would be seen in context with the adjacent agricultural barn, hardstanding and outdoor storage. It would not therefore have an urbanising appearance or encroach into the countryside and the openness of the Green Belt would be preserved.
14. In addition to the above, the Council's case states that junction improvement works required to make the development acceptable in highway safety terms, would fail to preserve the openness of the Green Belt and would be an urbanising form of development that would encroach into the countryside. It was apparent from my site visit that the initial section of the access track from Wakefield Road has a tarmac surface, approximately 10 metres long, and is of suitable width to cater for two way passing vehicles. The remainder of the access road is a mixture of bound surfaces and loose stone. The access road has clearly been established for many years and has no doubt been used by large agricultural related vehicles and machinery in the past. It has established wide grass verges, trees and hedges to either side of it, which contain and screen it. Although the width of the road is quite generous, I noted the presence of 4 passing places along the track, between its junction with Wakefield Road and the point at which it forks off to serve different buildings. The passing places, two on each side of the track, comprise crushed stone and have grass and weeds growing through them. They are not visually prominent or harmful and blend into the track and its verges. These would allow for the passing of larger vehicles.
15. Occasional works to repair and maintain the track and its surface are unlikely to constitute development requiring planning permission. I did not see any new works

that resulted in any Green Belt or other harm at the time of my visit and no evidence of any unauthorised works to the access road or its junction have been brought to my attention.

16. The development is unlikely to result in any significant traffic movements and as such I do not consider that any further improvements to the existing access track serving the development or its junction onto Wakefield Road would be required as a result of the commercial equestrian use of the site. Furthermore, any such works would be engineering operations at ground level, would be necessary to facilitate the change of use of the land and would preserve the openness of the Green Belt.
17. Whilst the new areas of hardstanding would introduce development where there is currently none, these are engineering operations required in connection with the use of the land for keeping horses, and are not inappropriate provided they preserve openness and do 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 not be visible. If that was the intention the Framework would say that or would not allow such operations at all.
18. The areas of hardstanding would not be highly visible, urban in appearance or form an extension to an urban area, as such they would not in my view constitute urban sprawl or result in the encroachment of urban development into the countryside. Nor would they conflict with any of the other purposes of the Green Belt as set out at paragraph 143 of the Framework.
19. I therefore conclude that the use of the land and buildings for keeping horses on a commercial track livery basis, together with the existing and proposed engineering operations undertaken in connection with this use, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the development is not inappropriate in the Green Belt and it accords with the Framework. I also find no conflict with Policy GB13 of the UDP, which is supportive of development that is essential and subservient to outdoor equestrian activity.

Landscape

20. The site is located in a gently undulating rural landscape, albeit adjacent to the M1 motorway and with access from the A61. Industrial sites and built-up urban areas are located beyond both of these major roads and several substantial electricity pylons and overhead lines visually dominate the site, which is otherwise relatively well screened from public views by existing mature landscaping.
21. The new use utilises an existing barn with an existing established access track to it. The keeping of horses and the production of hay on the land are typical and acceptable uses in the countryside. The post and wire fences and the feeding and water troughs, respect and are in keeping with the rural landscape, being no different to any other fields or paddocks used for grazing horses or farm animals. The sand paddock is well screened and is located between two dwellings as opposed to out in the open fields. The proposed limestone hardstanding would be between the existing barn and dense landscaping buffer between the site and the motorway. It would be viewed in context with the adjacent larger barn and hardstanding. Whilst no works are proposed to the junction of the access, the A61 Wakefield Road is a major road, which is urban in appearance with a footpath,

street lighting, a bus stop, traffic signals and signage and multiple junctions. Accordingly, any access improvements in this location would not detract from the character and appearance of the area.

22. I therefore conclude that the development does not result in any harm to the landscape. As such it accords with Policy GB13(ii) of the UDP, which permits equestrian development in the Green Belt where no serious harm to visual amenity would arise, and Policies P10 and P12 of the Leeds Core Strategy (As Reviewed 2019), which seek to ensure development respects existing landscapes. As Policy GP5 of 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 the development to conflict with this.

Highway safety

23. The appeal site is served by an existing shared private access, which I understand has recently been improved as required by an earlier planning consent. It is surfaced with tarmac at its initial entrance (approximately first 10 metres) and the gates are set approximately 60 metres back from the junction with Wakefield Road. There is a passing place before the gate and 3 more beyond it. There is good visibility along the footpaths and verges that run adjacent to the fields at either side of the junction, which is wide enough for two vehicles to pass. Wakefield Road is subject to a 40mph speed limit at the point at which the private access joins it, and traffic speeds are further reduced in this area due to the close proximity of traffic lights. There are keep clear markings across the junction and double yellow lines between the junction and the traffic lights.
24. A maximum of 20 horses would be kept on the site and this can be controlled by a condition. Some of the horses are the appellants own and some customers have more than 1 horse in the livery, as such 20 horses does not mean 20 visitors. The site operates on a full livery basis rather than DIY livery. Consequently, horse owners do not need to make regular daily trips to the site. The evidence before me indicates that most visits will be at weekends and the traffic movements generated by the use are not significant. Whilst the submitted plans do not indicate any visitor parking areas, I am satisfied from my own observations on site that there are plenty of safe places to park on existing and proposed hardstanding adjacent to the appellants dwelling and adjacent to the barn.
25. Horses have to be kept in the countryside and will therefore generally be visited by owners and vets that travel by car from urban areas. However, the site is very accessible from a major road and is close to the urban area of numerous large settlements. The need for owners and vets to travel by motor vehicle to the site does not make this type of development, which requires a rural location, unsustainable. Most of the care would be undertaken by the appellants who live on the site and do not need to travel to and from work. There are footpaths along Wakefield Road and bus stops are located close to the Wakefield Road site entrance. According to the Council's Transport Services consultation response, buses to Leeds city centre are every 15 minutes.
26. Many of the horses currently kept on site are not ridden, although that may not always be the case with future horses and horse owners using the livery. However, it has not been suggested, and there is no evidence before me, that the development would have any adverse effect on local bridleways.

27. I therefore conclude that the use of the site for commercial equestrian purposes is not detrimental to highway safety or the local bridleway network. The development therefore accords with Policy GB13(ii) of the UDP, which permits equestrian development in the Green Belt where no serious harm to the highway and bridleway network would arise, and Policy T2 of the Core Strategy, which relates to accessibility. The section of the Transport SPD referred to me by the Council appears to relate to new junctions. As no new junctions have been created or are proposed I find no conflict with the SPD.

Other Matters

28. As the existing and proposed developments would not result in harm by reason of inappropriateness, or any other harm, very special circumstances are not required. However, I acknowledge the development provides a valuable local service, that benefits the rural economy, has substantial support from the neighbouring residents and farmer, other horse owners and vets. There are also significant biodiversity net gain benefits that arise from the change of use.
29. The Council's second reason for refusal states that Article 7 of the DMPO has not been satisfied but nevertheless the Council validated and proceeded to determine the application without seeking further information. As it has not been suggested that the site is previously developed land or Grey Belt, I have not considered these matters further.
30. Two field shelters previously sited on the land have been removed due to storm damage. I acknowledge that there could be a requirement to reinstate such structures in the future to provide the horses, that are kept outdoors, with some shelter from the heat or cold. However, such structures would not normally constitute inappropriate development in the Green Belt provided they are of suitable scale and appearance, which would be controlled by a separate application should the structures require planning permission.
31. 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, which unlike the keeping of horses does not require a countryside location and is very different in appearance. The Owl Lodge appeal relates primarily to residential use and an extension, which would be 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

32. I have considered the conditions suggested by the Council against the relevant tests. I have imposed a condition clarifying the approved plans to provide certainty as to what has been approved. I have not conditioned the floor plan of the barn as any internal alterations made in connection with the agricultural use or approved equestrian use of the building would not require planning permission.
33. It is unclear whether the planning and highway officers have visited the site recently in person, or assessed it based upon Google Maps or Google Earth. However, having inspected the site and the access in person myself, I am satisfied

that it is of suitable width and surface, and has suitable passing places and visibility splays, to safely accommodate the limited increase in traffic movements that will result from the equestrian use of the site. The footways and verges forward of the boundary hedges appear to be highway controlled. There are existing powers under the Highways Act that require landowners to maintain their hedges, so that they do not cause obstruction, and powers for local authorities to take enforcement action against landowners. It is not therefore necessary to duplicate this with a planning condition.

34. As I have not found the small areas of hard surfacing in connection with the equestrian use of the land to be inappropriate in the Green Belt or harmful to the local landscape, there is no reason to require its removal should the livery use cease.
35. Despite its concerns, the Council has not suggested any conditions to control the scale or nature of the commercial equestrian use of the site. I consider it is reasonable and necessary to restrict the total number of horses kept on the site to a maximum of 20 and to restrict the commercial use of the site to a track livery. This is because a larger scale or different type of commercial equestrian development could result in a level of vehicle movements, activity and parking that would be harmful to the appearance of the site, the amenity of local residents and other users of the shared access road. Whilst I acknowledge that activity levels are currently quite low, the site is not at full capacity and future horses kept at the site and their owners may have differing needs to current horses and owners, resulting in more frequent visits. Furthermore, the planning permission runs with the land, and future owners of the site may operate differently to the appellants.

Conclusion

36. The development accords with the Framework and relevant development plan policies. I therefore conclude the appeal should be allowed.

R Bartlett

INSPECTOR