



Appeal Decision

Site Visit made on 23 September 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Appeal Ref: APP/V4250/W/21/3273832

Morris Fold Cottage, Wigan Road, Aspull, Wigan, WN2 1EA

- 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 & Mrs Liam & Mandy Gallagher & Marsden against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/21/90536/RET, dated 14 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is to retain hardstanding for the purpose of storing wrapped bales of haylage (agricultural storage).
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Decision

1. The appeal is allowed and planning permission is granted for hardstanding for the purpose of storing wrapped bales of haylage (agricultural storage) at Morris Fold Cottage, Wigan Road, Aspull, Wigan, WN2 1EA in accordance with the terms of the application, Ref A/21/90536/RET, dated 14 December 2020, and the site plan submitted with the application, subject to the following conditions:

- 1) Unless within 3 months of the date of this decision a landscaping scheme for the site, with an associated timetable for implementation, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the timetable set out in the approved details, the use of the site for storage of wrapped bales of haylage shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site for the storage of wrapped bales of haylage shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The landscaping scheme required by condition 1 shall include proposed finished floor and ground levels or contours, grading and mounding in relation to existing trees and vegetation, natural landscape features to be retained, boundary features, walls and other means of enclosure, schedules of plants and trees, noting species, plant sizes and proposed

numbers/densities, and details of areas of hardstanding required within the site, with any hard surfaces to be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within site.

- 3) All planting shall be implemented in accordance with the timetable within the approved details and shall be maintained for a period of 5 years from the approved date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced in the next planting season with specimens of an equivalent species and size.
- 4) Wrapped bales of haylage shall not be stacked above a height of 3 metres measured from ground level.
- 5) No external lighting shall be installed within the site until details are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. Both parties have had the opportunity to raise any issues arising from the revisions to national planning policy which may be pertinent to this appeal, and I have taken the comments made into account. I have assessed the proposal in accordance with the revised guidance, and all references to the Framework in this decision relate to the 2021 version.
3. The hardstanding is already in place, so I have treated the proposal as being retrospective.
4. It is clear from the description of development that the proposal covers the storage of hay bales, but the appellant has suggested that the appeal proposal also includes storage of agricultural machinery and vehicles at the site. The description of development does refer to agricultural storage, but to my reading this was originally included solely as clarification that the proposed use was related to agriculture, and not any other commercial activity. The application form and planning statement make no reference to the storage of agricultural machinery, and I note the Council's comment that these items did not form part of the assessment of the proposal.
5. Vehicles would be needed to move the bales onto the site, but it does not follow that the proposal should include the storage of such vehicles, or other equipment, which would result in additional visual impact. I have therefore assessed the proposal on the basis of the retention of hardstanding for the storage of haybales only, and have excluded any other agricultural equipment and machinery from my consideration of this proposal.
6. The polytunnel which has been erected at the site does not have planning permission and would need to be the subject of a separate planning application. At the time of my site visit, there was also some evidence of building materials being stored at the site, as well as areas of hardstanding outside of the red line boundary. These aspects do not fall within the scope of this appeal either.

7. During the course of the appeal, information was provided relating to a change of landownership affecting several land parcels around the appeal site, which were previously in the ownership of the appellant. A change in tenancy at the appeal site was also reported. Whilst this does not affect the proposed development at the appeal site, it is relevant in that some of the sites previously in the ownership of the appellant were originally identified as supplying hay to be stored at the appeal site. Hay to be stored on the site is now to be cut from other land parcels in the locality which are being farmed by the new tenant.
8. The Council has had the opportunity to comment on any implications of these changes they consider to be pertinent to the appeal, but has chosen not to do so. I have taken account of the additional information received during the course of the appeal in my assessment of the proposal.

Main Issues

9. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, including the effect on openness; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

10. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy CP 8 of the Wigan Local Plan Strategy 2013 (Local Plan) confirms that development within the Green Belt will only be allowed in accordance with national planning policy.
11. The Framework identifies certain types of development that may be not inappropriate in the Green Belt. Paragraph 149 relates to the construction of new buildings, so does not apply to the proposal to retain hardstanding for storage of haybales. The proposal does not involve infilling or redevelopment, so does not fall within the provisions of paragraph 149g) or Policy CP 8, regardless of whether or not the site constitutes previously developed land.
12. The formation of hardstanding constitutes an engineering operation, so falls under Framework paragraph 150b), which allows for such development where it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
13. The appeal site is located close to the edge of the urban area of Wigan, within an area of gently undulating agricultural land interspersed with blocks of woodland. To the north and west of the site, a large field planted with trees for Christmas rises towards Higher Lane, along there is a short row of houses overlooking the field. Beyond the houses, Higher Lane leads to the attractive wooded area of the Haigh Hall estate a short distance away.
14. The area of hardstanding is located adjacent to the existing track serving Morris Fold Farm, between pasture land and a small wooded area. The hardstanding is flat, so does not in itself affect openness. However, the

proposal also involves wrapped haybales stored up to three bales high, which equates to a maximum height of 3 metres.

15. From the public footpath leading to Higher Lane, the hardstanding and stored haybales are not readily visible due to the distance to the site and the screening provided by trees and other vegetation in and around the site. The appeal site is at a lower level than Higher Lane, but views from that street, and the properties fronting onto it, are from a considerable distance away, across a field, and again with screening provided by trees and other vegetation around the appeal site. Whilst the light coloured polytunnel can be seen from Higher Lane, the hardstanding and stored bales are not easily discernible.
16. When stored in three layers, the tops of the bales may be just visible from the rear of properties along Wigan Road across a small field, but proposed additional tree planting along the eastern boundary of the site would enhance the screening which is already provided by the bunding and trees around the site.
17. Within the wider landscape, the visual impact of the haybale storage is therefore limited. Whilst the haybales are clearly visible from the access track, they are viewed against the backdrop of mature trees and bunding which surround the site to the south and east and provide a significant degree of visual containment. Owing to the surrounding trees and bunding, the haybales do not appear as isolated or prominent in the landscape, despite the lack of buildings nearby. Moreover, wrapped bales of hay are not an uncommon or unexpected sight in this agricultural landscape, and do not appear as an urbanising feature. As a result, the storage of bales of haylage as proposed does not cause harm to the openness of the Green Belt.
18. The hardstanding and stored haybales preserve openness, and this small scale development does not conflict with the purposes of including land within the Green Belt. The proposal does not, therefore, constitute inappropriate development in the Green Belt. Consequently, there is no conflict with the provisions of Policy CP 8 or Section 13 of the Framework, both of which seek to protect the Green Belt.

Character and appearance

19. The site is located within the 'Elevated Enclosed Farmland: Aspull Ridge' landscape character area. Although at a lower level than surrounding land, most of the public vantage points are a reasonable distance from the site, with significant screening provided by surrounding trees and vegetation.
20. Within the wider landscape, the visual impact of the hardstanding and haybales is limited, but the site is clearly visible from the adjacent access track. When viewed from nearby, the site appears somewhat scruffy in appearance, and this detracts from the character and appearance of the immediate area. However, this is due in large part to the agricultural equipment and materials stored on the site, which as previously noted, do not form part of the appeal proposal.
21. On the ground, areas of hardstanding extend beyond the site boundary, but the area included within the appeal proposal is not excessive in size. Its location adjacent to the access track, with effective containment provided by bunding and mature trees around the site, limits the visual impact of the development.

The proposed additional tree planting along the south eastern boundary would help to further reduce any visual impact from properties along Wigan Road.

22. Taken by themselves, the fairly modest area of hardstanding and stored haybales which make up the appeal proposal, do not appear out of character in this rural area. Additional landscaping around the site would help to ensure that the proposal contributed to the objective in Local Plan Policy CP 9 of strengthening the landscape character of the borough.
23. I note the Council's concerns about the potential for the proposal to set a precedent for the surrounding undeveloped area. However, the appeal proposal relates to a modest and well contained site, and any extension would need to be the subject of separate applications which would be assessed on their own merits.
24. The submitted plans do not specify the surface treatment of that part of the site which falls outside the area identified as hardstanding, but this information could be provided through a landscaping scheme. Such a scheme, which could be secured through a suitable condition, could also provide additional details about the position of the proposed tree plantings, and explain how this would relate to the existing trees and shrubs along the site boundary.
25. I conclude that the proposal does not cause undue harm to the character and appearance of the area. Consequently, there is no conflict with Local Plan Policy CP 10 which requires that development respects the character of the locality and is integrated effectively with its surroundings. Furthermore, there is no evidence that the proposal would result in the loss of 'best and most versatile' agricultural land, which Local Plan Policy CP17 seeks to protect.

Other Matters

26. I note the Council's concerns about the use of the land, and note references within the submitted Landscape and Visual Statement to the previous use of the site for storage of recycled building materials, evidence of which was visible at the time of my visit. However, the appeal proposal makes no provision for storage of any other materials, or for any other commercial uses on the site. The proposed use of the land for storage of haybales, alongside agricultural equipment and a polytunnel, albeit not part of this appeal proposal, suggest that the new tenant intends to use it as part of an agricultural operation.
27. Any excess haybales, over and above those used by the tenant to feed his livestock, would be sold to other businesses in the locality, which may include liverys. The proposal would therefore support the objective in Framework paragraph 84 of enabling the development of agricultural and other land-based rural business. That said, I give no weight to the appellant's unsubstantiated suggestion that the proposal would result in lower vehicle trips and therefore reduced carbon emissions.

Conditions

28. The Council has suggested the imposition of a condition requiring details of hard and soft landscaping, which I agree is required for the reasons set out above. I have imposed the condition, with the inclusion of a mechanism to ensure that the condition can be enforced, having regard to the retrospective nature of the proposal. In order to safeguard the rural character of the area,

conditions are also necessary to limit the height of haybales to be stored, and to control any external lighting.

29. The Council has suggested a condition restricting the use of the site, but as the use of the site for the storage of haylage is clear from the description of development, such a condition is not necessary and I have not imposed it.

Conclusion

30. For the reasons set out above, the appeal is allowed subject to the above conditions.

R Morgan

INSPECTOR