



Appeal Decision

Site visit made on 20 June 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2025

Appeal Ref: APP/A4710/W/25/3359174

Land to the north east of Keepers Lodge, Gorpley Lane, Todmorden OL14 7HU

- 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 Ms Gaynor Whiteley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00223/FUL.
 - The development proposed was originally described as “erection of American barn with associated regrading work and access arrangements”
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Decision

1. The appeal is allowed and planning permission is granted for proposed stable block including hay, feed and tack rooms with associated regrading work and new access road at Land to the north east of Keepers Lodge, Gorpley Lane, Todmorden OL14 7HU in accordance with the terms of the application, Ref 24/00223/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the planning application the proposed development was amended from an American barn to a U-shaped stable block. Therefore, in order for the decision to accurately reflect the proposals before me, I have amended the description of the proposed development in the formal decision to reflect the amended plans. I have consulted the main parties on the revised wording who have agreed to the change to the description of development.

Main Issue

3. The main issue is:
 - Whether the proposed development would be in a suitable location having regard to local plan policy including its effect on the openness, character, and appearance of the countryside within the Special Landscape Area.

Reasons

4. The appeal site is within a field located off an access road leading to Keepers Lodge, a property off Gorpley Lane. The site is located on an area of upland pasture on a gentle sloping hillside within a wider valley, with the host dwelling and another substantial building in the site's immediate setting. A reservoir is located a short distance away, down the hill. The area is scenic with long range views across an undulating landscape, with gritstone walls and moorland nearby. The area is sparsely developed with buildings dotted within the landscape and the area has a remote and isolated feel. The immediate setting is of pastureland.

5. The proposed development is for a U-shaped stable block to accommodate 4 horses, with a tack room, hay and feed stores, and a pig pen. The proposal also includes an area of hardstanding to create the yard, which includes an enclosed muck heap, turning area and access road. The proposal includes access gates and regrading work to the topography.
6. Policy GB2 of the Calderdale Local Plan 2023 (CLP) states that certain types of development which are considered to be appropriate will generally be supported within the Area Around Todmorden, this is providing they do not have a negative impact upon the openness or character of the countryside. A type of appropriate development includes uses necessary for equestrian activity, which has a functional need to be in the countryside. In addition, the appeal site is within a Special Landscape Area (SLA) where policy GN4 of the CLP states that development within its setting will be carefully designed and sets out a series of criteria for this.
7. The Council has accepted that the appellant owns 4 horses, each of which has a passport and is kept elsewhere. The appellant's address, Keepers Lodge, is within the blue line plan. Therefore, it has been adequately demonstrated to me that a need for stabling of up to four horses on the land is required and that the owner of Keepers Lodge and the appeal site are connected. Therefore, I am satisfied that the proposal is for genuine equestrian activity and therefore has a functional need to be in the countryside.
8. Having regard to openness, the appeal site is an open field, therefore there would inevitably be a reduction in openness due to the presence of the proposed stable building. However, the proposed stable building would be low in height with a very shallow pitched roof and would be side on to the hillside. The proposed changes to the topography to enable the building to be on flat ground, would ensure that the prominence of the building would be lessened, especially from more distant views. Due to this, together with the U shape, the mass of the proposed building would be broken up, especially the roofline.
9. Furthermore, due to the design of the proposal with an internal courtyard arrangement, together with much of the proposed storage having dedicated areas within the building, associated paraphernalia would be contained, therefore it would be less likely to be spread out across the site, which would be beneficial in terms of openness.
10. Whilst the access road would be relatively long to the stables, its route would allow it to avoid the steep angle and it would face the front of the building, rather than its side. I find that this configuration would be acceptable and due to it being hardstanding, together with the changes in levels, the access track would not be prominent and therefore, in my view, would not have a detrimental impact on openness.
11. I am satisfied therefore, that although the proposed development would have some effect upon openness, due to the above factors taken together, I do not consider that the proposal would have a negative impact upon openness.
12. The proposed building is a stable block for equestrian use, which is an appropriate use within the countryside. Therefore, the presence of a stable block would not be incongruous in a location such as this. The stables would be in connection with the host dwelling and would be located a modest distance away from it. In my view,

the stables would appear as part of the cluster of buildings associated with the dwelling on the site. Therefore, the stable building would not appear isolated, especially from more distant views.

13. The proposed material palette is of timber with onduline roof which for a proposed building such as this would be appropriate to this rural setting, and the proposed access would be acceptable as it would run parallel with the existing access lane across the hillside and would not appear at odds with the wider landscape.
14. The Council's officer report states that the proposal was not accompanied by a Landscape Impact Assessment. However, based on the information before me, including the Appellant's appeal statement I am satisfied that I have sufficient information to assess the proposal with regard to the SLA.
15. Having regard to Policy GN4, the proposed stable building would be located on the mid slope of the hill, and, for it to be level, excavation would take place. Although functional, this would allow the building to be less conspicuous in the hillside. Whilst the building would be visible, due to its massing and material palette it would not adversely affect the scenic quality of the SLA. Similarly, its location on the hill slope and small scale, it would, in my view protect important and distinctive views, remoteness and tranquillity while not affecting opportunities for access and recreation. I consider that the proposal would protect landscape quality and contribute to a sense of place due to its appropriate proposed use in this rural area. The existing wall, which is an important landscape feature, would be retained, albeit with a gated access created.
16. I am satisfied that due to the proposed design, together with the material palette, location and proposed use, the stable building and proposed changes to the levels would not be at odds with this rural setting and therefore would not have a negative impact on the character of the countryside.
17. To conclude for the reasons set out above, the proposed development would be in a suitable location, and would not have a harmful effect on openness or the character and appearance of the countryside within the Special Landscape Area and would therefore accord with Policy GB2, GN4 and BT1 of the Calderdale Local Plan insofar as they relate to the main issue which require that appropriate developments do not have a negative impact upon the openness or character of the countryside, and seek to ensure that developments are carefully designed to be in keeping with their location in the SLA and are of a high quality, inclusive design.

Other Matters

18. A neighbouring property has commented on the Council's handling of the application with regard to the proximity of their property to the appeal site, stating that it is within 400m of the appeal site. I do not have the details of the interested party's property before me, however, I am satisfied that due to the distance between the proposed development and neighbouring properties, that the living conditions of neighbouring occupants would not be adversely affected by the proposals. Therefore, the proposal would accord with policy BT2 of the CLP which states that proposals should not impact on privacy, daylighting and private amenity space of adjacent residents or other occupants.

19. I note amongst the consultee comments that the Council's tree officer has discussed the poor state of a tree near to the entrance and that this should be removed for health and safety reasons. This tree is not directly affected by the proposed development, however, as this relates to health and safety it is raised for the attention of the appellant.

Conditions

20. I have not been provided with a list of suggested conditions from the Council, therefore I have set out conditions I consider necessary against advice in the National Planning Policy Framework and Planning Practice Guidance. I have ensured both parties have had the chance to comment on the proposed conditions and I have had regard to any comments made. I have added two additional conditions as discussed below in relation to ecology (conditions 5 and 6) which were not included in the list to the main parties. However, as these conditions were suggested by the Council's ecologist in their representations, I am satisfied that the parties would not be prejudiced by my taking those comments into account and imposing the conditions.
21. In addition to the standard time limit condition, in my judgement a condition is necessary to ensure that the development is carried out in accordance with the approved plans.
22. In my view, a condition is required in respect of the facing materials of the proposed development together with the details of the access gates and hard surfacing materials, which should be approved by the Council, to ensure that those details are suitable having regard to the character and appearance of the area.
23. The Council's flood risk advisor has recommended a condition requiring the submission of foul and surface water drainage details to the Council for approval, prior to drainage works beginning. I am satisfied, based on the details before me that the condition is required in order to prevent flooding and to ensure that foul and surface water is effectively managed at the appeal site and accord with Policy CC3 of the CLP which seeks to ensure that new development has an adequate means of water supply, sufficient foul and surface water drainage.
24. The Council's highways advisor has requested a condition, which has been reiterated by the Town Council, requiring the use of the proposed development to be restricted to private use and not commercial use. These comments were related to the original proposal of up to 8 stables within the American barn. Whilst I acknowledge that the access road to the site is narrow, the evidence before me suggests that it is for the private use of the appellant. Therefore, due to the, now, modest size of the proposed development of 4 stables, the number of horses to be kept at the site whether by several or one owner is self-limiting due to the size of the proposed development. Therefore, in my view, due to this, vehicular comings and goings to and from the site, even with horseboxes or trailers, would not be excessive. Therefore, I do not consider that the condition is necessary in this case. Furthermore, when consulting the Council on the suggested conditions it did not request a condition restricting the use.
25. Having regard to the suggested conditions from the Council's ecologist relating to the Construction Environmental Management Plan (CEMP), lighting and the proposed installation of bat and bird boxes, I find that these conditions would enhance the opportunity for biodiversity at the site. Therefore, the conditions would

be reasonable, given this very rural location and have therefore been included. The condition regarding the CEMP is to be submitted to the Council prior to the commencement of development except for the formation of the opening in the wall to allow access to the site.

26. The Council's advisor on ecology has suggested a Habitat Management Plan condition in order to ensure that the proposed biodiversity net gain (BNG) is achieved post-development. The submitted details indicate that BNG beyond the minimum required can be achieved subject to further details. However, it is not necessary to impose a condition requiring the submission of a biodiversity gain plan (BGP) because the deemed biodiversity gain condition, under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended), ensures that the development cannot commence until a BGP has been submitted to and approved by the local planning authority.

Conclusion

27. For the reasons set out having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

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 the following approved plan: Drawing CL 07245879/10
- 3) No development above floor slab level of the stable building hereby approved shall begin until details of the proposed facing materials, access gates and hard surfacing materials have been submitted to and approved in writing by the local planning authority, the development shall be carried out in accordance with the approved details and maintained, as such, in perpetuity.
- 4) No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be implemented prior to the first operation of the development and managed and maintained thereafter in accordance with the approved details.
- 5) No development above floor slab level of the stable building hereby approved shall commence until a lighting design strategy and details of the locations and specifications of all bat and bird boxes to be installed at the site have been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved details and maintained, as such, in perpetuity.
- 6) No development except for the removal of the section of wall to create the access, hereby approved, shall commence until a Construction Environmental Management Plan (CEMP) for ecology has been submitted to and approved in writing by the Local Planning Authority, the approved CEMP shall be adhered to throughout the construction period for the development.