



Appeal Decision

Site visit made on 8 September 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/A2335/W/20/3253701

Red Bank Farm, The Shore, Bolton Le Sands LA5 8JR

- 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 Archer against the decision of Lancaster City Council.
 - The application Ref 19/00858/FUL, dated 27 June 2019, was refused by notice dated 06 December 2019.
 - The development proposed is demolition of existing building to allow the siting of additional static caravans and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In July 2020, after the application was determined and the appeal was made, the Council adopted A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations Development Plan Document (the LP1), and Part Two: Review of the Development Management DPD (the LP2). Policies in the Local Plan 2011-2031 Development Management DPD Adopted December 2014 and saved policies in the Lancaster District Local Plan Adopted September 2008, listed in the Council's reasons for refusal, have been superseded. Consequently, I have made my assessment against the current development plan.
3. When the application was made, the appellant was aware of the emerging local plan policies and he has been provided with the opportunity to comment on their implications for the proposal through the appeal process. I am therefore satisfied that no party would be prejudiced by my determination of the appeal in accordance with the recently adopted local plan.
4. There is an established camping and caravan site on land at Red Bank Farm and there is evidence that part of the appeal site is already in lawful use for the siting of static caravans and for seasonal camping purposes. I have determined the appeal accordingly.
5. The appeal site is in close proximity to Morecambe Bay habitats site. Consequently, I have a statutory duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on the designated site. This is a matter that I will return to later in my decision.

Main Issues

6. The main issues are:

- i) Whether or not the proposal would be inappropriate development in the Green belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- ii) The effect of the proposal on the openness of the Green Belt;
- iii) The effect of the proposal on heritage assets; and
- iv) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development

7. The appeal site is land and agricultural buildings at Red Bank Farm, which comprises Red Bank Farmhouse and associated agricultural buildings and an adjacent static caravan and camping site. It is in a rural coastal location characterised by open agricultural land with scattered farmsteads, dwellings and tourism sites. It is approximately 1.5km from the village of Bolton-le-Sands. It is in the North Lancashire Green Belt.
8. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Policy DM50 of the LP2 sets out that proposals in the Green Belt will be considered in accordance with national planning policy. Policy DM52 states that proposals for caravan sites in the Green Belt will only be permitted where they do not harm the Green Belt and avoid adverse impacts on openness in accordance with Policy DM50.
10. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. The caravans would not meet any of the listed exceptions for new buildings. Paragraph 146 sets out that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Of relevance to the appeal is Paragraph 146 e) material changes of use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds).
11. The proposal is a change of use of the land for the siting of 8 static caravans with associated access, parking and engineering works following the demolition of a number of modern and historic agricultural buildings and structures. While they could be used by persons engaged in outdoor activities, the caravans would not be for outdoor sport or recreation. Nevertheless, while the proposal is not a type specifically listed under Paragraph 146 e), the list is not exhaustive and it would not automatically preclude other changes of use of land from being not inappropriate in the Green Belt.

12. Turning to the question of openness, Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it includes both spatial and visual dimensions. The appeal site is predominantly comprised of agricultural buildings and associated yard areas. It therefore seems reasonably unlikely that the caravans would result in a greater spatial loss of openness. The agricultural buildings that would be demolished, particularly the modern sheds and the slurry tank, are large structures. On the assumption that the caravans would be similar in size and scale to the existing caravans, the proposal could result in a reduction in the bulk of built development.
13. Effects on openness not only relate to the size and scale of development but also to its appearance and use. In this case, while there are static caravans in this area, they are not a traditional feature of rural farmsteads. The proposal would be contained within the footprint of development at Red Bank Farm, but in linking the existing caravans to either side of the farm buildings there would be a conspicuous increase in the size of the caravan park. There would be cumulative impacts in combination with the significant increase in domestic vehicle movements and parking across the appeal site together with the domestic paraphernalia associated with the occupation of the caravans.
14. The proposal would be visible both from close range and from more distant locations, including footpaths and local roads such as The Shore and Pasture Lane. Notwithstanding the reduction in height and mass of buildings, the caravans would be considerably more prominent in long-range views than the farm buildings. By virtue of the change in ground levels and the cumulative effects, the proposal would be visually obtrusive and there would be a significant adverse visual impact.
15. While caravans may be mobile and temporary, there is nothing to suggest that the appeal proposal would not be permanent or that caravans would not be continuously sited on the land. Therefore, irrespective that there may be no spatial loss of openness and a reduction in the bulk of buildings, there would be a significant visual impact resulting in a small but significant loss of openness of the Green Belt in this location.
16. Although the appeal site is contained by the farmstead and caravan and camping sites, the camp site is in seasonal use and therefore indistinguishable from agricultural fields for roughly half of each year. The caravans would be a permanent and contemporary domestic form of development. Moreover, they would replace agricultural buildings such as are characteristic of the rural countryside. With regard to the purposes of the Green Belt set out in Paragraph 134 of the Framework, the proposal would conflict with the purpose of assisting in safeguarding the countryside from encroachment.
17. Therefore, the proposal would not be a change of use of the land that would preserve the openness of the Green Belt and it would conflict with the purposes of including land within it. It would be inappropriate development in the Green Belt. It would conflict with policies DM50 and DM52 of the LP2 and the policies in the Framework that protect the Green Belt.

Heritage Assets

18. Red Bank Farmhouse Grade II listed building is a 2 storey dwelling, with a 1680 date stone, in pebbledashed rubble with a slate roof. Window details include

- rebates, chamfered surrounds and mullions. It is part of an historic farmstead formed of irregularly sited stone barns in a loose courtyard arrangement.
19. The proposal would not directly affect the listed building, but there would be building demolition and the siting of caravans within the farmstead setting of the listed building. The demolition of the large modern agricultural buildings and slurry store would not diminish the significance of the listed building. Two further buildings that would be demolished are a former livestock pen (building S4) and a barn (building S5) that form part of the historic farmstead, although both appear to be later extensions to earlier barns in the group.
 20. The Council's Conservation Officer considers that S4 and S5 are both non-designated heritage assets (NDHA) and curtilage listed buildings, although little evidence has been provided in this respect. Nevertheless, the policies in the Framework that seek to avoid harm to, or loss of, the significance of a designated heritage asset apply equally to its alteration or destruction, or from development within its setting. Therefore, irrespective of their individual designation, weight is attached to the conservation of buildings S4 and S5 by virtue of their contribution to the setting and the significance of the listed building and the historic farmstead group.
 21. Building S4 retains some of its historic stone and slate fabric, but it has been extensively modified with unsympathetic concrete block, brick and corrugated roof sheet alterations. It contributes to the narrative of the evolution and function of the farmstead, but its individual significance has been severely compromised. Its demolition would not result in a significant loss of heritage value.
 22. Building S5 dates from the 19th century. A later infill section joins it to the gable end of the adjacent barn and other alterations include the insertion of windows, partial demolition and the rebuilding of a wall. Irrespective that it may not be an example of a specific agricultural typology, S5 appears largely original and of some antiquity and heritage value. Furthermore, while it is not prominent in views to or from the listed building, S5 is a characterful building that makes a positive visual contribution to the historic farmstead group and the setting of the Grade II listed building. Therefore, the loss of building S5 would result in a loss of heritage value.
 23. The evidence indicates that no caravans would be located on the site of buildings S4 and S5, such that the need for their demolition is unclear. Moreover, there is little before me in relation to the treatment of the land or the gable ends of adjacent barns that would be exposed following demolition. Consequently, irrespective that the loss of buildings S4 and S5 may result in a relatively minor effect on the setting of the listed building and the farmstead group, I cannot be certain that what would replace them would have a neutral let alone positive effect on the setting of the retained heritage assets.
 24. Therefore, by virtue of the erosion of the historic farmstead fabric and the uncertainty surrounding the appearance of the site following demolition, the proposal would fail to preserve the setting and hence the significance of the listed building and NDHA. Taking account of the scale of the proposal, the harm to the significance of the designated heritage asset would be less than substantial. As a result of the harm to heritage assets including the setting of the listed building, the proposal would conflict with the policies in the Framework that seek to conserve and enhance heritage assets. Consequently,

the proposal would conflict with the heritage aims of Policies DM39 and DM41 of the LP2.

25. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case, there would be public benefits in the form of additional tourist accommodation and contribution to the local economy. Support for the appellant's farming business would be primarily a private benefit. Taking account of the considerable importance and weight that must be given to any harm to heritage assets, I find that the harm to the significance of the listed building would outweigh the relatively modest public benefits of the scheme.

Other Considerations

26. The proposal would provide additional holiday accommodation for visitors to the area. I acknowledge that UK Caravan and Camping Alliance report notes the substantial economic benefits from tourism sites, but it is not clear how the predicted economic benefits have been calculated at this site. Taking account of the on-site farm shop and café, the proposal would make a modest contribution to the local tourism industry and the local economy. There is nothing before me to suggest that there would be anything more than limited economic benefits during construction and the proposal would not result in the creation of any new employment opportunities. While the existing holiday park is a diversification that helps to support the appellant's farming business, there is little before me in relation to additional benefits arising from the proposal in this regard. These are matters that carry limited weight in my assessment.
27. Compliance with some policies in the development plan and the Framework, including those that relate to farm diversification, sustainable rural tourism and the effective use of land, is a neutral factor that does not weigh for or against the scheme. Matters relating to land contamination and the avoidance of impacts on biodiversity can be dealt with by planning condition, and they also carry neutral weight.

Green Belt Balance

28. The proposal is inappropriate development in the Green Belt. It would fail to preserve the openness of the Green Belt and it would conflict with its purposes. The Framework advises that substantial weight must be given to any harm to the Green Belt. The harm to heritage assets weighs against the proposal to a moderate degree.
29. There are no other considerations that clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Habitats Sites

30. The appeal site is within 100m of Morecambe Bay Site of Special Scientific Interest, Special Protection Area, Special Area of Conservation and Ramsar site. In the absence of mitigation, the proposal has the potential to result in likely significant effects on the designated site, including through recreational disturbance to birds and pollution. The Council's Appropriate Assessment concludes that, with the implementation of the proposed mitigation, there

would be no adverse effects on the integrity of the habitats site either alone or in combination with other plans or projects. On the basis of the evidence, I see no reason to reach a different conclusion to the Council. Nonetheless, as I have concluded that there are no very special circumstances to justify the proposal in the Green Belt, it is not necessary for me to further consider this matter.

Conclusion

31. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR