The Planning Inspectorate

Appeal Decision

Site visit made on 26 June 2017

by Graeme Robbie BA(Hons) BPl MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/W0910/W/17/3171362
9 Parkhouse Court, Parkhouse Road, Barrow-in-Furness LA13 0PL

- 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 Russell Beck against the decision of Barrow-In-Furness Borough Council.
- The application Ref B18/2016/0533, dated 8 July 2016, was refused by notice dated 31 January 2017.
- The development proposed is the erection of a livestock building for over-wintering cattle.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a livestock building for over-wintering cattle at 9 Parkhouse Court, Parkhouse Road, Barrow-in-Furness LA13 0PL in accordance with the terms of the application, Ref B18/2016/0533, dated 8 July 2016, subject to the following 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: RBPH-002.rev.a (Amendment 16/12/16) and RBPH-003 (Amendment 16/12/16).

    3) No external lighting shall be installed except in accordance with details that shall first be submitted to and approved in writing by the local planning authority, and shall thereafter be maintained and retained in accordance with the agreed details.

    4) Prior to the formation of the floor slab of the hereby approved building, details of its proposed levels relative to existing ground levels shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in complete accordance with the agreed details.

Application for costs

2. An application for costs was made by Mr Russell Beck against the decision of Barrow-in-Furness Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The reason for refusal given on the Council's decision notice relies on the provisions of saved policies D1 and D21 of the Barrow-in-Furness Borough

Local Plan Review 1996 – 2006 (LPR). The Planning Committee report dated 31 January 2017 also refers to the provisions of policies DS1 and DS2 of the emerging Barrow Borough Local Plan Publication Draft[1] (BBLP) but these are not relied upon in the reason for refusal. I have not been advised that the BBLP has reached or passed its examination stage and so, in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), conclude that it remains in its early stages and I give its provisions only limited weight in my consideration of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on a narrow strip of land bounded on three sides by Parkhouse Road to the east, a twin-track railway line to the west and an access road linking Parkhouse Road with Parkhouse Farm, to the north. There is an unmanned level crossing on the access road between the appeal site and Parkhouse Farm, whilst a newly built agricultural building (granted planning permission at appeal[2]) lies on the northern side of the road, directly opposite the appeal site.

6. Saved LP policy D1 states that the Borough's countryside will be safeguarded for its own sake and that development will only be permitted in the countryside where there is demonstrable need that cannot be met elsewhere and, where necessary development is permitted, any adverse effect on the rural character of the surroundings is minimised, subject to the development's operational requirements. Saved LP policy D21 refers, amongst other things, to new farm buildings which it expects will in general be sited within or adjacent to an existing farm building complex or in other well screened locations, subject to complementary design, materials and, where necessary, planting scheme.

7. There is no dispute between the main parties that the proposal is necessary for the purposes of the appellant's agricultural operations. Nothing that I have seen or read leads me to reach an alternative conclusion, and I concur with that view.

8. The appeal building would be located opposite a recently built agricultural building on the eastern side of the railway line, between the line and Parkhouse Road. The Council contend that the proposed building would be a prominent building within the landscape and would harm the site's openness and the area's rural character. I disagree. The proposed building would form part of an immediate group of two agricultural buildings between Parkhouse Road and the railway line. The existing group of buildings at Parkhouse Court and Parkhouse Farm, beyond the railway line, are also seen in the same context and together form a substantial grouping of buildings.

9. Although the appeal site, which is currently part of a larger field, is relatively open, its eastern and northern boundaries were, at the time of my visit to the site, largely comprised of substantial field hedges. The site is currently only glimpsed from Parkhouse Road above a short stretch of stone wall and between

[1] Barrow Borough Local Plan Publication Draft – July 2016
[2] APP/W0910/A/14/2222717

lengths of hedge at the north-eastern corner of the site adjacent to the entrance to the road serving Parkhouse Court. Further south along Parkhouse Road, although the road rises and is in an elevated position on the valley side, the roadside hedges again render the site largely hidden from wider view. From the north, views of the existing agricultural building are limited and only glimpsed above and through the roadside bank and hedges.

10. Although the proposed building would have an impact on the openness of the appeal site itself, it would be seen very much together with the agricultural building on the opposite side of the road, and would not in my judgement have a significant impact on the openness of the surrounding area. Moreover, as it has been accepted that the proposed building is necessary for the appellant's agricultural operations and as modern agricultural buildings are not uncommon in the countryside, I do not share the Council's view that the proposed building would harm the rural character of surrounding area.

11. The proposal would be sited adjacent to an existing farm building and viewed within the same landscape and visual context as the substantial grouping of buildings at Parkhouse Farm. The existing network of roadside banks and hedges along Parkhouse Road already provide an effective screen around the appeal site, and would continue to do so. Although the proposed access into the site from the road would open up views into the site, and therefore of the building itself, from there and the junction with Parkhouse Road, this would not make the building a prominent feature.

12. I accept that the building would be more visible in views from the west than it would from the north, south or east. However, the railway line runs on an embankment between the site and Parkhouse Court, thereby partly screening lower portions of the building, whilst views back towards the proposed building from this angle would also include the existing agricultural building on the northern side of the road. Modern agricultural buildings are not uncommon within the countryside and I am satisfied that what is proposed in this instance would be appropriate to its location in terms of its scale, design, appearance and materials and would not be at odds with the rural character of the surrounding area. The proposal would not be a prominent building and any impact on the openness of the appeal site itself would not cause harm to the prevailing character of the surrounding area.

13. Park House Farmhouse, within the group of buildings on the western side of the railway line, is a grade II* listed building. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty to have special regard to, amongst other things, the desirability of preserving the building or its setting. It is noted that the appeal site does not lie within the Furness Abbey Conservation Area, the boundary of which I am advised is just to the north of the adjacent road leading to Parkhouse Court. However, paragraph 137 of the Framework states that proposals that preserve those elements of setting that make a positive contribution to, or better reveal the significance of, the [heritage] asset (the Conservation Area) should be treated favourably.

14. That the proposed building would not have an adverse impact on the setting of the Conservation Area or the listed building is not disputed by the two main parties. From my observations of the site and its surroundings, I see no reason to disagree. I have concluded that the proposal would not be a

prominent building and would not cause harm to the prevailing rural character of the area. It would be located adjacent to an existing agricultural building within a rural farming setting, and well related to an existing and substantial grouping of buildings. In that context, I consider that the proposed development would preserve the setting of both the grade II* listed Park House Farmhouse and the Furness Abbey Conservation Area. In reaching this conclusion, I have also noted the Council's reference to the Inspector's conclusions regarding the effect of the previous appeal building on the character and appearance of the Conservation Area.

15. Thus, for the reasons set out, I consider that the proposed building would not conflict with the objectives of saved LP policies D1 or D21. As I have concluded that there would be no adverse effect on the rural character of the surroundings, I have not considered the alternative locations that were discussed between the appellant and the Council any further.

Other Matters

16. Concerns have been expressed regarding the proximity of the unmanned level crossing located between the appeal site access and Parkhouse Court and the potential implications of the proposed building on highway safety and the safety of users of the level crossing. However, I note that Network Rail did not object to the proposal and that this did not form part of the Council's reason for refusal and I have not been presented with any further evidence that would lead me to reach a different conclusion. Accordingly I give these concerns limited weight.

Conditions

17. The Council have submitted a duplicate of their planning committee report as their Statement of Case and which also includes a list of suggested conditions. I have considered those conditions in light of the Framework and Planning Practice Guidance and have amended them where necessary and in the interests of accuracy.

18. In addition to a time limit condition, I agree that a condition specifying the approved plans is necessary in the interests of certainty. Conditions regarding external lighting details and existing and proposed levels are necessary in the interests of the character and appearance of the surrounding area. I have not imposed a condition regarding the manufacturing process for the cladding panels as I consider that the suggested condition would lack precision.

Conclusion

19. For the reasons set out, and having considered all other matters, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR