
Appeal Decision

Site visit made on 30 November 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2020

Appeal Ref: APP/A4710/W/20/3259640

Land at Gorpley Lane, Todmorden OL14 7HU

- 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 S Taylor against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/00506/FUL, dated 7 May 2020, was refused by notice dated 28 August 2020.
 - The development proposed is the demolition of existing structures and construction of a farm building.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue in the appeal is whether or not the proposal would be a suitable form of development having regard to its location within the open countryside.

Reasons

3. The appeal site is a small area of relatively flat land adjacent to Gorpley Road which contains the dilapidated remains of a stone building, a small wooden structure and open storage of items including logs and stones. The wider site owned by the appellant consists mainly of a steeply sloping wooded bank that drops down to Bacup Road and an overgrown former mill pond. The surrounding area comprises mainly upland grazing stretching towards moorland beyond.
4. The *Calderdale Unitary Development Plan (adopted August 2006)* (CUDP) designates the countryside in which the appeal site is situated as the "Area Around Todmorden". It is also designated as part of a Special Landscape Area (SLA). In order to protect the character and appearance of the "Area Around Todmorden" Policy NE8 of the CUDP seeks to restrain new development unless it meets certain criteria. This includes uses necessary for agriculture, forestry or equestrian activity, or any other social and economic uses which have a functional need to locate in the countryside.
5. It is stated that the appeal site, together with the adjacent land in the appellant's ownership, forms an established smallholding that has multiple uses including the grazing of animals. It is indicated that the building would be used for the storage of materials, equipment and machinery associated with the

running of the smallholding including the maintenance of the woodland and the proposal to restore the former mill pond.

6. The use of land for the grazing of animals accords with the definition of agriculture given in Section 336 of the Town and Country Planning Act 1990. Nevertheless, it has not been specified what animals are grazed on the land and at the time of my visit no animals were present. It is clear from the Council's evidence this was also the case when they visited the site. Nor is there any information as to where these animals are kept when not on this site. Given the size of the overall site, and its steeply sloping nature, the number and type of animals that could be grazed on it would be limited. In the absence of all this information, it is not known if this grazing activity forms part of an established and/or viable agricultural enterprise or is just hobby farming.
7. Whilst the wider site includes a number of mature trees, the management and maintenance regime associated with these has not been outlined. As such, there is no clear evidence on what equipment would be needed for this purpose on either a regular or occasional basis.
8. The restoration of the former mill pond may be beneficial in slowing the flow of water and helping to alleviate flooding in towns downstream, however, no indication of what machinery or equipment would be needed for this has been provided. Nor, more importantly, what would be needed in the longer term after the restoration work has been completed. Consequently, the need for any long term storage of machinery and equipment for this purpose has not been established. Moreover, even if it had been shown that there was a need for equipment and machinery for the restoration and the ongoing maintenance of the mill pond, there is no mechanism before me to ensure that if this permission is granted that the mill pond would in fact be restored.
9. In the absence of more detailed evidence regarding the nature and use of this land I am not satisfied that the proposal would be an agricultural building or that a building of this size and scale is necessary for forestry purposes, nor in connection with the maintenance of the former mill pond.
10. Policy NE12 of the CUDP seeks to ensure that development within the SLA does not have an adverse impact on the landscape quality. Apart from the small nearby hamlet of Clough Foot, there are only a few isolated and sporadic buildings and the area has a remote, upland character.
11. The proposal would result in the removal of the various structures currently on the site, but the proposed building would be significantly larger than these. It would occupy a prominent position, clearly visible from the adjacent road. It would be constructed from timber cladding above a drystone wall, and its design and materials would be typical for an agricultural building. As such, it would not in itself appear out of place in this rural location.
12. However, in the absence of any justification for the need of a building of this size and scale for agriculture, forestry or any other use that has a functional need to be located in the countryside, the proposal would have a detrimental visual impact on the remote upland character of the landscape.
13. All in all, I consider that the proposal would not be a suitable form of development having regard to its location within the open countryside and it would conflict with Policies NE8 and NE12 of the CUDP outlined above. It would

also be contrary to Policies BE1 and E16 of the same which seek to ensure that new development contributes to, or at least maintains, the quality of the existing environment and that agricultural development does not have an unacceptable environmental or amenity impact.

Other Matters

14. A Listed milestone is located on Bacup Road around 45m from the site. However, due to the intervening wooded area there is no clear visual link between this heritage asset and the site. As a result, I am satisfied that the proposal would not impact on its significance or setting.

Conclusion

15. For the reasons set out above, and having regard to all other matters including the support of the Town Council, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR