



Appeal Decision

Site visit made on 20 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/N4720/W/25/3370958

Land Off Sandgate Terrace, Kippax, Leeds LS25 7BQ

- 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 Nicholson against the decision of Leeds City Council.
 - The application Ref is 25/02360/FU.
 - The development proposed is erection of stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the description of development differs between the application form and the decision notice, I have used the description in the application form as it concisely describes the proposal. However, I have omitted 'part retrospective' as it does not constitute an act of development. At the time of my site visit, I saw that proposed stables A and B were on site in the position indicated on the existing and proposed Site Plans. For the avoidance of doubt I have dealt with the appeal on the basis of the plans before me.
3. I have had regard to the 2021 appeal decision¹, so far as it is material to the appeal before me.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development in terms of green space and Local Green Space, with reference to local and national planning policies.

Reasons

Character and appearance

5. The site is within a larger tract of land that is predominantly used as allotments. The land is divided into two areas, Carters Field and Sykes Field and set on the slopes of a small valley, sandwiched between two residential areas. Despite being close to houses, the land is notable for its absence of tall built form. The prevailing

¹ APP/N4720/W/20/3249610

features are linear hedges interspersed with trees and small, low-level structures such as sheds, greenhouses and modest plant-growing structures usually associated with allotments.

6. Stable buildings A & B are modest in size and height and are of timber construction. They are in keeping with other smaller buildings within Carters Field and Sykes Field, and I note that the Council has no concerns in respect of their siting and appearance.
7. The appeal site is in the centre of the southern portion of Carters Field and is accessed from Sandgate Terrace. The land slopes from south to north, is hard surfaced with loose stone, and contains a variety of modest timber stabling, animal equipment and shelters, horse trailers and a container. During my site visit I observed several animals within the shelters and within the field to the rear, which is separated from the appeal site by a fence and gates. The site is largely enclosed by tall hedges.
8. The proposal would see the removal of 'shelter C,' as annotated on the existing Site Plan, and the introduction of a new stable building. This would be significantly longer, taller and of a more substantial construction, comprising brick and concrete tiles, than the modest buildings and structures within the wider Carters Field and Sykes Field. It would also be positioned on sloping land, such that engineering operations such as land regrading to the ground would be likely, to achieve the level building indicated on the proposed elevation drawing². The resultant development would be harmfully discordant with the established allotment character of this area by way of its height, scale and massing.
9. It is acknowledged that views into the site are limited to fleeting views at the access point, and all other views are heavily filtered by hedges. However, screening of the building within the wider area relies entirely on these hedges. As living, verdant entities, they are susceptible to disease or death, and any such deterioration would render the building highly prominent from a wide area, and for the long-term. Furthermore, whilst houses nearby on Sandgate Terrace are also constructed in brick, the appeal site is read within a different context than the residential street and would appear visually separate and isolated from it.
10. Nevertheless, I conclude that the proposed new stable building would be harmful to the character and appearance of the area. Therefore, the proposal would be contrary to the relevant provisions of Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019), Leeds Local Plan (Core Strategy), Policies GP5 and BD5 of the Leeds Unitary Development Plan (Review 2006), Volume 1: Written Statement, (Unitary Development Plan), and Policy BE1 of the Kippax Parish Council, Kippax Neighbourhood Plan 2018 – 2033, (Neighbourhood Plan). Amongst other things these policies require good design appropriate to its location.

Local Green Space and green space

11. Policy GE1 of the Neighbourhood Plan, designates the appeal site and the wider land tract as Local Green Space. It titles the land 'Sandgate Terrace allotments' (Ref LGS12), and 'Carters Field allotments' (Ref LGS13). Paragraph 106 of the National Planning Policy Framework (Framework) states that designation of Local

² Dwg. No. 2025/35 P02 B.

Green Spaces through local and neighbourhood plans, allows communities to identify and protect green areas of particular importance to them. Paragraph 107 states that the designation should only be used where the green space meets criteria, including that it is demonstrably special to a local community and holds a particular local significance. Paragraph 96 of the Framework highlights the importance of enabling and supporting healthy lives, for example through the provision of green infrastructure and allotments amongst other facilities. The policy is therefore consistent with the Framework.

