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## Appeal Decision

Site visit made on 3 July 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

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**Appeal Ref: APP/X4725/W/25/3363904**

**Westfield Farm, Willowgarth Close, Ryhill, West Yorkshire WF4 2PP**

- 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 Graham Brannan against the decision of Wakefield Metropolitan District Council.
  - The application Ref is 24/01027/FUL.
  - The development proposed is construction of new farm access track from Willowgarth Close to include gates to new access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

### Main Issues

3. The main issues are the effect of the proposal on:
  - Highway safety;
  - The living conditions of nearby residents with regards to noise and disturbance; and
  - Biodiversity.

### Reasons

#### *Highway Safety*

4. The access would be taken from the residential cul-de-sac of Willowgarth Close. At the time of my visit, there was no fencing or other permanent means of enclosure separating the location of the proposed access from the highway, but access had been blocked by hay bales.
5. The access would serve an area of land described on the planning application form as farmed grassland. The appellant states that this agricultural land forms part of a 40-acre holding currently used for hay production and previously for grazing livestock. There was an open sided storage building which appeared to be an

- established feature on the land and which would be served by the proposed access.
6. I also observed a number of storage containers, vehicles and mobile homes distributed across the land. However, the lawfulness or otherwise of these features has not been set out to me, and I have therefore proceeded to determine this appeal on the basis of the submitted evidence regarding the use of the land.
  7. Access to the land is currently provided by a track leading from the B6428. Although this track is signed as being “Unsuitable for motor vehicles” I saw that it was typical of an agricultural access track. The appellant submits that this track is unusable for domestic vehicles, but given the agricultural use of the land there is no reasonable expectation that access for vehicles of a domestic scale is required or appropriate. I also observed that the track was in active use by vehicles including a transit van at the time of my visit, which indicates that it provides vehicular access appropriate to the land it serves.
  8. The appellant also considers that the access does not provide year-round all weather access. However, this is not supported by substantive evidence, and given my own observations I consider the existing track provides appropriate access to agricultural land. Should there be any ongoing issues in relation to access along this track, it has not been demonstrated that it cannot be upgraded to meet reasonable operational needs.
  9. There is also a gated access to the appellant’s land from Westfield Crescent/Falkirk Drive which the appellant considers is too narrow for vehicles. However, although I saw that this access is narrow and relatively elongated, it appears to provide suitable access for the low volume of domestic scale vehicles that the appellant refers to.
  10. Reference has been made to the use of planning conditions to restrict vehicle types or use. A condition limiting the weight of vehicles using the access would be observable and enforceable as long as it was based on a recognised weight classification, such as used by the Department for Transport. But it has not been demonstrated that such a condition would be effective in preventing access via Willowgarth Close by unsuitable vehicles within the specified weight class.
  11. The appellant submits the access would not be used by the public or commercial contractors. However, although the access would be to private land, preventing access to commercial contractors associated with the lawful use of the land would not be enforceable.
  12. A condition preventing access by tractors or agricultural machinery would also not be appropriate, as the access would service agricultural land, and a condition preventing access by agricultural vehicles or machinery would therefore not be relevant to planning and the development.
  13. The appellant states that no trailers would be permitted to use this access, and I consider that the use of trailers would be readily observable. However, the access is proposed to support maintenance and land management, and it is reasonable that vehicles accessing this agricultural land would use trailers to transport maintenance equipment or machinery. On that basis, I do not consider that a condition preventing the use of trailers would be relevant or reasonable with regards to planning and the development proposed.

14. Given the concerns relating to the use of conditions to limit the use of the access, there is a significant possibility that the proposal would lead to the introduction of agricultural and other vehicle movements that would not be compatible with this residential cul-de-sac. The nature of these vehicles and the vehicle movements would lead to conflicts with other highway users including vehicles, cyclists and pedestrians to the detriment of highway safety. This would also apply to the vehicle movements that would be generated by the proposal along the residential estate roads leading to the cul-de-sac.
15. The proposed access would be gated and would be set back from the boundary with Willowgarth Close so that vehicles using the access would be able to wait off the highway. However, due to its gated nature, it cannot be guaranteed that vehicles would be able to gain access to the land. In these instances, vehicles would need to reverse onto Willowgarth Close so that they could leave the area in forward gear. Although there is a turning head adjacent to the access, it has not been demonstrated that this would be suitable for the types of vehicles that may use the access. This would be likely to lead to convoluted vehicle manoeuvres on this residential cul-de-sac, with increased potential for collisions between vehicles and other highway users.
16. Drawing the above together, the proposal would lead to significant harm to highway safety. This harm cannot be mitigated through the use of planning conditions, and the harm is not outweighed by other considerations including the nature of existing access to the land. The proposal would therefore be contrary to the access and highway safety requirements of Policy LP27 of the Wakefield District Local Plan 2024 (the Local Plan).

#### *Living Conditions*

17. The proposal would be accessed through a residential area, including the cul-de-sac of Willowgarth Close adjacent to the proposed access. This cul-de-sac has a quiet suburban character, and includes dwellings in close proximity to the proposed access.
18. The appellant considers that the number of trips generated by the proposal would be similar to a domestic driveway. However, there is no substantive evidence to support this, and I am mindful that access to agricultural land can generate vehicle movements of a different form and greater intensity compared to a residential use.
19. Given the form of vehicles that are likely to use the access, this would generate noise and disturbance from the engines of vehicles passing through the area and paused at the gate, the opening/closing of the gate, and noise from people at the access. It is also likely that fumes from vehicles passing through the area and paused at the access would be intrusive to nearby residents. I am also mindful that agricultural operations can generate vehicle movements at relatively unsocial hours within the context of this residential area. The comings and goings associated with the proposed access would therefore lead to undue noise and disturbance from vehicles, with resultant harm to the living conditions of residents of dwellings within the cul-de-sac.
20. For the reasons stated previously in respect of highway safety, I do not consider that planning conditions would be able to control the form of vehicle movements that are likely to arise from the proposal to a degree that would mitigate the harm to

living conditions. Similarly, the identified harm is not outweighed by other considerations including the nature of the existing access to the land.

21. I therefore conclude that the proposal would lead to significant harm to the living conditions of nearby residents in respect of noise and disturbance. The proposal would therefore be contrary to Policy LP56 of the Local Plan which requires that development should have no significant detrimental impact on the amenity of neighbouring residents.

### *Biodiversity*

22. The Council refers to a lack of information to demonstrate that 10% Biodiversity Net Gain (BNG) can be provided on the site. Although the appellant proposes to make provision for BNG off-site, this would be on land around the proposal within their control and I do not consider that a legal obligation would be necessary. Given the scale of the proposal, the nature of the affected land, and the extent of the appellant's land holding around the site I consider that BNG provision could be secured by condition.
23. Subject to an appropriate condition, the proposal would not lead to harm in respect of biodiversity and in particular BNG. The proposal would therefore not conflict with the biodiversity and ecological requirements of Policies SP23, LP51 and LP56 of the Local Plan. The proposal would also not conflict with the National Planning Policy Framework in respect of conserving and enhancing the natural environment.

### **Other Matters**

24. The appeal site is within the Green Belt and the appellant submits that it would preserve openness. However, the effect on the Green Belt has not been referred to in the reasons for refusal, and a lack of harm on this issue weighs neither for nor against the proposal.
25. The BNG contribution would be an environmental enhancement, but given the scale of the proposal this would be of only limited benefit and would not outweigh the harm I have identified. The appellant refers to sustainable rural land management, but based on what I have seen and read this can be facilitated by the existing accesses to the site.

### **Conclusion**

26. Notwithstanding my conclusion on biodiversity, I conclude that the proposal would lead to significant harm to highway safety and the living conditions of residents. The proposal would therefore be contrary to the development plan when read as a whole in respect of highway safety and amenity.
27. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR