



Appeal Decision

Site visit made on 20 June 2022

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/A2335/W/22/3293997

Balshaw Barn, Balshaw Road, Lowgill, Lancashire LA2 8PD

- 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 B H Sporting Ltd against the decision of Lancaster City Council.
 - The application Ref 21/01154/FUL, dated 13 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is change of use and conversion of barn to holiday cottage (C3), installation of a septic tank and creation of a parking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner heading above from the appeal form, as opposed to the application form, as it more accurately describes the proposal that was considered by the Council at the time of their decision.
3. Despite reference to different named persons on the application form and appeal form, 'B H Sporting Ltd' is referred to in both and I have taken this as the name of the appellant in the banner heading above.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site comprises a stone barn which lies adjacent to Balshaw Road, in an exposed location which hosts sweeping views of the wider AONB. It forms part of a moorland fringe landscape where evidence of human influence is mainly limited to land use, predominantly sheep grazing, and the presence of dry-stone walls and occasional farm buildings scattered along the surrounding rural lanes and tracks. The upland position and uninhabited nature of the surroundings evokes a sense of tranquillity and wilderness.
6. The proposal includes details of the barn's conversion along with a site plan¹ showing an area of land close to the barn which would be laid out for the parking of a single vehicle, along with further land surrounding the barn which

¹ Plan ref – PL04 Rev B

would form part of the proposed residential use. Even though other buildings are present in the landscape, with larger settlements further afield, this part of the landscape retains a pastoral character, with the lack of domestic buildings and paraphernalia contributing to its remoteness and intrinsic beauty.

7. As a result, I have significant concerns over the domestication of the land surrounding the barn. Whilst I understand that the parking area would be discreetly positioned behind the roadside wall, any vehicle parked in this location would be visible from various points in the wider landscape due to the site's openness. In any event, there would be nothing preventing any vehicle associated with the holiday cottage use from parking elsewhere within the appeal site.
8. Moreover, the remaining land within the appeal site could be utilised as manicured formal garden space and/or could involve the provision of domestic items such as washing lines, garden furniture, outdoor play equipment and other paraphernalia typically associated with a residential use. None of which would be reasonable to omit by way of planning condition given the proposed use of the building. These domestic elements would be visible from various points along Balshaw Road and from the wider landscape. Consequently, whilst accepting that no external lighting would be proposed and harmful illumination from the converted barn could be mitigated, the intensification and domestication of the appeal site would be inevitable, to the detriment of the area's natural scenic beauty.
9. There is no dispute between the main parties that the barn constitutes a non-designated heritage asset. I agree insofar as the building's form and exhibition of traditional materials are reflective of a historic agricultural building with a local degree of significance. However, given my aforementioned observations, the barn's rural setting also contributes to its significance, and based on the impact of the proposal I have identified, it points towards a degree of harm to the barn's significance. However, I note that this is not part of the Council's case. Indeed, they consider that where harm would arise from the proposed raising of the roof and installation of roof lights, the overall conversion would be sensitive, with any harm being outweighed by bringing the building back into beneficial use.
10. Therefore, for the purposes of this appeal, I have adopted the agreed position that there would be no harm to the non-designated heritage asset. With this in mind, I accept that there would be benefits associated with the barn's restoration and bringing a historic asset into viable use, which would align with the Local Plan's AONB objectives², which includes the conservation and management of the historic environment. Further benefits include the provision of tourist accommodation which would provide opportunities for visitors to this countryside location to improve their health and well-being. There would also be rural employment opportunities associated with the holiday accommodation as well as additional income for the wider estate, along with biodiversity enhancements. These benefits would also align with AONB objectives.
11. Be that as it may, paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and

² The objectives are set out in paragraphs 22.13 – 22.15 of the Local Plan for Lancaster District Part One: Strategic Policies and Land Allocations DPD 2011-2031

enhancing landscape and scenic beauty of AONBs, and they have the highest status of protection in relation to these issues. The proposal would conflict with the primary purpose of the AONB designation as it would be an insensitive intrusion into this pastoral landscape, which would harm its character and appearance, and greater weight should be given to this as a landscape matter than compliance with other objectives.

12. By the appellant's own admission, the barn is of permanent and substantial construction albeit somewhat neglected. In any event, derelict agricultural buildings are not necessarily incongruous within the rural landscape. Therefore, bringing the barn back into viable use, when considered alongside the aforementioned benefits, would not be sufficient to outweigh the harm to the landscape I have identified.
13. In conclusion, the proposal would harm the character and appearance of the area, and the landscape and scenic beauty of the Forest of Bowland AONB. It would be contrary to policies EN2 and EN3 of the Local Plan for Lancaster District Part One: Strategic Policies and Land Allocations DPD 2011-2031 (2020) and policies DM23, DM46 and DM49 of the Local Plan for Lancaster District Part Two: Review of the Development Management DPD 2011-2031 (2020) (Local Plan³) and paragraph 176 of the Framework which require, amongst other matters, that the landscape character and visual amenity of the AONB should be conserved and enhanced and great weight should be given to its protection, and that the re-use and conversion of rural buildings and provision of visitor accommodation should not adversely affect the landscape character or visual amenity.

Other Matters

14. The appellant makes reference to a Screening Opinion carried out by the Council which identified a 'minor effect' in relation to impact on the AONB. However, the Screening Opinion was an assessment for the purposes of identifying whether a development is EIA development⁴, thus it is divorced from an assessment of a planning proposal which is principally determined against the development plan. In any event, I have carried out my own assessment of the proposal and find harm and conflict with the development plan for the reasons set out.
15. I do not dispute the appellant's assertion that the conversion of the building itself would address Local Plan policies and Historic England guidance concerning the conversion of rural buildings. In this case my concerns relate to the effect of this proposal as a whole on the wider landscape and the primary purpose of the AONB designation to conserve, against which I find conflict.

Conclusion

16. For the reasons given, the appeal is dismissed.

M Woodward

INSPECTOR

³ Both Part One and Part Two documents make up the Local Plan

⁴ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017