



Appeal Decision

Site visit made on 4 December 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/X4725/W/25/3374333

Dudfleet Mill, Dudfleet Yard, Horbury, Wakefield, West Yorkshire WF4 5EU

- 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 Paul Fennelly against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 24/01981/FUL.
 - The development is proposed concrete yard & security fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025 but given that this is only at the consultation stage I do not consider it necessary to invite comments from the parties at this early stage. My assessment is based on the current Framework, dated December 2024.

Main Issues

3. The main issues are: -
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies, and the effect on openness and the purposes of the Green Belt;
 - the effect on the character and setting of the non-designated heritage asset, Dudfleet Mill;
 - the effect of the proposal on the living conditions of the occupiers of nearby residential properties with regard to noise; and
 - whether any 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

Green Belt / Openness and the Purposes of Green Belt

4. Duddfleet Mill comprises a series of old and new buildings. The older mill buildings are derelict and unused. Newer buildings include six modern industrial units. There is a row of houses facing the older buildings which historically were linked to the mill. There is also a water treatment site to the south. The appeal site comprises mostly of an open yard and land and includes the site of a former building and a former sprinkler water tank.
5. Reference is made to a number of planning applications relating to the industrial units including an application for the change of use of Units 1 and 2 from general industry to plant hire. This was refused for similar reasons for the refusal of the application subject to this appeal¹. I have limited information about this and so it is not a matter I have taken into account although I refer to it again later. Notwithstanding the appeal site's history, the proposal is for the hardstanding and paladin fencing only, not the use of the land.
6. However, whilst the hardstanding area is an engineering operation that falls to be considered on its merits, the use of the hardstanding cannot be totally ignored. Therefore, whilst I appreciate the appellant's comments that the use of the land, that is, whether or not a change of use has occurred and/or the lawful use of the land, and the engineering works are separate planning considerations, it would be illogical to lay out such a substantial area of hardsurfacing for no purpose. Furthermore, the paladin fencing is a means of enclosure and likewise, it is not unreasonable to consider the impact of the use of the area to be enclosed.
7. In terms of the lawful use of the land, the Council state the use of the site is for a B2 (industrial) use. However, the extent of the land included in a B2 use is not explained although the Council states that the only parts of the site that are considered to be previously developed land (PDL) is the access track along the north boundary of the appeal site, an area of hardstanding outside of the industrial units openings and a single access track which exits on the southern boundary. Also, the site of the former, now demolished asbestos clad industrial building and the redundant sprinkler water tank. It argues that the whole of the site is not PDL. From the aerial photographs submitted by the appellant indicated to date 1999 and 2002, I agree that not all of the site is PDL. However, it is not the role of this section 78 appeal to determine the lawfulness of the land, my assessment is based purely on the evidence before me and should be taken in the context of this appeal only.
8. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It makes it clear that development is considered inappropriate unless it satisfies one of the exceptions cited in paragraphs 154 and 155.
9. Paragraph 154 g) of the Framework allows the partial or complete redevelopment of PDL, whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt. Paragraph 154 h) allows other forms of development in the Green Belt provided

¹ Planning Application Ref: 24/01961/FUL.

they preserve its openness and do not conflict with the purposes of including land within it. These include (ii) engineering operations.

10. My assessment is based on the effect of the proposed hardstanding area and the impact of the fencing around it. Part of the hardstanding area has already been constructed; the proposal includes this area plus additional land from the industrial buildings up to the track that runs around the northern, eastern and southern boundaries of the appeal site. This would be enclosed by a 2350mm high paladin security fence and two sets of vehicular gates. A lower 1850mm high fence is also shown dividing the hardstanding areas into two sections. The submitted plans indicate that part of the yard was constructed in 2024 and part of it is proposed. I have assessed the site as a whole. The plans indicate the areas laid out with parking spaces including space for lorries and other large vehicles.
11. From the evidence submitted, I am satisfied that at some point in the past a substantial part of the appeal site was open land. Notwithstanding the parts that provided hardsurfaced areas to the industrial units, the impact of such a large area is significant. Hardsurfacing the land and fencing denotes a clear intention to use it in association with the industrial units, whether those be lawful or yet to obtain planning approval. Even if the whole of the land was PDL, the definition on the Framework makes it clear that it should not be assumed that the whole of a curtilage should be developed.
12. The appellant refers to the appeal site as being grey belt which is defined in the Framework as comprising PDL and/or any other land that, in either case, does not strongly contribute to the purposes (a) (b) or (d) in paragraph 143. Paragraph 143 of the Framework sets out the purposes of Green Belt. These include, a) to check the unrestricted sprawl of large built-up areas; b) to prevent towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. The proposal would involve the development of a large area of land in the Green Belt. The hardstanding would clearly be used for some use so the use of the land would introduce vehicles, structures, plant or machinery or any combination of these or any other intended or future use. The land would be enclosed by a substantial security fence and gates. Without assuming any of these uses would or would not occur, I have little doubt that due to the extent of the area involved, this would have a harmful effect on the openness of the Green Belt. Furthermore, given the scale of the appeal site, it would visually be seen as an enlargement of the industrial area. This would encroach into the countryside and therefore fail to preserve it contrary to purpose c) of paragraph 143 of the Framework.
14. In conclusion on this issue, the proposal would be inappropriate development in the Green Belt. As stated in the Framework, inappropriate development is, by definition, harmful to the Green Belt. Such harm carries substantial weight. In addition to conflicting with the Framework, the proposal would conflict with Local Plan² Policy SP3 which refers to the location of development and Policy LP62 which sets out criteria for allowing small scale development to existing uses in the

² Wakefield Council – Wakefield District Local Plan 2036 Volume 1 Development Strategy, Strategic and Local Policies & Volume 2 Settlement Specific Policies, Adopted January 2024.

Green Belt. Amongst other things, these require development to be consistent with the Framework.

Character and Setting of the Non-Designated Heritage Asset, Dudfleet Mill

15. The appeal site is within the countryside and this rural setting is characterised by open fields, narrow lanes and the River Calder. There are groups of development including the Dudfleet Mill buildings, the water treatment works and to the north of the appeal site, off Dudfleet Lane, a group of agricultural buildings. There are also other small groupings of buildings but the overall character is that of a rural one.
16. The non-heritage asset comprises the older Dudfleet Mill buildings which are in an extremely poor state of repair. Whilst my view is based on my observations on site only and not on any technical structural appraisal, the heritage asset is neglected and unused. However, their significance lies in their industrial heritage as a textile mill.
17. A Heritage Statement is submitted but this does not relate to the proposal before me but to works to Units 1-6 and the erection of an electricity sub-station. However, its appraisal of the historical interest of the former mill is useful in explaining the significance of this non-designated heritage asset. I note however, that no list of the Council's non-designated heritage assets has been submitted and although the Heritage Statement recognises the long and interesting history of the mill in a local context, it doubts the degree of significance of the remaining buildings in the context of planning decisions due to the degree of changes over time.
18. Taking the findings of the authors of the Heritage Statement, the most significant parts of Dudfleet Mill no longer exist, having been demolished in 1964. The remains of the Engine House and Boiler House no longer illustrate past lives and events and are of negligible local historic or architectural interest. The remains of the Weaving Sheds are of some limited local interest as they provide some insight into the workings of the mill but are of limited architectural interest.
19. Given the appearance of these buildings and in the absence of any compelling evidence to the contrary, I do not consider that the setting of this non-designated heritage asset would be harmed. The proposal would only have a neutral effect on its significance. In reaching this view I have taken into account the advice in paragraph 216 of the Framework. Due to the extent of the works and the encroachment of the hardstanding and fencing into the open countryside, the harm to the openness of the Green Belt would harm the character and appearance of the surrounding area but not specifically the heritage asset.
20. Consequently, notwithstanding the harm to the character and appearance of the countryside and the Green Belt, the proposal would not have a harmful effect on the character and setting of the non-designated heritage asset, Dudfleet Mill and no conflict with Local Plan Policy LP65(b), which requires consideration of proposals that impact on the character, appearance and setting of the building, structure or remains of a non-heritage asset. Nor would it conflict with Policy SP23 which amongst other things seeks to conserve and enhance the district's historic assets.

Living Conditions / Noise

21. There are residential properties close by. These comprise a row of houses which utilise the same access track as the appeal site and directly face the old mill buildings. These properties were previously associated with Dudfleet Mill.
22. However, as stated above, the use of the appeal site is not applied for nor is it legally established or being applied for here. Therefore, it is difficult to assess any likely noise impacts. The lack of information in this regard directly relates to the lack of clarity on the intended use of the land. On the basis of the development applied for and the information before me, I am therefore unable to determine whether the proposal would have a harmful effect on the living conditions of the occupiers of nearby residential properties. Also, I am unable to determine whether or not the proposal complies or conflicts with Local Plan Policy LP56(n) which requires development to have no significant impact on the amenity of neighbouring residents.

Other Considerations

23. Chapter 6 of the Framework supports planning decisions which help create the conditions in which businesses can invest, expand and adapt. Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development. Paragraph 87 advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
24. The proposal aims to expand and improve an existing employment site. The appellant states that the proposed fencing and hardstanding represent an investment in the existing industrial premises and provide more effective operating space for the industrial units. However, the appeal documents make it clear that the proposal should be assessed on the basis of the creation of the hardstanding and the fencing only and not be confused with any proposed use. Reference is made to the refused planning application for plant hire referred to earlier. As I have also previously noted, the authorised use of the units may be B2 but it is not clear about the extent or scale of any activities falling within this use.
25. Consequently, it is not clear from the proposal exactly what the hardstanding is required for nor why the security fencing is needed. As I have stated earlier, the use is intrinsically linked to the engineering works and a case in support of economic development can only be afforded weight if it is clearly set out. Having said this, it is clear that the hardstanding area would be used in connection with the industrial units and therefore I afford the proposal modest weight.
26. The appellant also claims that some of the work would be permitted development³. This relates to the areas of PDL which forms part of the curtilages of the employment uses. However, as I have already explained, the evidence submitted only supports parts of the appeal site as PDL. Furthermore, the curtilage of the industrial units is not clear nor has it been legally established. In any event, the area of hardstanding and the extent of the proposed fencing goes beyond what is suggested to be curtilage and given the overall scale of the proposal, I afford this matter limited weight.

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 7 Class J.

Planning Balance

27. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
28. I have found that the proposal would be inappropriate development. Harm caused by inappropriateness carries substantial weight. I have also found harm to the openness of the Green Belt and conflict with the purposes of Green Belts which adds to the totality of harm in the Green Belt. I have not found harm in relation to my second issue, the setting of a non-designated asset and I have not been able to conclude on my third issue with regard to noise. However, this does not lessen the harm I have found in relation to my first issue which carries substantial weight.
29. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness, and any other harm, do not exist. The scheme would conflict with the Framework and with Local Plan Policies SP3 and LP62 and the Framework. Other policies including, SP23 and LP56 are also referred to but these relate to design and/or design, safety and the local environment and are not directly relevant to the issues above.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, for the above reasons, the appeal should be dismissed.

J D Clark

INSPECTOR