



Appeal Decision

Site visit made on 22 October 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/C2708/W/19/3234563

Agricultural Field off Back Lane, Long Preston

Grid Ref Easting: 383118, Grid Ref Northing: 458096

- 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 Morgan ODriscoll against the decision of Craven District Council.
 - The application Ref 2019/20302/FUL, dated 12 March 2019, was refused by notice dated 29 April 2019.
 - The development proposed is described as 'The principle behind the application is to build a single story potting shed and create an allotment area within existing agricultural land at the edge of the village in Long Preston, overlooking open countryside.'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for planning permission does not include an address of the appeal site (the site) but instead provides grid references and a description of the location of the site which includes the nearest postcode (BD23 4QA). I have taken the address in the banner heading above from the description of the location and the grid references as these more accurately reflect the location of the site. I am satisfied that no interested party has been prejudiced by this approach.
3. I am aware that the Craven Local Plan (CLP) 2012-2032 has been adopted since the Council's decision notice was issued and has formally replaced the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. I have therefore made my determination having regard to the CLP. Both main parties have had the opportunity to comment on the implications of this for the appeal and I am satisfied that no interested party has been prejudiced by this approach.
4. Third party representations raised the fact that the site is located within the Long Preston Conservation Area (LPCA) which was designated in 1989 by the then National Park Committee and Craven District Council. The southern boundary and part of the western boundary of the LPCA extends into Craven District. In accordance with the statutory duty imposed¹ I am required to pay

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Both main parties have had the opportunity to comment on the implications of this for the appeal and I am satisfied that no interested party has been prejudiced by this approach.

5. During the appeal process, the Council highlighted that in the application for planning permission the appellant stated that none of the land to which the application relates is, or is part of, an agricultural holding. However, in the appeal form the appellant stated that the site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. It has been confirmed by the appellant that the former is correct and that the appeal form should read that none of the land to which the appeal relates is, or is part of, an agricultural holding. I have therefore considered the appeal on that basis.
6. The appellant has highlighted that in the very simplest case, the act of converting land previously used for agriculture into allotment gardens does not constitute development requiring planning permission². However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

7. The main issues are:

- The effect of the proposed development on the local landscape character of the area; and
- Whether the proposed development would preserve or enhance the character or appearance of the LPCA and its effect on the setting of the Settle to Carlisle Railway Conservation Area (SCRCA).

Reasons

8. The site is a small triangular grassed plot of land located within the open countryside. It is adjacent to the Settle to Carlisle railway line and accessed from Back Lane which runs along the western boundary of the site. It is enclosed by a dry stone wall to the west, a post and wire fence to the east and a hedge / tree line to the south. The site is located within the LPCA and immediately adjacent to, and within the setting of, the SCRCA. To the east of the railway line is the boundary of the Yorkshire Dales National Park Authority (YDNPA).
9. Opposite the site is a smaller grassed paddock with a modest stone building and timber shed in it. To the north of this there is an allotment area with some small timber outbuildings within it and which is enclosed by a stone wall and screened by trees. To the east is the core of the village of Long Preston and further to the north-west, west and south are agricultural fields and open countryside.
10. The proposal comprises the erection of a single storey potting shed adjacent to the eastern boundary of the site and the creation of an allotment area. The

² Crowborough Parish Council v Secretary of State for the Environment (1981).

shed would measure approximately 9.14m in length, 4.87m in width and 3.23m in height. It would be constructed of timber with a shallow pitched corrugated iron roof and would be used to pot cuttings and store supplies and tools. The land would be used to grow fruit and vegetables on a year round basis.

11. There is disagreement between the parties over whether the growing of fruit and vegetables on the land would constitute an agricultural use or a residential garden style use. Although the growing of fruit and vegetables is defined as agriculture within section 336 of the Town and Country Planning Act 1990, as the proposed development would not be for trade or business it would not be agriculture as defined within section 109 of the Agriculture Act 1947. On this basis, and taking into account the appellant's description of the proposed development, I consider that the use of the land would be more akin to an allotment.

Local landscape character

12. Policy ENV1(a) of the CLP expects new development proposals in the open countryside to respect, safeguard and, wherever possible, restore and enhance the landscape character of the area. In addition, Policy ENV3(a) of the CLP states that development should respond to the context.
13. The local landscape character of the surrounding area is quite different on either side of the very defined physical break of the railway line. The character of the landscape to the east is generally that of medium density residential development extending to the core of Long Preston village. With the exception of Ribblesdale Estate, the character of the landscape to the south, west and north-west is generally one of pastoral and agricultural fields in the open countryside which are interspersed by field boundaries and isolated trees.
14. I acknowledge that the location of the proposed building has been chosen to mitigate its impact on the landscape and the form and materials have been selected to reflect agricultural structures within the wider area. However, taking into account the size of the site and character of the area on this side of the railway line, I consider that the substantial dimensions and sheer bulk of the proposed building would appear highly incongruous within the site and the surrounding landscape.
15. Furthermore, given the relatively exposed eastern boundary of the site adjacent to the railway line, I consider that the proposed building would be readily visible and unduly prominent in views looking towards the site from the railway bridge, from the bottom of the footpath on the eastern side of the railway line and from locations along Back Lane. Although the proposed building would not block views of the open countryside to the west of the site, it would detract from them.
16. In addition to the proposed building, although I consider that the growing of fruit and vegetables as an allotment activity would not have the character and appearance of a manicured residential garden, the establishment of raised beds and fruit trees would introduce a more domestic formality and appearance into this countryside location. This would be out of keeping with the less formally maintained pastoral character of the surrounding countryside.

17. Accordingly, I conclude that the proposed development would have a harmful effect on the local landscape character of the area. As such it would be contrary to Policies SD1, ENV1(a) and ENV3(a) of the CLP which, amongst other things, seek to promote sustainable development, expect new development proposals to respect, safeguard and wherever possible, restore or enhance the landscape character of the area and state that development should respond to the context.

The LPCA and the setting of the SCRCA

18. The effect of the proposed development on the local landscape character is, to a large degree, intertwined with its impact on the character and appearance of the LPCA and the setting and significance of the SCRCA. However, it is appropriate to consider them separately.
19. The Character Appraisal for the LPCA 2010 states that 'the conservation area encompasses the village, isolated farmsteads and an extensive area of natural surroundings. The overall character of the place is both informal in terms of the linear yet winding development of the settlement along the main road, and rural due to its often vernacular architecture, several village greens and landscape setting.' These factors contribute to the special architectural and historic interest, and thus the significance, of the LPCA.
20. The site is located within Character Area 3 which makes up the rural landscape setting to the village. This includes open pasture land, a network of historic lanes leading to and from the village centre and farms, which, together, make a positive contribution to the character and appearance of the LPCA.
21. The boundary of the SCRCA closely follows the railway line and adjoins the site. The SCRCA Appraisal 2016 comments that 'the route forms a coherent and outstanding historic railway landscape of national significance.' With the exception of the houses in Ribblesdale Estate and some of the houses along Chapel Walk, buildings and other structures are generally set back from the railway line, with railway embankments or open countryside forming the main buffer and setting to the line and thus contributing to the significance of the SCRCA.
22. I acknowledge that there are buildings within the surrounding area of the site which do not make a positive contribution to the character or appearance of the LPCA or to the setting or significance of the SCRCA. However, the introduction of an orderly structure of such a considerable size within the site would be inharmonious with the much smaller stone and more informal timber structures nearby, and would intrude into the green buffer setting of the SCRCA and the open rural landscape setting to the village. Moreover, it would be excessively prominent in views within the LPCA, particularly when looking south-east along the railway line from the railway bridge on Back Lane. In these respects it would have a detrimental impact on the special architectural and historic interest and significance of this part of the LPCA and the setting and significance of the SCRCA.
23. Therefore, I conclude that the proposed development would not preserve or enhance the character or appearance of the LPCA and would have a harmful effect on the setting and significance of the SCRCA. As such, it would conflict with Policy ENV2 of the CLP which states that Craven's historic environment will be conserved and, where appropriate, enhanced, and would fail to comply with

the provisions of the National Planning Policy Framework (Framework) which seek to conserve heritage assets in a manner appropriate to their significance.

24. Having regard to Paragraph 196 of the Framework, the harm caused to the significance of the LPCA would be 'less than substantial', because it would be limited to the immediate surroundings of the site and specific views within the LPCA. This harm needs to be weighed against the public benefits of the proposed development. I fully acknowledge that the proposed development would create a more sustainable and healthier lifestyle for the appellant and his family, which would have general public benefits of less impact on the environment and potentially a reduced demand on public services such as the National Health Service. However, given the scale of the proposed development, these public benefits would be limited and would not outweigh the harm to the LPCA. As such the proposed development would not comply with Paragraph 196 of the Framework.

Other Matters

25. The appellant highlights that research³ has concluded that even a small amount of participation in allotment gardening can have significant benefits on health. I accept that this may be the case. However, any benefit arising from the use of the site as an allotment would, first and foremost, be of a private benefit to the appellant and his family. This may lead to more general public benefits but, as stated above, these would be limited. This is, therefore, a matter to which I afford limited weight in the overall planning balance and it does not alter or outweigh my conclusions on the main issues.
26. I acknowledge the presence of the existing allotment area which is a short distance to the north of the site. I noted this area when on site and from what I could see the area contained small outbuildings and is generally well screened from public viewpoints. In these respects, it is not comparable to the appeal before me and does not justify the identified harm. Furthermore, I have considered the proposed development on its own planning merits and found that it would cause harm which would not be outweighed by any public benefits.
27. The appellant has drawn my attention to other agricultural buildings in the wider area and contends that the form, design and materials of the proposed building reflect an agricultural style. I was able to view one of these when on site. I recognise that the proposed building reflects some elements of the agricultural buildings referred to. However, the use of the proposed building would be associated with an allotment and not an agricultural holding. On this basis the structures cited are not comparable to the appeal before me. In any event, I must consider the proposed development on its own planning merits with regard to the specific location and context of the site.
28. I note that the appellant states that, currently, there is no provision for allotment areas within Long Preston and that this is a legal requirement if there is sufficient demand. Furthermore, the appellant states that the Local Authority can put land it already owns to use as allotments and acquire land for allotments by compulsory purchase. Be that as it may, these are not matters for me to consider in the context of an appeal under Section 78 of the Act.

³ Allotments – The Hidden Benefits. Lansdowne Allotment Association. Research by Universities of Westminster and Essex.

29. I am aware that the appellant has raised concerns regarding the Council's determination of the application, the validity of the Council's appeal statement and the third party representations on the proposed development. However, such matters are not material considerations to which I can give any significant weight in the context of an appeal under Section 78 of the Act.
30. I note that the Local Highway Authority and Northern Gas Networks raised no objections to the principle of the proposed development. However, these are neutral considerations in the balance and do not outweigh the harm that I have found.
31. None of the other matters raised alter or outweigh my overall conclusions on the main issues.

Conclusion

32. The proposed development would not preserve or enhance the character or appearance of the LPCA. This is a matter which must attract considerable importance and weight against it. In relation to the Framework, the proposed development would cause 'less than substantial harm' to the significance of this designated heritage asset. I must attach considerable importance and weight to that harm, which I find would not be outweighed by the limited public benefits of the proposed development. Furthermore, I have found that it would have a harmful effect on the local landscape character and the setting and significance of the SCRCA.
33. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR