Planning Inspectorate

Appeal Decisions

Site visit made on 10 December 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal A Ref: APP/Z4718/W/24/3341631
Moor Ford Barn 146 Red Lane, Meltham, Holmfirth HD9 5ND

- 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 Peter Davison against the decision of Kirklees Metropolitan Council.
- The application Ref is 2023/62/91423/W.
- The development is described as new stables and hardstanding.

Appeal B Ref: APP/Z4718/W/24/3342860
Moor Ford Barn 146 Red Lane, Meltham, Holmfirth HD9 5ND

- 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 Peter Davison against the decision of Kirklees Metropolitan Council.
- The application Ref is 2023/62/92960/W.
- The development is described as change of use of barn to form boarding kennel, dog grooming and pet food shop.

Decision

1. Appeal A is dismissed.

2. Appeal B is dismissed.

Preliminary Matters

3. There are two appeals for different developments on the same site. Both are retrospective, as I observed on my site visit. For expediency, I have dealt with both developments in the same decision letter.

4. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). Given the main issues in these appeals, the main parties were given the opportunity to submit additional comments in relation to these amendments. Any comments received have been considered in the determination of the appeals.

Main Issues

5. The main issues for both appeals are as follows:

    - Whether the developments constitute inappropriate development in the green belt having regard to the Framework and any relevant development plan policies;

- The effect of the developments on the character and appearance of the area; and
- Whether any harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the developments.

Reasons

6. The appeal site includes a semi-detached dwelling and several outbuildings which extend to the side and rear within a yard accessed from Red Lane. Beyond the immediate yard area, a stable building arranged in an 'L' shape has been erected, with land included for equestrian activities adjacent. A further building closer to the main building was existing prior to its change of use to a dog kennels, pet food shop and grooming facility. Hardstanding has been laid in the yard to improve vehicular access to both buildings from Red Lane. Outside the entrance to the site were several advertisement boards relating to several businesses operating.

7. The appeal site is located within the Green Belt. Subject to the exceptions listed in Paragraphs 154 and 155, the Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate.

Whether Inappropriate in the Green Belt

Appeal A

8. Appeal A relates to the erection of stables with associated hardstanding and riding area, including boundary treatments. Appeal A is assessed against paragraph 154(b), which advises that an exception to the presumption against new buildings in the Green Belt includes the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

9. I note the Council does not take issue with the general appearance of the stables, or its use in association with outdoor recreation in terms of the riding and stabling of horses. However, the Council did highlight that part of the stables was being used to house dogs as an extension of the adjacent kennels business. At the time of my visit, I saw no evidence of the stables being used for the keeping of dogs on a commercial basis, nor was there glazing advertising this fact within that building. The appellant claims the dogs being kept there at the time of the planning officer's visit were their own. I have nothing before me to contradict this and I see no reason to disagree.

10. However, the development has also seen a large area of hardstanding laid for improved vehicular access to the stables and seemingly under the building itself. This has harmed the openness of the green belt visually and spatially through the uncharacteristic material which has urbanised part of the site and associated increased number of cars coming and going and parking at the site.

11. Moreover, the hardstanding also conflicts with the aim of green belt policy in the Framework insofar as they seek to assist in safeguarding the countryside

from encroachment. The urbanising effect of significant hardstanding has led to encroachment in this manner.

12. Taken together, the erection of the stables and laying of hardstanding is inappropriate development in the green belt, contrary to paragraph 154(b) of the Framework. The development also conflicts with policies LP2 and LP56 of the Kirklees Local Plan (LP) (adopted February 2019). These seek, among other things, to ensure that in the Green Belt appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Development should also ensure that they do not introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.

Appeal B

13. Appeal B relates to the change of use of an existing outbuilding which was associated with agricultural uses of the site. It has since been converted into a commercial building incorporating dog kennels, pet food shop and grooming. Appeal B is assessed against paragraph 154(h)(iv) of the Framework, which relates to the re-use of buildings provided that the buildings are of permanent and substantial construction. This exception also requires that they preserve the openness and do not conflict with the purposes of including land within the green belt. I note the Council has not disputed that the building was of permanent and substantial construction. I have nothing before me on this matter and I see no reason to conclude otherwise.

14. However, it was clear at the time of my visit that the significant spread of hardstanding is also used by customers and for deliveries. This has brought forth similar issues to that of Appeal A, whereby the hardstanding has harmed the openness of the green belt visually and spatially which has urbanised part of the site and associated increased number of vehicles. Similarly, the hardstanding also conflicts with the aim of green belt purposes in the Framework insofar as they seek to assist in safeguarding the countryside from encroachment. Although commercial activity is not prohibited in the green belt in principle, the urbanising effect of hardstanding and parked cars has led to encroachment in this manner.

15. To conclude on this matter, the urbanising effects of the hardstanding and increased number of vehicles is inappropriate development in the green belt, contrary to paragraph 154(h)(iv) of the Framework. The development also conflicts with policies LP2, LP10 and LP60 of the LP. These seek, among other things, to ensure that in the Green Belt the conversion or re-use of buildings in the Green Belt will normally be acceptable where the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings.

Character and Appearance

16. The appeal site is located to the west of Meltham in an area of open countryside. Red Lane is located to the south, while development is sporadic and consists generally of isolated farmsteads and dwellings surrounded by

expanses of agricultural fields. Roads are generally narrow and lined by dry stone walls. Taken together, the local area is overwhelmingly rural and tranquil in character with little built form.

17. The stables which are subject to Appeal A are of standard design for their purpose, arranged in an 'L' shape and formed of timber with a pitched, low-profile roof. Appeal B evidently includes very few external changes from the previous building's appearance. I understand that the Council does not take issue generally speaking with the appearance of either building.

18. However, the extensive hardstanding formed of concrete for access and parking for customers of both businesses has introduced an incongruous feature more suited to urban environments. The increased vehicular activity more associated with commercial enterprises in settlements has also harmed the rural and tranquil character of the area.

19. Taken together, the hardstanding and increased vehicular activity associated with both appeal developments has harmed the rural and tranquil character of the area. This conflicts with policies LP2 and LP24 of the LP, which state that development should ensure that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is also contrary to paragraph 135 of the Framework, which advises that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Considerations

20. Paragraph 153 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances while also ensuring that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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 including loss of openness, is clearly outweighed by other considerations.

21. I have found that both appeal developments are inappropriate development in the green belt, while there is further 'other harm' to the character and appearance of the area. Taken together, these considerations weigh substantially against both developments.

22. There is little before me to demonstrate very special circumstances. It is reasonable to assume that there are financial benefits to the appellant through the operation of these businesses, although these are not detailed in the supporting evidence. As such, I attribute little weight to these considerations.

Conclusions

23. The developments are both inappropriate development in the green belt which are harmful by definition. They result in a reduction to the Green Belt's openness and conflict with one of the purposes of including land within it. These harms are worthy of substantial weight. There is also further harm to the character and appearance of the area. I was not presented with other considerations which could constitute very special circumstances. As such, these do not clearly outweigh the harms that I have found as required by the

Framework. Consequently, they do not amount to the very special circumstances necessary to justify the proposal.

24. As such the developments conflict with policies LP2, LP10, LP24, LP56 and LP60 of the LP and Green Belt policy as set out the Framework. Collectively, these seek to ensure Green Belt land remains permanently open. The appeals are therefore dismissed.

C McDonagh

INSPECTOR