

Appeal Decision

Site visit made on 31 May 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 6 June 2017

Appeal Ref: APP/R2330/W/17/3171986

Britannia Poultry Farm, Haslingden Old Road, Oswaldtwistle, BB5 3RJ

- 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 Mark Banyard against the decision of Hyndburn Borough Council.
 - The application Ref 11/16/0313, dated 3 August 2016, was refused by notice dated 6 March 2017.
 - The development proposed is the erection of agricultural building following demolition of existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of agricultural building following demolition of existing buildings at Britannia Poultry Farm, Haslingden Old Road, Oswaldtwistle, BB5 3RJ in accordance with the terms of the application, Ref. 11/16/0313, dated 3 August 2016, subject to the conditions set out in the schedule at the end of this decision.

Procedural matters

2. The description of the proposed development given on the planning application form is '*a replacement agricultural building*'. However, the appeal submissions indicate that the description was changed, with the agreement of the Council, to '*the erection of agricultural building following demolition of existing buildings*', prior to the determination of the planning application. I have taken this into account and have used the revised description.

Main Issue

3. I consider that the main issue in this case is whether the agricultural arguments put in support of the proposal are sufficient to justify development in the countryside, with reference to the impact on the character and appearance of the local landscape.

Reasons

Character and appearance

4. The appeal property, which is located in the countryside, is situated on a corner site at the roundabout junction of Haslingden Old Road, Lottice Lane and Duckworth Hill Lane. The site includes a bungalow and a number of single-storey timber buildings with felt covered roofs, including a group of adjoining sheds located between the dwelling and Lottice Lane, and a sheep
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shed to the rear of the bungalow. To the northwest of the site, on the opposite side of Lottice Lane and on higher ground is The Britannia Inn, which is a substantial predominantly 2-storey, part single-storey, building. From the appeal site, a short row of terraced houses can be seen to the northwest alongside Haslingden Old Road and another to the northeast fronting onto Duckworth Hill Lane. Otherwise the appeal site surroundings comprise for the most part of grassed fields and built development in the locality is predominantly characterised by a scattered farmsteads including some substantial farm buildings.

5. The proposal includes the demolition of the existing wooden sheds and the construction of an agricultural building to the rear of the bungalow, which would extend alongside the western boundary of the site to within a short distance of Lottice Lane. The ground level across this part of the site rises away from the roadside. Consequently, the basement level of the proposed building, which would be slightly higher than the adjacent section of highway, would be cut into the embankment, whereas the level of the mezzanine floor within the building would be similar to the ground level alongside the bungalow. Due to the topography, whilst the northwestern gable, facing the lane, would be around 6.8 metres high, the southeastern gable of the building would be only around 4.6 metres high and the ridge level of its roof would be lower than that of the adjacent bungalow.
6. In common with the existing wooden sheds, the visual impact of the proposal would be greatest when passing along the short section of Lottice Lane that adjoins the northwestern boundary of the site. Otherwise views of the proposed building would be partially, if not entirely, obscured from public vantage points: to the northeast by the bungalow; to the northwest by the Inn and an adjacent group of trees; and, to the southwest and southeast by roadside planting.
7. When seen from Lottice Lane, the proposal would add to the bulk of development within the site. However, I consider that, in comparison with the ramshackle appearance of the existing timber sheds, the proposed modern agricultural building, although bulkier, would improve the appearance of the site. From more distant vantage points, it would have the appearance of a relatively low profile structure and would be seen in the context of a wider landscape which includes large agricultural buildings of a similar form.
8. I conclude overall that the impact of the proposal on the character and appearance of the local landscape would be acceptable. It would not conflict with Policy E.10 of the *Borough of Hyndburn Local Plan, 1996 (LP)*, Policies Env6 or Env7 of *The Core Strategy, 2012 (CS)* or Policy DM34 of the emerging *Hyndburn Local Plan-Publication version September 2016*, which, in keeping with the aims of the *National Planning Policy Framework (the Framework)*, seek to ensure that regard is had to visual appearance, in relation to which there would not be unacceptable adverse impacts, and also that new development delivers high quality design.

Agricultural need

9. The appellant has indicated that the existing sheep shed is used to accommodate and nurse sheep brought in for fattening, lambing and for their welfare from land he rents in Rishton and near Stoneyhurst College. It was occupied by a number of sheep and lambs when I visited and I saw that the

other sheds were being used to store equipment. In support of the proposal the appellant has provided evidence documenting the movement of sheep to and from the site over a number of years and correspondence from a vet indicating that the existing sheep shed, which is a former poultry house, is not fit for purpose, due to poor ventilation and an inability to fully disinfect the walls and floor. Furthermore, he has confirmed that whilst the lower level of the building would be used to house livestock, the smaller mezzanine floor area would accommodate equipment and feed. The building would be constructed of materials typically used for modern agricultural buildings, including using Yorkshire board cladding for ventilation and easily cleaned concrete floors.

10. The Council does not dispute that the proposed building would provide a proper covered shelter for the sheep and the storage of forage. In this regard it would be beneficial in terms of animal welfare and would allow the enterprise to be run more efficiently, at least in terms of costs savings associated with bulk purchase of feed and covered storage for hay. Based on the evidence presented, it appears to me that the design of the proposed building would be appropriate for its use.
11. The Council has suggested it could be argued that the proposed building would be better sited closer to the main area of rented land the appellant uses to graze his sheep. However, I understand that it is only around 3 miles from the appeal site and so to my mind the periodic transportation of sheep and forage between the site and the land is unlikely to have significant implications in terms of pollution or pressure on the rural road network.
12. Having had regard to the likely impact on the local landscape, I conclude that the agricultural arguments in support of the proposal are sufficient to justify development in the countryside. In this respect it would accord with the aims of CS Policy BD1, LP Policy S.5 and the Framework insofar as they seek to support farming while retaining landscape character.

Other matters

13. The appellant has drawn my attention to a previously dismissed appeal Ref. APP/T4210/W/16/3151468. However, whilst involving a proposed agricultural building, the site was in a different part of the country and within an area designated as Green Belt. The circumstances were significantly different from those in the case before me and I have found that previous decision to be of little assistance.

Conditions

14. The Council has suggested 5 conditions which it considers should be imposed in the event of planning permission being granted. In addition to the normal commencement condition, a condition would be necessary to ensure that the works would be carried out in accordance with the approved plans, in the interests of clarity. A condition would be necessary, in the interests of visual amenity, to control the materials used in the external surfaces of the proposed building, full details of which are not provided elsewhere. I have not been provided with any compelling evidence to show that the existing use of the site is a source of nuisance in the locality and I have no reason to believe that the continuation of that operation in the proposed building would be likely cause nuisance. Under the circumstances, I consider that a condition seeking to avoid nuisance would not be necessary. However, in order to safeguard the

living conditions of local residents from the potential impacts of construction activity, a condition would be necessary requiring a construction method statement, which has been approved by the Council, to be adhered to. Furthermore, in the interests of highway safety, a condition would be required to ensure that the initial section of accessway leading from the site entrance would be appropriately surfaced, so as to reduce the risk of debris being carried onto the carriageway. In addition, as suggested by the Highway Authority, a condition would be necessary to ensure that any surface water discharges from the site would be satisfactorily controlled, in the interests of highway safety.

Conclusions

15. I conclude on balance that the proposal would amount to sustainable development in keeping with the aims of CS Policy Env4 and the Framework and it would accord with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; existing layout plan; proposed site layout plan; and, proposed elevations and floor layout plan.
- 3) Notwithstanding condition no. 2 above, the development hereby permitted shall not commence until details of the materials to be used in the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) measures to control the emission of noise, dust, fumes and dirt during construction; and,
 - b) details of delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to the first use of the building hereby permitted that part of the access extending from the highway boundary for a minimum distance of 10 metres into the site shall be paved in porous tarmacadam, block

paving or other porous hard materials the details of which have been submitted to and approved in writing by the local planning authority.

- 6) The building hereby permitted shall not be first occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.