
Appeal Decision

Site visit made on 14 March 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/R2330/W/16/3163958

Holme Farm, Holme Road, Clayton le Moors, Accrington, Lancs BB5 5SL

- 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 Mr D Wilson against the decision of Hyndburn Borough Council.
 - The application Ref 11/16/0189, dated 16 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is formation of hard standing for parking of agricultural vehicles, horse boxes and tractor machinery.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Late evidence was provided by the Council relating to an appeal against a decision of Lancashire County Council, made in its role as the Minerals and Waste Planning Authority for Lancashire. The previous appeal decision related to land that includes the site subject to this appeal. The Council has indicated that the information was provided as soon as possible, once the existence of the previous appeal decision was brought to its attention by Lancashire County Council. The late evidence is relevant to the proposal before me and the appellant has been given an opportunity to comment upon it. I am, therefore, satisfied that no party would be prejudiced and I determine this appeal taking account of the late evidence.

Main Issues

3. The main issues of this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect on the character and appearance of the area, and;
 - If the proposal is inappropriate development, whether the 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.
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Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The appeal site consists of a parcel of land within an area of open countryside designated within the Green Belt to the northwest of Clayton le Moors. The site adjoins an area of hardstanding currently used for storage associated with a relatively isolated group of industrial buildings to the south that are accessed from Holme Road. Based upon my observations and the evidence before me, including a previous appeal decision¹ and details relating to the associated planning application², the adjoining land and Units 6 and 7, Holme Road consist of a waste transfer station and an associated storage area for processed waste awaiting off-site transportation. The neighbouring use has operated with the benefit of planning permission and a Waste Management Licence. A farmhouse to the west and agricultural land to the north and east are also accessed from Holme Road.
5. The land subject to this appeal formed part of the site subject to the previous appeal decision and associated planning application. However, the site is subject to planning conditions which preclude its use for the storage of skips and processed waste³ and required submission of a scheme and programme for the reinstatement and landscaping of the area within two months of the date of the appeal decision⁴. Those requirements included removal of previously imported material and securing vegetation cover fit for agricultural purposes. The Council has indicated that Lancashire County Council have taken enforcement action for the removal of material on the site subject to the appeal, including a failure to comply with a Breach of Condition Notice. However, the full detail of any enforcement action that may have taken place is not before me.
6. The appellant has sought permission for the formation of hardstanding within the site for agricultural storage, including associated vehicles, horse boxes and tractor machinery. At the time of my visit, restoration works had not been completed and the site remained built up by rubble and hardcore with land levels higher than the adjoining agricultural field that is bounded by post and wire fencing. Substantial overspill storage relating to other nearby commercial uses, that are taking place within the land and buildings indicated by the submitted plans as within the appellant's ownership, was evident within the site, wider area and along Holme Road. This included parking within the site consisting of a number of construction and heavy goods vehicles that are not typical of those used for agriculture.
7. Policy BD1 of the Hyndburn Borough Council Local Development Framework The Core Strategy (CS), adopted January 2012, amongst other things, states that development within rural areas will be limited to that supporting farm diversification and promoting leisure and recreation facilities whilst retaining landscape character. It also states that the general extent of the Green Belt will be maintained. The site does not fall within the list of locations where locally important changes to the Green Belt will be made.

¹ Appeal Ref: APP/Q2371/A/10/2122606 - Units 6/7 Holme Road - Split decision - 23 July 2010

² Planning ref: 11/09/0215, dated 23 April 2009, planning permission granted - 12 August 2009

³ Condition 3 of planning permission ref: 11/09/0215

⁴ Condition 4 of planning permission ref: 11/09/0215 as varied by Annex B to Appeal Ref: APP/Q2371/A/10/2122606

8. National policy relating to development in the Green Belt is set out in the National Planning Policy Framework (the Framework), which at paragraph 79 advises that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. New development in the Green Belt should be regarded as inappropriate unless it meets exceptions listed under paragraphs 89 or 90 of the Framework. Paragraph 89 of the Framework refers to agriculture being an exception relative to inappropriate development in the Green Belt. However, that reference relates specifically to the construction of new buildings which is not relevant to the proposal before me. The proposed formation of hardstanding and the raising of ground levels are engineering operations. Paragraph 90 of the Framework lists engineering operations amongst the certain other forms of development which are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
10. The Framework does not provide a specific definition of openness, but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development as well as any visual impact. The storage of machinery, tractors and horse boxes for agricultural purposes are typical features of the countryside, particularly in close proximity to existing farms. Consequently, a hardstanding area for such purposes dependent on its scale, form and locational context, although developed land, could still be part of the countryside and to that extent open.
11. Notwithstanding the above, there is no evidence before me to justify why such a considerable area of hardstanding as proposed would be required for agricultural storage and the site was not solely used for such purposes at the time of my visit. Furthermore, the previous Inspector in reaching her decision found that the raising of ground levels within the site had a material adverse effect on the visual amenity of the area and reduced the openness of this part of the Green Belt. Although the decision preceded the publication of the Framework, national policy relating to the importance of openness as an attribute of the Green Belt is largely unchanged. Consequently, I attribute considerable weight to the conclusions of the previous Inspector.
12. The proposed hardstanding would consist of a significant area that would wraparound the existing storage area where skips are stored and waste management is taking place, with similar land levels. Waste management companies are regulated by the Environment Agency with specific permitted areas where they operate. Consequently, there is no reason to consider that the development would be used for such purposes. Nevertheless, the hardstanding within the site would be in an elevated position relative to the neighbouring agricultural field and would be visually separated by a proposed hedge to the adjoining boundaries.
13. Having regard to the above, the hardstanding due to its location, scale and land levels would be viewed as an additional storage area closely related to neighbouring commercial and waste management storage rather than separately associated with or part of agriculture taking place at Holme Farm. The development would, therefore, result in a loss of openness and an

associated encroachment into the countryside in conflict with that purpose of including land within the Green Belt. The harmful effect arising from the construction of hardstanding and raised land levels relative to the adjacent agricultural field would be particularly evident along a public footpath that runs through the site along Holme Road.

14. The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt⁵. This is a material consideration to which I, therefore, attach significant weight given that engineering operations through raising of land levels has taken place. I can give little weight to the effect of any current storage taking place within the site, as there is no evidence before me that it consists of lawful development.
15. I conclude that the development would fail to preserve the openness of the Green Belt and would have a detrimental impact on the Green Belt purpose of safeguarding the countryside from encroachment. Accordingly the proposal would comprise inappropriate development in the Green Belt in conflict with Policy BD1 of the CS and the Framework.

Character and appearance

16. Policy ENV3 of the CS, seeks that landscape character will be protected and enhanced by, amongst other things, maintaining and reinforcing a clear distinction between the urban edge and the rural areas, and encouraging the restoration of traditional field boundary walls and hedgerows. Although not referred to in the reasons for refusal listed on the decision notice, the Council's evidence has also drawn Policy ENV7 of the CS to my attention. That policy seeks that new development avoids, amongst other things, visual impact which would give rise to unacceptable adverse impact or a loss of local amenity.
17. Holme Farm, including the appeal site, is located within a valley with land levels rising significantly further to the north and south. The proposal would result in an extended hard surfaced area in an elevated position relative to the adjoining field to the north and east. Although the hardstanding within the site would be a small proportion of the overall agricultural holding, it would consist of a significant expansion of hardstanding when compared to the adjacent area that is currently used to store skips and for waste management.
18. Landscaping is proposed which over time would soften the appearance of the hardstanding area and the adjoining storage areas to the south when viewed from the north and east. However, the weight I can give to such benefits is limited, as the site would otherwise be open with lower ground levels and vegetation cover fit for agricultural purposes based upon the requirements of the existing planning condition that I have previously mentioned. The condition also required a scheme and programme for a boundary treatment and planting along the edge of the adjacent storage area in the interest of visual amenity. A boundary treatment and planting of that nature would provide some demarcation between the site and the existing storage area to the south. However, it has yet to be provided and in any case would not fully screen the proposed hardstanding from all public vantage points.
19. Having regard to the above, users of public footpaths are sensitive receptors to change. There is no evidence before me that views to the north from the

⁵ Written Ministerial Statement - Letter about Green Belt protection and intentional unauthorised development - 31 August 2015

public footpath are protected by landscape designation. However, the visual effect of an extended area of elevated hardstanding and associated storage would have a detrimental impact on the character and appearance of the rural landscape.

20. The harmful effect would occur, irrespective of whether the hardstanding would be used for agricultural purposes, as the site would be visually distinct from the adjacent agricultural field and closely related to adjoining commercial and waste management storage. The addition of further hardstanding and associated storage would have a cumulative effect which would worsen the existing incongruous and prominent appearance of storage areas and vehicle parking. This would worsen the harmful effect on the character and appearance of the otherwise rural landscape.
21. Distance views of the development from other public vantage points are largely screened by the difference in land levels and the presence of intervening buildings, trees and hedgerows. Nevertheless, the absence of concern in that respect is a neutral factor that does not justify the harm otherwise identified.
22. I conclude that the development would harm the character and appearance of the area. The proposal would, therefore, conflict with Policies ENV3 and ENV7 of the CS. The policies are consistent with the Framework.

Other Considerations

23. The personal circumstances of the appellant are put forward as justification for the development with reference to health issues. There are no existing farm buildings within the site which would provide alternative agricultural storage for large machinery and vehicles. Furthermore, the appellant has referred to a number of applications for farm buildings having been previously refused or withdrawn. The development would allow the appellant to work independently, but with close supervision from family members. Consequently, there would be social and economic benefits for the appellant arising from the proposal in terms of the agricultural uses taking place at Holme Farm.
24. Notwithstanding the above, the full details of unsuccessful proposals for agricultural buildings are not before me and therefore, I cannot conclude that an alternative means of storage within land in the appellant's ownership could not be achieved. Furthermore, there is no substantiated evidence before me which justifies why such a considerable extent of hardstanding would be necessary for agricultural storage to serve Holme Farm. In such circumstances, the weight I can give to the personal circumstances of the appellant is limited, given that equivalent benefits may be capable of being achieved through a less harmful and intrusive form of development in the Green Belt. In any case, personal circumstances alone seldom clearly outweigh harm to the Green Belt and any other harm when taking account of the Government's Written Ministerial Statement of 31 August 2015⁶ and Planning Practice Guidance⁷. This is because similar personal circumstances could be offered and repeated in many Green Belt situations across the country.
25. I am satisfied that the development would not result in a significant increase in vehicle movements along Holme Road and that appropriate visibility splays could be achieved by condition to provide a safe and suitable access to the

⁶ Letter about Green Belt protection and intentional unauthorised development - 31 August 2015

⁷ Paragraph: 034 Reference ID: 3-034-20141006, Revision date - 6 October 2014

hardstanding area. In such circumstances, the proposal would not have a detrimental impact on highway and pedestrian safety, including use of the road as a public right of way.

Conclusion

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be significant harm to openness and the Green Belt purpose of safeguarding the countryside from encroachment. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. For the reasons previously stated, limited weight is given to the personal circumstances of the appellant and the associated social and economic benefits of the development to agriculture taking place at Holme Farm. The absence of harm with respect to highway safety is a neutral factor which does not weigh in favour of the development.
28. Having taken all of the above into account, I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt, the significant weight afforded to harm having been caused by intentional unauthorised development in the Green Belt and the additional harm relating to the character and appearance of the area which I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. I conclude that the proposal, therefore, conflicts with Policies BD1, ENV3 and ENV7 of the CS and the Framework when taken as a whole.
29. For the reasons given above, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR