



Appeal Decisions

Site visit made on 9 September 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal A Ref: APP/N4720/C/24/3353150

Appeal B Ref: APP/N4720/C/24/3353151

Appeal C Ref: APP/N4720/C/24/3353152

Land at Upper Brandon Farm, Brandon Crescent, Scarcroft, Leeds LS17 9JH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”) against an enforcement notice (“the notice”) issued by Leeds City Council.
 - The appeals are made by Mr Phil Beaumont (Appeal A), Mrs Penny Beaumont (Appeal B) and Upper Brandon Farm Limited (Appeal C).
 - The notice was issued on 6 September 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use to a mixed-use comprising a (B2) timber processing use, and the (sui generis) storage of heavy plant vehicles and machinery and a dwelling house.
 - The requirements of the notice are to: Cease the use of land for the timber processing use (Step 1); Cease the use of land for the storage of heavy plant vehicles and machinery (Step 2); Remove from the land all materials related to the timber processing use (Step 3); and Remove from the land all heavy plant vehicles and machinery (Step 4).
 - The period for compliance with the requirements is 3 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(b), (c), (f) of the Act.
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Decisions

1. The appeals are dismissed, and the notice is upheld.

Preliminary Matters

2. Reference has been made to effects of the alleged mixed use on living conditions, particularly through noise, and on the local environment and road safety, primarily through the passage of vehicles. Those issues may be material considerations in determining a deemed planning application when an appeal has been made on ground (a).¹ However, no appeal has been made on that ground, and the issues do not fall to be considered in the grounds on which the appeals are proceeding.
3. While reference has also been made to a soil refining and processing operation, that does not form part of the matters alleged in the notice.
4. The alleged use of a log cabin on the land as a dwelling is the subject of a separate enforcement notice, which is not before me.

Appeals A, B and C - the appeals on ground (b)

5. An appeal on ground (b) is that any matter stated in the notice has not occurred in fact. The dwellinghouse in the description of the alleged breach was formed with

¹ That in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted, or as the case may be, the condition or limitation concerned ought to be discharged.

the benefit of planning permission² and the appellants therefore contend that the use of the dwellinghouse is not in breach of planning control.

6. The full text of the allegation and the notice's requirements, which specify what it seeks to remedy, indicate that it does not allege that a dwellinghouse has been formed or is being used as such without planning permission.
7. The alleged breach of planning control is *the mixed use of the land* comprising a timber processing use, storage of heavy plant vehicles and machinery ("the storage use"), and use as a dwellinghouse. It is not disputed that all were taking place on the land prior to the issue of the notice. What the notice alleges has therefore occurred in fact and the appeals on this ground must fail.

Appeals A, B and C - the appeals on ground (c)

8. An appeal on ground (c) is that any matter that has occurred is not a breach of planning control. This could be because the matter is not development or has been granted planning permission. As noted, the dwellinghouse was formed with the benefit of planning permission and its use as such is therefore authorised.
9. The appellants contend that the timber processing and the storage uses are incidental to lawful uses of the land as a dwellinghouse and for agriculture respectively. If that can be demonstrated, on the balance of probabilities, and neither the timber processing use nor the storage use brought about a material change of use, the appeals on ground (c) would succeed.

The planning unit

10. To determine whether a material change of use has occurred, it is necessary to seek to identify the planning unit, and its current and previous primary uses. The planning unit is usually the unit of occupation, unless a smaller area can be identified that is physically and functionally separate and is occupied for different and unrelated purposes.
11. The unit of occupation is the land edged red on the plan accompanying the notice. The presented historical evidence indicates that it used to be solely in agricultural use. Planning permission³ was granted for the change of use of agricultural buildings near the front of the site to a dwellinghouse with a defined curtilage covering about a quarter of the land. Agriculture remains a lawful use of the larger part of the land, regardless of whether it was active when the notice was issued. Accordingly, even with the recent absence of agricultural use, it must be accepted that there is no single primary use of the land.
12. The dwellinghouse, the timber processing use, and the storage use share a vehicular access to Brandon Crescent. The parts of the site where the timber processing and storage uses are carried out can only be reached by passing through the land associated with the dwellinghouse use, marked by a red line on the approved plan. This is a physical connection between the uses that comprise the alleged mixed use.
13. However, there is no clear evidence that the timber processing and storage uses occupied areas that were physically distinct from each other at the time the notice

² 20/04114/FU, date of decision unknown.

³ 20/04114/FU, date of decision unknown.

was issued. While a degree of separation may be prudent for safe and convenient working, I saw no sign of demarcation between those activities.

14. Drawing the foregoing evidence together, the land is a single planning unit with no primary use. It remains to be determined whether any identified use is incidental to another.

Whether the timber processing use is incidental to the dwellinghouse use

15. A Companies House entry records Upper Brandon Farm Limited, the appellant company in Appeal C, as being registered at the site and engaged in logging and support services to forestry. While I note that the entry includes a disclaimer, that Companies House does not verify the accuracy of the information filed, the appellants do not dispute the content. However, they say the entry is a legacy from 2023 and that the entry now only refers to agricultural activity. A copy of the current entry has not been produced, so it has not been shown that the described change was made before the notice was issued.
16. In their response to a Planning Contravention Notice in February 2024, the appellants in Appeals A and B stated that they sold logs to friends and local contacts but only as 'a minor sideline and more of a hobby.' They now say that firewood was sold or given to friends and family, but state that this has ended. However, they do not specify whether that change was made before the notice was issued. Nevertheless, they say the timber processing is not a commercial activity and only provides fuel for a log burning stove in the dwellinghouse.
17. The Council estimates the stove should consume some 7 cubic metres of logs each year, but the appellants feel that does not reflect their requirements or choices. However, they have not provided an alternative figure to gauge against the scale of the timber processing use in photographs from November 2023 and February 2025. The latter photograph was taken 5 months after the notice had been issued and there is no evidence that the scale of the operation had grown since then.
18. The quantities of raw and processed timber, the mechanical log splitter with conveyor, and the use of a trailer in the February 2025 photograph appear disproportionate to the normal requirements of a single dwellinghouse. While the appellants describe the log burning stove as the main source of heating for the dwellinghouse, they have not identified that it serves any other purpose requiring more fuel, such as heating water for a central heating system. However, much of the dwellinghouse is open plan and the stove is large, so it is reasonable to assume that it consumes significant quantities of fuel in the coldest weather. However, the mechanical log splitter with conveyor is no longer on the land, suggesting that it does not need to be there for the stove to have the fuel it requires.
19. Furthermore, the timber processing does not take place within the curtilage of the dwellinghouse but on a part of the land where dwellinghouse use has not been permitted. Accordingly, even if it could be shown to be proportionate to the use of the dwellinghouse, the fact that it takes place on other land indicates that it is not an incidental activity. Viewed in this light, if I did accept that the timber processing use is incidental to the dwellinghouse, it would be inconsistent with the appellants' claim that the dwellinghouse is a separate planning unit from the rest of the land.

Whether the storage use is incidental to a permitted agricultural use of the land

20. The appellants describe the rear part of the land as “agricultural land where agricultural machinery, such as a tractor and trailer, is appropriate to be used and stored.” There is, however, no evidence of any agricultural use of the land, either of any crop being grown or any livestock being kept on it, in recent years or when the notice was issued. The only presented evidence of use of a tractor and trailer on the land is the photograph showing them in association with the processing of timber, which is not an agricultural use.
21. Furthermore, the Companies House entry I have seen did not record Upper Brandon Farm Limited as an agricultural business. The appellants say the current entry refers to agriculture, but it has not been produced, so it is not demonstrated that there was an agricultural use of the land when the notice was issued.
22. It may be that the heavy plant, vehicles, and machinery visible in the photographs, some of which I saw, may be used in agriculture, for example, digging drainage ditches on farmland. However, there is no evidence that they have been put to such use on the land. Furthermore, I saw numerous items such as steel cages, pallets, ladders, blockwork, and grass rollers that have no apparent agricultural application.
23. Consequently, the storage use is not incidental to any lawful agricultural use of the land. I can only conclude that any agricultural application of the stored items takes place on other land.
24. The appellants’ statement of case referred to an intended use of 150 sqm within the barn near the centre of the land, along with an equivalent curtilage area, for storage and distribution. They consider this to be permitted by Article 3, and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“Class R” of “the Order”). It had been their intention to move most of the plant and machinery that had been stored on the land when the notice was issued inside the barn once work on it was complete and to store other items in the adjacent curtilage.
25. For the permission conferred by Class R to apply, the building in question must have been used solely for agriculture as part of an established agricultural unit on or before 3 July 2012 or for a period of at least 10 years before the date the development begins. The appellants state the building was in agricultural use in July 2012 and while the Council points to there being no evidence of a current agricultural use, that is a different matter. Given the building’s agricultural form and apparent age, there is a reasonable prospect that it had been in agricultural use on or before 3 July 2012, although I note the appellants do not state that it was solely in that use then.
26. However, the appellants confirm in these appeals that construction work to facilitate the change of use permitted by Class R had not been completed when the notice was issued. I am not convinced that the curtilage associated with a building could benefit from a permission conferred by Class R if the relevant use of the building itself had not begun. Even if that were not the case, it has not been demonstrated that the storage use was taking place on land within the barn’s curtilage, as Class R requires, when the notice was issued. Indeed, much of the plant visible in the November 2023 photographs, some of which I saw in the same part of the land, is too far away to be within the building’s approximate 150 sqm curtilage.

Conclusion on ground (c)

27. It has not been demonstrated, on the balance of probabilities, that the timber processing use was of a nature and scale incidental to the lawful dwellinghouse use when the notice was issued. The use had therefore been part of an unauthorised mixed use that had made a material change in the use of the land.
28. It has not been demonstrated on the balance of probabilities that the storage use was incidental to an agricultural use of the land when the notice was issued. Nor has it been demonstrated, on the balance of probabilities, that the storage use taking place when the notice was issued then benefited from permission conferred by Class R of the Order. The storage use was therefore not incidental to any lawful use of the land and is part of an unauthorised mixed use that had made a material change in the use of the land.
29. Accordingly, the material change of use to the alleged mixed use was in breach of planning control and the appeals on ground (c) must fail.

Appeals A, B and C - the appeals on ground (f)

30. Steps 1 and 3 require the timber processing use to cease and all materials relating to it to be removed from the land. The appellants' view that these requirements are excessive rests on their contention that the timber processing use is incidental to the dwellinghouse use. As I have found it is not, Steps 1 and 3 do not exceed what is necessary to remedy the breach of planning control.
31. Steps 2 and 4 require the storage use to cease and all heavy plant, vehicles and machinery to be removed from the land. The appellants' view that these requirements are excessive rests on their contention that the storage use is incidental to agricultural use of the land or is permitted by Class R. As I have found that neither was the case when the notice was issued, Steps 2 and 4 do not exceed what is necessary to remedy the breach of planning control.
32. Additionally, the appellants consider steps 2 and 4 to be unclear because some plant is being used in connection with ongoing construction work at the land. However, use of plant in those circumstances would not be storage, so it would not be in breach of the notice's requirements. Accordingly, it is not necessary to vary the notice in this respect.
33. For these reasons, the appeals on ground (f) must fail.

Appeals A, B and C – conclusions

34. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the notice.

Mark Harbottle

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N4720/C/24/3353150	Mr Phil Beaumont
Appeal B	APP/N4720/C/24/3353151	Mrs Penny Beaumont
Appeal C	APP/N4720/C/24/3353152	Upper Brandon Farm Limited