



Appeal Decision

Site visit made on 16 December 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2026

Appeal Ref: APP/N4720/W/25/3374314

Two Hoots Farm, Harewood Avenue, Leeds, Yorkshire, LS17 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by John Peter Richard Cobbald against the decision of Leeds City Council.
 - The application Ref is 25/02985/DPD.
 - The development proposed is Change of Use of Agricultural Building to Dwellinghouse (Class C3) with building operations necessary for the conversion.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Change of Use of Agricultural Building to Dwellinghouse (Class C3) with building operations necessary for the conversion at Two Hoots Farm, Harewood Avenue, Leeds, Yorkshire, LS17 9LB in accordance with the application Ref 25/02985/DPD and the details submitted with it, and subject to the conditions in the attached schedule.

Background and Main Issue

2. The Council's reason for refusal sets out that the application has failed to demonstrate that the site was used solely for an agricultural use as part of an agricultural unit as required by paragraph Q.1(a) (i) or (ii) of Class Q. Furthermore, in the absence of clarity regarding the agricultural unit, the Council considered that it is not possible to determine if any works have been carried out on the agricultural unit under Class A(a) or Class B(a) of Part 6 of the GPDO, as required by paragraph Q.1(g). Therefore, the Council concluded that the proposal cannot represent permitted development under Schedule 2, Part 3, Class Q of the GPDO.
3. However, the appellant has provided further evidence with the appeal, and on that basis the Council now considers that it is reasonable to conclude that the barn was used solely for agriculture within an agricultural unit on the relevant date, and for no alternative use since that date. Also, the Council considers that evidence presented with the appeal submission is sufficient to satisfy concerns that no other conversions have taken place within the wider landholding. The development can therefore be considered against Class Q of the GPDO.
4. Paragraph Q.2(1) of the GPDO refers to whether prior approval is required from the Local Planning Authority on a number of matters. Paragraph Q.2(1)(a) relates to the transport and highways impact of the development, and the Council has raised concerns in respect of highway safety and access to an existing dwelling.

On that basis, the main issue is the transport and highways impacts of the development.

Reasons

5. The appeal site would be accessed via an existing track which leads from the A659 Harewood Avenue, which is a busy road with relatively high traffic speeds. However, the evidence suggests that the speed limit on the road is 50 mph rather than the 60 mph referred to by the Council. The access track also serves an existing dwelling near to the appeal site as well as providing access to surrounding agricultural fields.
6. The Council has raised a number of concerns in respect of highways matters, including visibility splays, the width and surfacing of the initial extent of the track, passing places, manoeuvring space, waste collection, and access to the existing dwelling.
7. The Council refers to the 'red line' boundary of the proposal and considers that this would need to be amended to enable consideration of these further details. However, there is an extent of land around the appeal site which the submitted plans show is owned by the appellant, and it is therefore reasonable that conditions can relate to works within that extent of land. Although the Council refers to uncertainty about neighbouring land uses, given the extent of land within the appellant's control and the circumstances I observed on my visit, I consider that there is reasonable certainty that many of these concerns can be addressed within the constraints of the appellant's land control.
8. The 'blue line' boundary showing land within the appellant's ownership is drawn tightly around the access track and junction with Harewood Avenue. Works to the junction and track may therefore extend beyond this, including the provision of passing places. The Council also refers to the site being within the Green Belt and a protected landscape, and that works relating to highway matters may require planning permission which the Council considers is likely to be refused.
9. However, should further permissions be required that is a matter for the Council to consider as part of the appropriate process. In any event, even given the sensitivities of the site's location, I am not persuaded that there is any certainty that permission would be withheld for highway works given the circumstances that I observed on my visit, including the width of the access track close to Harewood Avenue and along the longer extent of the track, and also due to the context of the appeal site and uses around the building. On that basis, I consider that it is appropriate to use pre-commencement conditions to address highway concerns.
10. In conclusion on this main issue, I conclude that the development would not lead to unacceptable transport and highways impacts subject to appropriate conditions.

Other Matters

11. In respect of the design of the building, reference has been made to an 'inner room' and potential fire risk. However, this matter would be addressed by the Building Regulations and does not fall within the scope of this appeal.

Conditions

12. I have had regard to the conditions suggested by the Council, and have amended the wording where necessary in the interest of clarity and completeness as well as in response to comments from consultees. I have also had regard to the tests in the National Planning Policy Framework, the Planning Practice Guidance and the GPDO.
13. It is not necessary to impose a time limit condition as Paragraph Q.2(4) states that development under Class Q must be completed within a period of 3 years starting with the prior approval date. I have imposed a condition requiring the development to be carried out in accordance with the submitted plans and documents in the interests of certainty.
14. Conditions in respect of visibility splays, the width and surfacing of the initial part of the access road, passing places, vehicle manoeuvring space and landscaping (which would include details of the access to the existing dwelling) are required in the interests of transport and highways impacts. I have removed reference to the dimensions of the visibility splay given in the suggested condition as this is based upon a higher speed limit than the evidence indicates is in place on this extent of Harewood Avenue. These details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of development.
15. A condition requiring details of the storage and collection of waste is required in the interests of transport and highways impacts.
16. The Council's Delegation Report refers to flooding being managed through the imposition of appropriate planning conditions. Although drainage may be addressed by the Building Regulations, given the Council's previous comments on flooding as well as those of the Flood Risk Management consultee, I have included a condition relating to foul and surface water drainage in respect of flooding risks at the site. Given the history of uses at the site, conditions in respect of land contamination are required to address contamination risks. These details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of development.
17. A condition regarding electrical vehicle charging points is not necessary as this is addressed through the Building Regulations.

Conclusion

18. For the reasons given above the appeal should be allowed and prior approval should be granted.

David Cross

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan - 4516/01/001

Curtilage Plan -	4516/01/001
Curtilage Plan -	4516/03/200
Proposed Plans and Elevations -	4516/03/200

- 2) Notwithstanding the details shown on the submitted plans, no development shall take place until a plan showing visibility splays onto the A659 Harewood Avenue has been submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be laid out to an adoptable standard prior to occupation of the development and retained for the lifetime of the development.
- 3) Notwithstanding the details shown on the submitted plans, no development shall take place until plans and details showing the following have been submitted to and approved in writing by the Local Planning Authority:
 - (a) Surfacing of the access road to Harewood Avenue, to be 5.5m in width and be hard surfaced for the first 10m.
 - (b) Passing places along the access road.
 - (c) Space to allow for manoeuvring vehicles such that they can enter and exit in a forward gear.

The approved measures shall be implemented in full prior to occupation of the development and shall be retained for the lifetime of the development.

- 4) The development hereby permitted shall not be occupied until details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the use commences and shall be retained thereafter for the lifetime of the development.
- 5) The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including a dated implementation programme (inclusive of any phasing), have been submitted to and approved in writing by the Local Planning Authority.

Hard landscape works shall include

- (a) boundary details, means of enclosure and retaining structures,
- (b) car parking layouts,
- (c) other vehicle and pedestrian access and circulation areas, and
- (d) hard surfacing areas,

Soft landscape works shall include

- (e) planting plans (including displaying existing trees with Root Protection Areas (RPAs) and all other retained vegetation),
- (f) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment), and
- (g) schedules of plants noting species, planting sizes, root packaging and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, British Standard BS 4428:1989 (Code of Practice for General Landscape Operations) and in accordance with Leeds City Council website landscape guidance under "Landscape Planning and Development". The landscaping works shall be

maintained in accordance with the approved details for the lifetime of the development.

- 6) No development shall commence until a scheme detailing foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, and shall be retained thereafter for the lifetime of the development.
- 7) Development (excluding demolition) shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development (excluding demolition) shall not commence until a Phase II Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority;
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development (excluding demolition) shall not commence until a Remediation Strategy demonstrating how the site will be made suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a programme for all works and for the provision of Verification Reports.

All reports should be prepared and approved by a suitably qualified contaminated land practitioner.

- 8) If remediation is unable to proceed in accordance with the approved Remediation Strategy, or where significant unexpected contamination is encountered, or where soil or soil forming material is being imported to site, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing. An amended or new Remediation Strategy and/or Soil Importation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Strategy. Prior to the site being brought into use, where significant unexpected contamination is not encountered, the Local Planning Authority shall be notified in writing of such. All reports should be prepared and approved by a suitably qualified contaminated land practitioner.
- 9) Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority. All reports should be prepared and approved by a suitably qualified contaminated land practitioner.

End of Schedule