

Appeal Decisions

Site visit made on 15 August 2016

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 August 2016

Appeal Ref: APP/F2360/W/16/3142308

Long Fold Farm, North Road, Bretherton, Preston PR26 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by B R Pope and Son against the decision of South Ribble Borough Council.
 - The application Ref 07/2015/1522/FUL, dated 31 July 2015, was refused by notice dated 15 October 2015.
 - The development proposed is retention of a building associated with the operation of a micro light airfield.
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Appeal Refs: APP/F2360/C/16/3142314, 3142315 and 3142316

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- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by B R Pope and Son against an enforcement notice issued by South Ribble Borough Council.
 - The enforcement notice was issued on 22 December 2015.
 - The breach of planning control as alleged in the notice is the erection of a building associated with the operation of a micro light airfield.
 - The notice requires that the unauthorised building is removed from the land.
 - The period for compliance with the requirements is 56 days.
 - The appeals are proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decisions

Appeal Ref: APP/F2360/W/16/3142308

1. The appeal is allowed and planning permission is granted for retention of a building associated with the operation of a micro light airfield at Long Fold Farm, Doles Lane, Bretherton, Preston, in accordance with the terms of the application Ref 07/2015/1522/FUL, dated 31 July 2015, subject to the following condition:

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting or amending that Order) the building shall not be used for anything other than storage associated with the use of the micro light airfield.

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2. The planning appeal is successful so the enforcement notice is quashed.

Reasons

The ground (c) enforcement appeals

3. Planning permission has not been granted for retention of the building and it is not permitted development. The ground (c) appeals thus fail.

The planning appeal

4. The main issues are; first, whether the building associated with the operation of a micro light airfield is inappropriate development in the Green Belt, within which the building is situated; and second, the effect of the building on the character and appearance of the area.

The first issue – inappropriate development

5. National planning policy on Green Belts is found in the National Planning Policy Framework (NPPF) and in paragraph 89 it is stated that the construction of new buildings in the Green Belt is inappropriate. One of the exceptions to this policy is where the proposal would be 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. The policy of development restraint in Green Belts and the exceptions to this policy are carried forward in policy G1 of the South Ribble Local Plan (LP).

6. The appeal building is located next to a grass airfield used for the flying of micro light aircraft. The building is used for the storage of such aircraft and for the storage of materials and equipment used in the maintenance of the airfield. The building is therefore an appropriate facility for the airfield which, given that there is no suggestion that it is in commercial use, is in use for outdoor recreation.

7. The building is about 10 metres by 10.3 metres and is about 3.1 metres high to the eaves and 4.2 metres high to a central ridge. In purely physical terms the building, in itself, affects the openness of the Green Belt. But the High Court in *Europa Oil and Gas Limited v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin) has recognised that the impact of a development on openness is not necessarily related to its size but also to its purpose. Furthermore, the Court of Appeal in *John Turner v Secretary of State for Communities and Local Government and East Dorset Council* [2016] EWCA Civ 466 recognised that the question of visual impact is implicitly part of the concept of openness of the Green Belt and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt.

8. Taking into account *Europa Oil* the building is associated with an airstrip of considerable size, is fit for its purpose to provide security and shelter for aircraft and equipment associated with the airfield use, and it is only large enough to accommodate a very small number of micro light aircraft. In this regard the building is entirely fit and appropriate in scale for its purpose, and has no more effect on openness than is necessary. With regard to *Turner* the building is located in a part of the Green Belt otherwise devoid of buildings, the nearest buildings are about 350 metres away at Long Fold Farm to the south and on Doles Lane to the east, and the Council makes no claim that it is visible in the flat landscape from any public vantage points. The building, taking all of these factors into account, does not have any visual effect on the openness of the Green Belt.

9. Matters relating to openness of the Green Belt were considered in another judgement, *Summers Poultry Products Ltd v Secretary of State for Communities and Local Government and Stratford-on-Avon District Council* [2009] EWHC 533 (Admin), in which it was stated that "It is quintessentially a matter of planning judgement for the decision-maker". Notwithstanding its physical size the building, taking other relevant factors and legal authorities into account, does not materially affect or undermine the openness of the Green Belt. The Council has not claimed, furthermore, that the building conflicts with any of the five purposes of including land in the Green Belt that are set out in paragraph 80 of the NPPF.

10. The appeal building is an appropriate facility for outdoor recreation, does not materially affect and thus preserves the openness of the Green Belt, and does not conflict with the purposes of including land in the Green Belt. The building is thus not inappropriate development and does not conflict with LP policy G1.

The second issue – character and appearance of the area

11. The building is clad in dark green profiled steel cladding and is situated close to a high hedgerow that bounds the airfield. It is not close to any public vantage points and is, given its colour, screening and small size, unobtrusive in its flat landscape setting. The building does not have any significant adverse effect on the character and appearance of the Green Belt and is not therefore in conflict with LP policy G17 or with policy 17 of the Central Lancashire Core Strategy.

Conditions

12. The Council has suggested one condition. The condition would restrict the use of the building to that of storage of equipment associated with the use of the airfield and would not permit the storage of any aircraft within the building. This is unnecessarily restrictive and there is no reason why the condition should prevent such storage. The condition, which is otherwise necessary and meets the tests set out in the National Planning Practice Guidance though it has been amended in the interests of clarity and precision, has been amended to restrict the use of the building to that for storage associated with the use of the micro light airfield.

Conclusion

13. The building associated with the operation of the micro light airfield at Long Fold Farm is not inappropriate development in, and does not harm the character and appearance of, the Green Belt. The planning appeal is therefore successful.

The ground (f) and (g) enforcement appeals

14. The planning appeal is successful so the ground (f) and (g) enforcement appeals do not need to be considered.

John Braithwaite

Inspector