



Appeal Decision

Site visit made on 21 May 2020

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/E2340/W/20/3245524

Peel House Farm, Gisburn Old Road, Barnoldswick, BB9 6RH

- 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 I Heywood against the decision of Pendle Borough Council.
 - The application Ref 19/0652/FUL, dated 23 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is the erection of an agricultural barn/stables, change of use of agricultural land to agricultural and equine use (Sui Generis), formation of ménage, erection of manure store and formation of new access road.
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Decision

1. The appeal is dismissed.

Main issue

2. There is one main issue in this case. That is the effect of the proposal on the character and appearance of the countryside.

Reasons

3. The appeal site is part of a landholding set in open countryside to one side of Gisburn Old Road. It is outside any settlement boundary. The overall holding includes a house, a yard and various outbuildings and stables. There are very few other buildings in the area. The site is bounded by a bridleway to the south of the site linking to a public footpath to the west.
4. The appellants run seven horses on the land. The proposal is the erection of a barn/stables for equine use, along with other related facilities, all for the sole use of the appellant's family. The building would be a galvanised steel portal framed structure with concrete panels at the base. It would be located to the southwest of the house, at a lower level.
5. The key development plan policy, and the only one to which reference was made on the Council's decision notice, is policy ENV1 of Pendle Local Plan Part 1: Core Strategy 2011-2030. This provides for the protection of the natural environment. In their appeal statement, though not cited as a reason for refusal, the Council has also referred to policy ENV2. However this does not take matters much further than ENV1. The same is true of the reference in the appeal statement to policy 16 of the Replacement Pendle Local Plan.

6. The Council's SPG 'Development in the Open Countryside 2002' (the SPG), also not referenced in the decision notice, is not part of the development plan. It again seeks to control development in the open countryside, but is of some help in that it also sets out some criteria related to agricultural buildings.
7. The proposed building would have a long elevation facing westwards, towards the public footpath and the lower land beyond. This face of the building, rising to 6.9m in height, would be imperforate. Although the mass of the building would be clearly visible from elsewhere, most notably from the bridleway to the south, the scale of this side elevation would be particularly prominent from the west.
8. The SPG advises that skyline locations should be avoided. Whilst I appreciate that the location of the building is on the lowest point of the appellant's land, the holding as a whole is in a very prominent position. The appellant notes that this is a very exposed location and, although I appreciate the reason for the proposed siting, the effect would be to break the skyline and produce a very noticeable building in the open landscape.
9. The building would be visible from all directions, most particularly in close views from the west and south. There is a difference between the parties as to the extent of visibility from the A682 below the site. Based on what I saw on my visit I do not agree that the proposal would be "readily visible" as the Council asserts, but it would certainly be appreciated to some extent – and this would add to the intrusion into the countryside.
10. In coming to these views, I note that no landscape character assessment or visualisations have been submitted, so I am reliant on what I saw on site and the submitted plans.
11. The SPD also refers to the role of planting to soften proposals. I am conscious that the proposal includes bunding to the east of the proposed ménage and planting generally around the periphery of the development. However this would not contribute significantly to softening the effect of the proposal.
12. The parties differ as to the extent to which the proposal could be described as being adjacent to the existing farm buildings as referenced in the SPG. However it is clear that the proposal and the existing building would, from some directions, be read as two separate entities.
13. A final criticism raised by the Council relates to the extent of the proposed hardstanding and turning area which, it is contended, would add to the harsh appearance of the development. However, given the size and function of the proposal, I can quite understand that a reasonable area for vehicles would be needed. I do not consider that this aspect adds to the harm which the proposal would cause.
14. Overall, the proposal would harm the character and appearance of the countryside, and would conflict with policy ENV1.

Other matters

15. In the Council's statement on the appeal, there is a criticism of inadequate justification for the proposal. However the appellant has stated that the existing buildings are inadequate for stabling and related facilities and has referred to the Welfare of Farmed Animals (England) Regs 2000, which set out

basic principles of good animal husbandry and care. This evidence has not been contested in any detail by the authority. That said, the appellant's argument has also not been set out in detail – as an example it is not clear if the proposal is a replacement for the existing buildings or whether they would be removed. This matter is not central to this decision.

16. The parties have commented on a development at Earl Hall Farm, which the appellant describes as being almost identical in a number of respects. However the Council points to a number of differences, in particular a less prominent location. The decision in the current case turns on the very specific situation of the appeal site and this other development, about which I have few details, is of very limited relevance.
17. I am conscious of the need to foster the economic and social wellbeing of the countryside, as set out in national policy. However this does not outweigh the visual harm which would be caused.
18. The appellant has described the consultations which took place with Council officers, and the alternative locations which were explored. However I have to deal with the scheme before me and the discussions which took place with Council officers are not a matter on which the appeal should turn.
19. Overall, for the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector