



Appeal Decision

Site visit made on 16 December 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/A2335/W/20/3257850

Brades Farm, Farleton Old Road, Farleton LA2 9LF

- 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 J Towers against the decision of Lancaster City Council.
 - The application Ref 20/000/80/FUL, dated 23 January 2020, was refused by notice dated 23 June 2020.
 - The development proposed is described on the application form as 'Construction of an Equine Rehabilitation Facility, including stable block, car park and tracks'. (sic)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the original planning application and the submission of this appeal, the Council has adopted two new Development Plan Documents '*Part One: Strategic Policies and Land Allocations Development Plan Document*' (SPLA DPD) and '*Part Two: Review of the Development Management Development Plan Document*' (DM DPD) both dated July 2020. Consequently, I have determined the appeal using the most up-to-date adopted development plan policies.
3. The Council have described the development as '*Change of use of agricultural land to equestrian, erection of a stable building for equine rehabilitation, a car parking area, internal access roads and installation of a package treatment plant*'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issues

5. The main issues are:
 - whether the appeal site would be a suitable location for a new equestrian business; and
 - the effect of the proposed development on the character and appearance of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and its landscape.

Reasons

6. The appeal site is an open agricultural field located close to the small rural settlement of Farleton within the AONB. The field has a sloping and undulating topography with parts of it, particularly areas towards the back and furthest from the front access being much higher and more prominent within the landscape. There is a substantial gap between the appeal site and the main built-up part of the settlement. The proposal would introduce a relatively large new building into this open field for the purposes of equestrian-related use including the rehabilitation of unhealthy horses. This building would have several stables, an office, therapy room and larger barn area within it. A new car park, package sewage treatment plant and outdoor exercise tracks for the horses would be put in place outside the building within the wider site.

Whether a suitable location

7. Policy DM51 of the DM DPD allows proposals for horse-related activity and small-scale extensions to existing equestrian enterprises in rural areas which demonstrate that a sequential approach has been followed, placing a greater priority towards accessible sites on the edge of existing settlement areas and subject to several other criteria, including that in the first instance priority is given to the re-use and conversion of existing buildings in accordance with policies DM47 and DM49.
8. Policy DM48 of the DM DPD supports proposals in rural areas that seek to diversify the rural economy where it is demonstrated that significant economic benefits exist from the diversification of the farm holding without generating adverse impacts on the environment subject to several other criteria, including that it remains ancillary to the primary agricultural use and gives priority to the re-use of existing buildings. This policy also allows for replacement buildings to be constructed to aid diversification, where it is justified and appropriate. It also states that development in rural areas will not be supported if it is likely to generate adverse impacts on designated wildlife sites or designated landscape areas, either directly or indirectly.
9. Consequently, the proposal would need to comply with the requirements of policies DM47, DM48 and DM51 for it to be acceptable in principle.
10. According to the appellant's statement, the proposal would represent a diversification of the existing agricultural business at the main Brades Farm holding located at the other end of the settlement which is a dairy enterprise. They also state that the equestrian business would be ancillary to the dairy enterprise, that it would employ a family member and that a sequential test has been undertaken showing that there are no other suitable buildings or sites near the main cluster of buildings comprising the main farm complex for the proposed use as shown on the submitted map. However, whilst the main farm complex itself is constrained in terms of its potential for expansion and having no suitable land or buildings for the proposed use within it, it is not sufficiently clear why the other suggested sites, which would be closer to the main built-up part of the settlement than the appeal site, are not suitable other than a potential impact on the residential amenity of nearby occupiers.
11. Furthermore, there are other sites and areas within the wider holding that would be either adjacent to or within the main built-up area of the settlement which have not been considered or assessed in terms of their potential

suitability for the proposal. Moreover, no substantive evidence has been submitted to show that there are also no suitable buildings or sites either within or at the edge of other settlements within the wider locality. Consequently, the proposal would therefore not comply with Policy DM51.

12. I note the appellant's point that their assessment of alternative sites for the proposal only included the buildings and land in the appellant's ownership closest to the main farm complex as it was for a diversification of the existing business. However, even so, no clear reason is given for why potentially suitable sites within the wider holding were not assessed. In any event, the sequential test applies to all new equestrian related development proposals in rural areas irrespective of the ownership, or lack of, of a particular site or indeed whether or not the proposal is for the diversification of one particular farm business.
13. I also acknowledge that the proposal would supplement the income of the existing dairy farm business and provide employment for a family member. However, no substantive evidence has been submitted to show that it would provide a demonstrable and significant economic benefit in accordance with Policy DM48. Furthermore, no substantive evidence has been submitted to show how the proposed equestrian use would relate to the existing dairy farm and exactly how it would be ancillary to that business. As a result, I cannot be certain that the proposal would provide a significant economic benefit or be ancillary to the existing dairy farm business.
14. Accordingly, while still being mindful of paragraphs 83 and 84 of the National Planning Policy Framework (the Framework), I conclude that the appeal site would not be a suitable location for a new equestrian business. It would therefore conflict with policies DM47, DM48, and DM51 of the adopted DM DPD.

Character and Appearance

15. The fact that the appeal site is located within the AONB means that the landscape in this area is afforded the highest level of protection due to its nationally significant status and high vulnerability to change. Consequently, being mindful of paragraph 172 of the Framework I have attached great weight to the conservation and enhancement of the AONB and its landscape.
16. Policy DM29 of the DM DPD, states that new development should be as sustainable as possible and make a positive contribution to the surrounding landscape.
17. Policy DM46 of the DM DPD attaches great weight to the protection of nationally important designated landscapes and requires proposals that are within or would impact upon the setting of such designated landscapes to be appropriate to the landscape type and designation. It also states that proposals within AONBs should be sustainable, consistent with the primary purpose of the AONB designation and support its special qualities.
18. Policy DM51 of the DM DPD also includes a criterion for new equine-related development requiring that their design, scale, siting, external lighting and use of materials should respect the rural setting, visual amenity and landscape.
19. According to the evidence before me, the appeal site is within Landscape Character Area F4 which is defined as a lowland landscape generally below 150 metres, encompassing a patchwork of pastoral fields incised by wooded brooks

and river gorges, which provide a sense of enclosure, sheltered habitats and distinctive landscape patterns. Other characteristics of this area include linear belts of deciduous woodland, field boundaries delineated by a combination of stone walls and hedgerows and minor road corridors lined with mature hedgerows which limit open views across the landscape. As a result, I consider the appeal site to have a relatively open pastoral landscape character in a visually prominent location particularly where its land levels are at their highest points.

20. The evidence also identifies future potential changes including the diversification of farm businesses leading to the introduction of new buildings and the conversion of farm buildings for residential and other uses that could gradually change the nature of the working landscape and its associated attributes. It also highlights that the erosion and loss of vernacular building styles through introduction of cheaper alternatives could reduce the distinctive characteristics of this area. The guidelines set out for managing this potential landscape change include conserving the distinctive settings to rural settlements and ensuring that any potential new development on the edges of villages reflects the characteristic clustered form. Additionally, it also highlights that the overall strategy should include conserving and enhancing deciduous woodland and single trees that line the brook corridors and encouraging the careful design of new buildings and that open views towards unenclosed and enclosed moorland hills and moorland plateaux and views framed across the Lune and Ribble rivers should also be conserved.
21. The proposal would introduce an element of equestrian activity where there is currently none. It would also introduce a building, car park, package treatment plant and horse exercise tracks to an open field where there is presently no development. Given its location and the gap between the appeal site and the main built up area of Farleton, the proposal would also not reflect the characteristic clustered built form development pattern of the settlements within the area. Additionally, given their locations the proposed exercise tracks would be situated within the most visually prominent parts of the site. Consequently, given the high vulnerability of the AONB landscape to change, the proposal would have a potentially harmful visual impact on the currently open landscape in these respects.
22. While I recognise that the proposed building would be sited within a natural hollow and that given the topography of the appeal site it would therefore be partially screened, it would not be screened in its entirety. Furthermore, given their locations, the proposed exercise tracks that would be created for the horses, would not be as effectively screened particularly towards the highest and most visually prominent parts of the appeal site even though they would use natural materials such as woodchip. Consequently, given its scale, I find that the proposal would substantially change the pastoral landscape character of the appeal site.
23. I acknowledge that the proposal would be located close to an existing bridleway and that the proposed building would not be situated at the most visually prominent position within the site. However, this does not outweigh the harm to the landscape I have found to which I must attach substantial weight.
24. I also acknowledge that the proposed building would have green coloured cladding and that it, the proposed car park and proposed treatment plant would

not be fully visible when seen from a distance such as the vantage points highlighted in the Landscape and Visual Impact Assessment (LVIA) submitted by the appellant and indeed those other vantage points highlighted in the Council's statement, with the primary visual impact being more localised when viewed from the nearby road and the site access. I also recognise that according to the LVIA that even though the site is visible from land above an approximate 70 metre elevation to the West of the River Lune, as this vantage point is located over approximately 2 kilometres from the site, that any landscape impacts from buildings and structures visible from this location would potentially be negligible and that these could possibly be further mitigated by additional landscape planting. However, this would not be the case for the proposed horse exercise tracks which would nonetheless likely be visible from a distance given their more prominent locations towards the higher parts of the appeal site.

25. I note that the proposed building would aim to resemble an agricultural shed. However, its design would be of a more modern style and not of a vernacular one as required by policy DM29 which could potentially lead to a reduction of one of the distinctive characteristics of the area.
26. I also note that the character type of the area is identified as having a moderate landscape character sensitivity and a moderate visual sensitivity. However, this does not necessarily mean that it is not highly vulnerable to change as recognised by its nationally designated status, or indeed that the proposal would not have a harmful impact.
27. I therefore conclude that the proposed development would fail to conserve or enhance the landscape and scenic beauty of the AONB thereby materially harming the character and appearance of the area. As such, it would not meet the requirements of policies DM29, DM46 and DM51 of the DM DPD and policies EN2 and EN3 of the SPLA DPD. It would also conflict with paragraph 172 of the Framework which aims to conserve and enhance landscape and scenic beauty within AONBs.

Other Matter

28. I note that several letters expressing support for the proposal have been submitted. However, this matter does not alter or outweigh my findings with regard to the main issues above.

Conclusion

29. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR