



Appeal Decision

Hearing held on 15 February 2022

Site visit made on 16 February 2022

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/Z2315/W/21/3273409

Land at Long Causeway, Cliviger, Burnley BB10 4RP

- 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 Robert Banham against the decision of Burnley Borough Council.
 - The application Ref FUL/2020/0564, dated 29 November 2020, was refused by notice dated 15 April 2021.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Banham against Burnley Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. The Council's second reason for refusal alleges that engineered land changes, which have created the plateau it is proposed to site the agricultural building on, are intentional unauthorised development. However, the application site is limited to the footprint of the building and a section of the access track leading to it and thus occupies only part of the plateau.
4. Furthermore, and regardless of whether the formation of the plateau requires an express grant of planning permission or is intentional unauthorised development, it did not form part of the planning application for the building. That is further indicated in the answer 'No' to the question 'Has the building, work or change of use already started?' on the application form. The engineered land changes are therefore not within the scope of the appeal.

Main issue

5. The main issue is the likely effect of the building on the character of the local landscape.

Reasons

6. The site is within high windswept tree-less pasture at the moorland fringe. The surrounding landscape is open, with field boundaries formed by a mix of dry-stone walls and post and wire fences. There is a scattering of farmsteads and

agricultural buildings in the surrounding area; these are mainly in shallow folds in the landscape, where trees provide additional shelter.

7. The proposed building would be relatively large, measuring 25 m by 18.35 m¹ and with a ridge height of 7.2 m. It would stand apart from existing farmstead groups, on ground that falls away from Long Causeway, such that it would be unlikely to be seen in views from the road. However, its elevated position, when viewed from lower vantage points, particularly from the public footpath to the east, which crosses the agricultural unit, would make it appear prominent in the landscape.
8. Subject to appropriate details, the proposed natural stone facing of the lower wall sections and the colour of the plastic-coated steel above would help the building blend in views where it is seen against the backdrop of rising ground. However, this would only partly mitigate its scale and form, and its setting close to the skyline in views from lower vantage points, including the footpath.
9. While the appearance of the building could be softened by landscape planting, the site is beyond the tree line, so it is unlikely that native broadleaf species would prove an effective landscaping approach. Conifers might grow better, and thus provide greater screening in this exposed location, but they would not be characteristic of the landscape.
10. Buildings of similar scale and design are found nearby, but predominantly on lower ground and nestled in folds within the landscape. The topography and native tree species in those locations soften the effect of the buildings and help them to integrate within the landscape.
11. For these reasons, the proposed building would not relate well to local topography and built form. Its scale and siting would fail to minimise its impact on the landscape character of the site and would fail to respect the landscape setting. This significant harm to the character of the landscape would be contrary to policies NE3 and SP5 of the Burnley Local Plan 2018 (the BLP) and Part 15 of the National Planning Policy Framework (the Framework).

Other matters

12. The appellant has farmed the land, including keeping sheep, pigs and poultry, without a building of the scale and permanence proposed. However, it is reasonable for an agricultural enterprise to have permanent secure dry storage for hay, animal feed and equipment. This is important in view of the value of plant and equipment on the holding and its exposure to weather and theft.
13. The appellant's aspiration to expand the holding and increase livestock is dependent, at least in part, on being able to keep animals in a suitable building over winter. While the building's suitability for livestock was questioned, by reference to British Standard 5502, this was not produced as evidence. Neither was it demonstrated that, if reasonable adaptations were required to achieve any necessary compliance with the Standard, they could not be made.
14. While it was suggested the agricultural activity to date may be a hobby, and a business plan was not provided, no policy requirement for rural development to be justified by an agricultural need was identified. In addition, I was referred to

¹ Drawing RB-13-11-20-EX, proposed agricultural building

other Decisions² where an agricultural need was found not to be required, although in each case the relevant development plan policies were different. Nevertheless, and notwithstanding subsequent revisions, the Framework continues to support the sustainable growth and expansion of all types of businesses in rural areas.

15. Accordingly, the proposal derives support from policy EMP5 of the BLP and Part 6 of the Framework. However, that support is subject to other policy considerations, and it does not alter or outweigh my finding on the main issue.

Conclusion

16. For the reasons given above and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Mark Harbottle

INSPECTOR

² APP/Z2315/W/17/3170899, APP/R2330/W/18/3198749 and APP/T4210/W/16/3151468

APPEARANCES

FOR THE APPELLANT:

Robert Banham

Steven Hartley BA (Hons) Dist.TP (Manc) MRTPI MRICS, HP and DA Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Karen Morville, Planning and Compliance Officer, Burnley Borough Council

Catherine Ryder MSc, Senior Planner, Burnley Borough Council