



Appeal Decision

Site visit made on 12 August 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/W4705/C/24/3346840

Land at Apperley Lane, Apperley Bridge, Bradford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Steve Beamish against an enforcement notice ("EN") issued by the City of Bradford Metropolitan District Council.
 - The EN was issued on 9 May 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission the unauthorised material change of use from agriculture to a mixed use of agriculture and as a storage depot in connection with a tree contractor business.
 - The requirements of the EN are to:
 - i. Cease and remove the use of land as a storage depot in connection with a tree contractor business
 - ii. Remove from the land all vehicles, equipment, skips, plant and materials brought onto the land in connection with a tree contractor's business.
 - The period for compliance with the requirements is: Three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. It is directed that the EN is varied by:

- *the deletion of the words "i. Cease and remove the use of land as a..." and their substitution with the words "i. Cease the use of the land as a..." in section 5;*
- *the deletion of the words "ii. Remove from the land all vehicles, equipment, skips, plant and materials brought onto the land in connection with a tree contractor's business" and their substitution with the words "ii. Remove from the land all vehicles, equipment, skips, plant and materials used in connection with the use of the land as a storage depot in connection with a tree contractor business" in section 5; and*
- *the deletion of "Three calendar months" and its substitution with "Five calendar months" as the period for compliance.*

Subject to the variations, the appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Preliminary Matters

2. In December 2024, a revised National Planning Policy Framework ("the Framework") was published. It is mandatory for me to take account of the most

relevant and up-to-date information in reaching a decision therefore, I have dealt with the appeal on this basis. Both parties have had the opportunity to comment upon the revised Framework and have therefore not been prejudiced. I have referenced the revised paragraph numbers, where relevant.

3. The appellant states that the Council has failed to provide any detail to quantify and qualify the alleged breach of planning control. However, it only has to “appear” to the Council that a breach of planning control has occurred, not that it is certain it has occurred. It is for the appellant to provide evidence to counter the substance of the EN under the relevant grounds of appeal.

Appeal on Ground (b)

4. An appeal under ground (b) is that those matters stated in the EN have not occurred. The alleged breach is an unauthorised material change of use from agriculture to a mixed use of agriculture and storage depot in connection with a tree contractor business (“a storage depot”).
5. The appellant’s evidence relies on the assertion that the primary use of the land is for agricultural purposes in connection with the growing of Christmas trees and that a material change of use has not occurred. This argument is pertinent to a ground (c) appeal and therefore, I will consider this accordingly below.
6. The appellant asserts that a change of use of the entire site edged in red on the EN plan to a storage depot has not occurred. However, the breach of planning control actually alleges a material change of use to a mixed use of agriculture and a storage depot, which the appellant does not deny. No further evidence has been provided by the appellant to demonstrate that the matters stated in the EN have not occurred.
7. Consequently, on the balance of probabilities, the alleged breach of planning control had occurred as a matter of fact. The appeal on ground (b) therefore fails.

Appeal on Ground (c)

8. An appeal under ground (c) is that the matters alleged in the EN do not constitute a breach of planning control. The onus of proof is on the appellant to show there has been no breach of planning control. The relevant test is the balance of probability.
9. The meaning of development is set out in section 55 of the 1990 Act and includes the making of any material change in the use of any buildings or other land. Therefore, for a change of use to amount to development there must be a material change in the character of the use that the land is being put to.
10. The appellant does not deny that the land is being used for both agriculture and as a storage depot. However, they assert that the primary use of the land remains agricultural for the growing of Christmas trees and that any other use or change of use is so insignificant that a material change of use has not occurred.
11. The appellant asserts that they are a small family business employing 6 people that undertakes forestry and agricultural contracting. Due to the seasonal nature of their work, they have diversified into the growing of Christmas trees. They also cut silage from the land. No further evidence has been provided regarding the Christmas tree business or the forestry and agricultural contracting business.

12. During my site visit I saw two parcels of land where Christmas trees were grown. In addition, a large proportion of the appeal site is a field, where I presume the crop of silage is taken. Both these uses fall under the definition of agriculture¹.
13. At the time of my site visit, a field to the north of the land was used to store a significant number of tree trunks, the majority of which were of a substantial length and diameter and much larger than the Christmas trees that were being grown on the land. Furthermore, there was no evidence that any trees grown on the land had been recently felled. As such, it was clear that the tree trunks had been transported onto the land and therefore, their storage was not ancillary or incidental to the Christmas tree growing business.
14. There was a substantial pile of wood chip which the appellant asserts is used as a mulch around the base of the Christmas trees being grown. However, I did not see any evidence of wood chip being used as mulch around the Christmas trees at the time of my site visit. Furthermore, in my judgement, the size of the wood chip pile was excessive for the number of Christmas trees being grown.
15. Wooden pallets and metal crates were stacked on the land. Some crates were empty, but several were filled with split logs (the type sold for use in wood burning stoves). An existing agricultural building was used to store equipment and machinery in conjunction with both uses and split logs were stored inside in sacks. Various portacabin structures used as offices, staff welfare facilities and to store a fuel container were also sited on the land. Evidence has also been provided that two vehicles are registered to the site under a Vehicle Operator's License. However, no information has been provided regarding how these vehicles are used.
16. The evidence before me and from what I saw during my site visit shows that the use as a storage depot in connection with a tree contractor business takes up a significant proportion of the land. It is not therefore *de minimis* to the agricultural use. It has also changed the agricultural character of the land from an open field to a use that, in my opinion, is more industrial in character. Consequently, there has been a material change in the character of the land.
17. For these reasons, the appellant has failed to show, on the balance of probability, that the matters alleged in the EN do not constitute a breach of planning control. Therefore, the appeal on ground (c) fails.

Appeal on Ground (a) and the Deemed Planning Application

18. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
 - whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the development on highway safety;

¹ Section 336(1) of the Town and Country Planning Act 1990 (as amended)

- the effect of the development on the living conditions of the occupiers of neighbouring properties, with regards noise and disturbance; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development?

19. The appeal site is within the Green Belt. No development plan policies relating to the Green Belt are referenced in the reasons for issuing the EN and none have been drawn to my attention. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
20. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of a closed list of exceptions applies. The exception of relevance to this appeal is (h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, including v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
21. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual qualities.
22. The breach of planning control involves a material change of use from agriculture to a mixed use of agriculture and as a storage depot. The agricultural use of the land was existing and therefore, I will solely consider the effect of the storage depot on the openness of the Green Belt.
23. There is nothing before me to suggest that the field in which the timber is stored was anything more than an open field previously. At the time of my site visit there were substantial piles of logs, a significant pile of wood chip, stacks of wooden pallets, and numerous metal crates both empty and filled with split logs (some of which were stacked three-high) spread across a large proportion of the northernmost field. Metal crates were also stacked to the west of the existing agricultural building.
24. I appreciate that the height and spread of these materials could vary as the timber is imported and exported from the land. However, there is nothing before me to suggest that their height and spread would alter to a significant degree. Consequently, in spatial terms, the storage depot use erodes the openness of the Green Belt.
25. A public footpath travels in an east/west direction from Lane Head to Gill Lane, traversing immediately adjacent to the northern boundary of the field in which most of the timber, wood chip, pallets and crates are stored. A stone wall forms the boundary between the field and the public footpath and mature trees are planted adjacent to the wall.

26. At the time of my site visit, the stored items were highly visible above the wall and beneath the tree canopies in both near and medium distance views. Furthermore, their prominence would increase during the winter months when the leaves have fallen from the trees. Consequently, in visual terms, the storage depot erodes the openness of the Green Belt.
27. The development does not preserve the openness of the Green Belt either spatially or visually. It is not necessary for me to determine whether the breach of planning control also conflicts with the purposes of including land within the Green Belt. As such, the breach of planning control does not comply with exception (h)v. of paragraph 154 of the Framework.
28. Paragraph 155 of the Framework explains that *“the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where”* criteria (a) to (d) apply. In respect of criterion (b), it is necessary for there to be a demonstrable unmet need for the type of development proposed. The evidence before me outlines an operational need for the storage depot but it fails to show there is a demonstrable unmet need for the development. Consequently, the breach of planning control fails to meet criterion (b) of paragraph 155 of the Framework. As all of criteria (a) to (d) must apply for a development to not to be inappropriate development, it is not necessary for me to consider the remaining criteria.
29. For these reasons, the development comprises inappropriate development in the Green Belt.

Character and Appearance

30. The appeal site is bounded to the east by Apperley Lane (A658) and the edge of the settlement of Rawdon. To the north of the appeal site are allotments and open fields, while open fields also bound the appeal site to the west and south. A small cluster of dwellings are adjacent to the southwest corner of the appeal site. As such, the surrounding area has a rural character and appearance that forms the setting to the settlement of Rawdon. The appeal site is within the Esholt landscape area, within an area identified as “enclosed pasture”. The appeal site is on one side of the river valley and the landscape has an enclosed, green and lush character with a very high level of tree cover.
31. The piles of logs, pile of wood chip, stacked pallets and metal crates both empty and filled with split logs are highly visible from the adjacent public footpath and have an industrial appearance that is incongruous with, and detracts from, the surrounding open and rural character of the Esholt landscape area.
32. For these reasons, the development harms the character and appearance of the surrounding area. It conflicts with Policies DS1, DS2 and EN4 of the Local Plan for Bradford District Core Strategy Development Plan Document, adopted 2017 (“LP”) that, amongst other things, seek to ensure that developments: achieve good design and high quality places; and integrate into the wider landscape.

Highway Safety

33. The appeal site is accessed from Apperley Lane (A658). Since the EN was issued, the realignment and improvement of the existing access has been allowed on

appeal². The previous Inspector was satisfied that the necessary visibility splays and a suitable gradient was achievable and therefore, the access was acceptable in highway safety terms. The appellant asserts that the planning conditions attached to the appeal decision have been discharged, which the Council has not disputed.

34. At the time of my site visit, the approved access was almost complete and consisted of a tarmac surface with space for two large vehicles to pass one another at the junction onto Apperley Lane and into the appeal site. Consequently, I am satisfied that the improved access does not comprise a “constrained farm access” as described in the reasons for issuing the EN.
35. I appreciate that the mixed use may have resulted in an intensification of the use of the access onto Apperley Lane. However, there is nothing before me to suggest that an increase in the use of the access would result in a highway safety issue.
36. For these reasons, the development does not harm highway safety. It complies with Policy SC9 of the LP which, amongst other things, seeks to ensure that development proposals provide a well-connected network of attractive routes and spaces that are safe and easy to move around for all members of the community.

Living Conditions – Noise and Disturbance

37. There is a cluster of dwellings to the southwest of the appeal site that are separated from the site access by an area used to grow Christmas trees. Dwellings are also located to the east of the appeal site, separated from the storage depot by a field.
38. I do not have a noise survey before me and therefore, I have no objective means of quantifying the noise impacts of the uses operating from the appeal site. However, the evidence before me suggests that noise is generated within the appeal site by the operation of two vehicles under a Vehicle Operator’s License, the movement of timber to, from and within the site; the transportation, use and emptying of skips; and the use of chainsaws. Interested parties have also raised concern that activity begins early in the morning. Consequently, I have no reason to dispute that noise and disturbance emanating from the appeal site affects the living conditions of the occupiers of neighbouring properties.
39. The appellant asserts that the level of vehicle movements is not significant and is less than what would be generated from a residential property. However, the submitted evidence is based on an assumption and only details the possible movements associated with the two registered vehicles.
40. I am mindful that I could impose conditions to restrict the uses’ hours/days of operation and the number of vehicle movements to and from the appeal site. However, without technical evidence before me, I am unable to ascertain what would be reasonable or whether such conditions would be effective in mitigating the noise impacts.
41. For these reasons, there is insufficient technical evidence to demonstrate that the development does not harm the living conditions of the occupiers of neighbouring properties, with regards noise and disturbance. As such, it conflicts with Policies DS5 and EN8 of the LP that, amongst other things, seek to ensure that

² Appeal Ref APP/W4705/W/24/3345778

development proposals do not harm the amenity of existing or prospective users and residents; and proposals for development must identify potential nuisance issues including noise arising from the nature of the proposal.

Other Considerations

42. Paragraph 88 of the Framework supports the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. Paragraph 89 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
43. However, I have found that the storage depot use is not ancillary or incidental to the agricultural use that is taking place on the land. Furthermore, I am not persuaded from the evidence before me, that the storage depot needs to be located within a rural area. I therefore attach limited weight to this matter.
44. The development is said to employ 6 people. However, limited information has been provided regarding these people's roles or whether they are employed on a full-time or part-time basis. Furthermore, it has not been demonstrated that the business could not operate from a different location and retain the existing staff. Consequently, I attach limited weight to this matter.
45. The appellant asserts that over the last 10 years they have planted numerous trees and hedges at the appeal site and plan to plant more. I accept that this has increased the biodiversity of the appeal site. However, the planting could have been done without the breach of planning control occurring. Accordingly, I afford this matter limited weight.

Conclusion on Ground (a) and the Deemed Planning Application

46. The material change of use from agriculture to a mixed use of agriculture and a storage depot in connection with a tree contractor business is inappropriate development in the Green Belt. As such, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
47. Given the substantial weight to be given to Green Belt harm, relative to the limited weight to be given to the other considerations, the harm is not clearly outweighed. Therefore, the very special circumstances necessary to justify the breach of planning control do not exist.

Appeal on Ground (f)

48. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
49. The breach alleges the material change of use of the land therefore, it is necessary for the material change of use to cease. However, step i. requires the use of the land as a storage depot in connection with a tree contractor business to

“cease and remove”. It is not possible to remove the use of the land and as such, it is nonsensical. Therefore, the inclusion of “and remove” appears to be a typographical error which should be deleted from step i. of the requirements. As the variation would be for precision, I am satisfied that it would not cause injustice to either party.

50. It is necessary for the matter described in the breach to be expressed consistently throughout the EN. Therefore, step ii. of the requirements should be varied to align with the description of development within the breach. As this is for precision, I am satisfied that it can be varied without causing injustice to either party.
51. The appellant asserts that the storage depot has not involved a material change of use and therefore, there is no need for it to cease, and no remediation is required. This is a ground (c) argument, and I have found previously that on the balance of probability, that the breach of planning control has occurred as alleged in the EN. Therefore, step i. of the requirements, as corrected above, is necessary to remedy the breach of planning control.
52. I acknowledge that the siting/parking of the items listed in step ii. of the requirements in themselves would not normally be an act of development. However, the siting/parking of the items is ancillary to the use of the land as a storage depot in connection with a tree contractor business. Consequently, any items that facilitate the material change of use should be removed from the land. Step ii. of the requirements is therefore necessary to remedy the breach of planning control.
53. I appreciate that some items listed in step ii. of the requirements may be legitimately used in conjunction with the agricultural use of the land. However, step ii. only requires those items used in connection with the unauthorised material change of use of the land to be removed. The appellant is best placed to know which items are used in connection with the storage depot in connection with a tree contractor business use. Consequently, step ii. of the requirements is precise and does not exceed what is necessary to remedy the breach.
54. For these reasons, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

55. An appeal under ground (g) is that the period specified for compliance with the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is three calendar months.
56. The appellant requests a period of 12 months. The appellant asserts that a longer compliance period is required to safeguard the business and to make other arrangements. However, no details have been provided as to what these arrangements may entail or why a period of 12 months is necessary.
57. At the time of my site visit, there was a significant amount of timber stored on the land, some of which was of a considerable size which would take time to remove. Furthermore, time would be required to find an alternative location to store the timber which may necessitate obtaining planning permission. Consequently, I agree with the appellant that 3 months falls short of what should reasonably be

allowed. Conversely, 12 months is a lengthy period for the harm identified in the EN to persist and is more akin to a temporary planning permission.

58. I consider that extending the time for compliance to five calendar months would strike a more appropriate balance between remedying the planning harm identified in the EN as soon as practicable and allowing the appellant a more appropriate timeframe in which to comply with the requirements of the EN. The appeal on ground (g) therefore succeeds to this limited extent and I will vary the EN accordingly.

Overall Conclusion

59. For the reasons given above, I conclude that the period for compliance with the EN falls short of what is reasonable. I shall vary the EN prior to upholding it. The appeal on ground (g) therefore succeeds to that extent.

A Berry

INSPECTOR