12. On the balance of the available evidence, including my own site visit observations and the land parcel titles, the site and surrounding land is allotments. Its use and appearance is part of its intrinsic value to the local community as Local Green Space.
13. Policy G6 of the Core Strategy is also relevant. It seeks to protect green space from development unless one of its criteria is met. There should be an adequate supply of accessible green space/open space within the analysis area, and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment. This is consistent with Paragraph 104 of the Framework which seeks to protect open space, sports and recreational buildings and land, subject to assessments relating to surplus and alternative or replacement provision.
14. Whilst there is no direct reference to specific green space types within Policy G6, its supporting text refers to Policy G3 of the Core Strategy. Policy G3 sets out the various open space standards for each Open Space, Sport and Recreation type. The types include allotments, amongst several other categories.
15. In respect of the supply of allotments in the Kippax and Methley Ward, it is undisputed that as of 2017, there was a surplus of 0.46 hectares³. Whilst anecdotal evidence of considerable demand for allotments in the locality is referred to⁴, this is no more than a broad statement, which limits the weight I attribute to it. On this basis there is an adequate supply of allotments in the locality. However, there is a deficit of parks and gardens, referenced by the main parties. Accordingly, the relevant criteria of Policy G6 of the Core Strategy is not met, and the starting point should be that the green space should be protected from development.
16. The appellant's stance, as set out in the planning statement and appeal statement, is that the site has potential to be subdivided into allotment plots, however the land is in private ownership for equestrian use. As such, they contend that there is no realistic prospect of this, or an alternative parks and gardens use taking place.
17. Nevertheless, the aforementioned policies are concerned with protecting green space from development, and Local Green Space for community value. They do not differentiate between public and private ownership and access. There is also nothing before me to indicate that the wider allotment land is not also privately held. Thus, site ownership is not a factor that is prevailing to my consideration of this main issue.

³ Site Allocations Plan Green Space Background Paper

⁴ Officer report: reference to Castleford and District Allotment Federation Ltd.

18. Policy GE1 of the Neighbourhood Plan states that development in Local Green Spaces will be ruled out other than in very special circumstances in accordance with national policy on Green Belts. Paragraph 108 of the Framework states that decisions for managing development within a Local Green Space should be consistent with national policy for Green Belt. Thus, policy GE1 is broadly consistent with the Framework.
19. The main parties have cited paragraph 154 b) of the Framework. This allows as an exception to inappropriate development in the Green Belt, the provision of appropriate facilities (in connection with the existing use of land or change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.
20. The Framework provides no definition of what constitutes 'appropriate facilities' and as such a planning judgment is required. The development, by virtue of its siting and built form would displace the site's ability to function as an allotment, undermining its community value as Local Green Space. Furthermore, I have found that the green space should be protected from development by virtue of the proposal failing to comply with Policy G6 of the Core Strategy.
21. Drawing these threads together, it follows that in this policy context, the development would fail to meet the definition of 'appropriate facilities' and falls outside the exception of paragraph 154 b) of the Framework.
22. In any case, paragraph 154 b) requires the preservation of openness. Taking account of the appeal decision referenced by the main parties⁵, some degree of harm to openness is inferred as being accepted, by virtue of buildings being included within the exception to inappropriate development, contained within paragraph 154 b). Openness can have both spatial and visual dimensions and limited visual change can still preserve openness where the overall character of the Green Belt is maintained.
23. Regardless that the buildings are single storey, on a hard surface, and occupy a limited part of the wider site, the cumulative volume of the proposed built development is substantial rather than minor, particularly in its context of small low-lying structures and allotment plots. I am also not persuaded that hedging can be relied upon for long-term enclosure of the site. Therefore the proposal does not preserve openness, and the degree of harm to openness is more than limited. The proposal therefore fails to meet the requirements of paragraph 154 b) of the Framework. Whilst the appellant asserts that there are parallels between the proposal and the quoted appeal decision in relation to size and design of the stables buildings, I do not have the details of that appeal before me. As such I cannot be certain that it is a direct comparison.
24. Taking the above factors together, I conclude that the development would result in the harmful loss of Local Green Space and green space. As such, the proposal would be contrary to the provisions of Policy G6 of the Core Strategy, Policy GS1 of the Site Allocations Plan, Leeds Local Plan Development Plan Document, Policy GP5 of the Unitary Development Plan, and Policy GE1 of the Neighbourhood Plan, in relation to green space protection and amenity value. I return to the Framework below.

⁵ APP/R1038/W/23/3326648

Other Matters

25. The appellant contends that should the appeal be dismissed, they would continue to graze horses, but without stabling, and the site is and would remain in private ownership. This weighs neither for nor against the proposal. They also contend that the proposal would ensure the recreational use of the land, however it has not been demonstrated that this would be compatible with the relevant policy objectives that I have set out.

Planning Balance and Conclusion

26. In terms of paragraph 108 of the Framework, the development would constitute inappropriate development, and it would not preserve openness, nor would it represent an 'appropriate facility.' Paragraph 153 of the Framework states that substantial weight is to be given to any harm to the Green Belt, including harm to its openness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. These controls also apply to the Local Green Space allocation. I have also identified harm to the character and appearance of the area, and the loss of green space.
27. Other considerations include the site ownership, recreational use of the site, and the lack of stabling for horses should the appeal be dismissed. The other considerations do not clearly outweigh the totality of harm by reason of inappropriateness, through its failure to preserve openness, the harm to the character and appearance of the appeal site and area, and social harm caused by the loss of local green space. Consequently, the very special circumstances necessary to justify the development do not exist.
28. The proposal would conflict with the policies of the Local Plan as set out above and would be in conflict with the development plan when read as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR