



---

# Appeal Decision

Site visit made on 27 July 2022

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> August 2022**

---

**Appeal Ref: APP/A2335/W/22/3295383**

**Forgelands, Quernmore Road, Caton LA2 9NB**

- 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 Chris Jackson against the decision of Lancaster City Council.
  - The application Ref 21/00779/FUL, dated 17 June 2021, was refused by notice dated 18 November 2021.
  - The development proposed is new hardstanding and new internal agricultural track.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council considered the application as partially retrospective as an area of hardstanding and part of the track had been completed prior to the determination of the planning application. At the time of my site visit the works to form the access track and area of hardstanding appeared to be substantially complete. Whilst the development appears to accord with the submitted plans in terms of its overall position, an additional area of hardstanding has been created where the track takes a sharp left turn down towards Littledale Road. In reaching my decision, I have assessed the development as shown on the submitted plans and not as built on site. I have amended the description removing the word retrospective, as it is not an act of development.

## Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the area, including the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and, highway safety.

## Reasons

### *Character and appearance*

4. The appeal site is located within the open countryside to the south of the villages of Caton and Brookhouse. It further lies within the Forest of Bowland AONB, which is a designation of the highest status nationally, that has the aims of conserving and enhancing landscape and scenic beauty. The appeal site consists of rolling agricultural fields divided by drystone walls, hedgerows or post and wire fences. It therefore contributes significantly to the pleasant, green and pastoral character of the area.
5. Forgelands consists of a group of buildings including but not limited to a dwelling, a large agricultural building and a manege sited to the west of the

- track. It backs onto Artle Beck and is tucked down at a lower land level than Forge Mill Lane and the rising agricultural land to the east.
6. The track links Forgeland's via Forge Mill Lane to Littledale Road to the east, over a distance of circa 0.9km. It has been engineered with a high degree of permanence to a width of approximately 4m wide and it is finished in compacted stone chippings. Consequently, it has a harsh and urbanising effect on the green and natural landscape.
  7. The track for the most part follows existing field boundaries, consisting mostly of but not limited to, post and wire fences. Whilst at ground level, the track nevertheless impacts on views of the landscape, particularly those at close quarters from the widened access onto Littledale Road and the nearby public rights of way network, given the relative transparency of the field boundaries.
  8. The exception is where the track leaves the field boundaries to head in a southerly direction across 2 fields. Here the land rises considerably with the track unenclosed and open to view. As a result, this section of the track appears as somewhat of a light coloured scar across the hillside, that is particularly visible in medium to long distance views from Park Lane on the opposite side of the valley. As there are no nearby buildings, there is no obvious reference point of built development for this section of track.
  9. Although a temporary track may have been required to carry out urgent riverbank stabilisation works to Artle Beck following storm damage, this did not negate the need to consider whether alternative routes for the track would be less visually harmful. While I saw that some works have taken place to the riverbank, the appeal documentation is vague as to whether further works are required and if so, when and what they may entail. Irrespective of the original temporary need, the appellant wishes to retain the track permanently for agricultural purposes. No mitigation has been advanced to lessen the visual impact of the track.
  10. Whilst it is suggested that the track has started to grass over, there is very little evidence of this being effective to the extent that the stark appearance of the track has been softened. The area of hardstanding adjacent to Littledale Road has grassed over more successfully. However, the area of hardstanding at the southern-most corner of the track is severe and unmitigated. It is unclear as to the purpose of these areas of hardstanding and the manner in which they are intended to be used. I am not satisfied that the development, in its entirety has been located to avoid or minimise adverse visual impacts on the AONB.
  11. The historic access to Forgeland's has been via Forge Mill Lane which I saw is predominantly single track and passes over the width restricted Forge Mill Bridge. Whilst I understand that it is more cost effective to have deliveries of stock, feed and fertiliser by larger vehicles, and that it is time consuming having to decant deliveries at the bridge onto smaller vehicles, there is no evidence such arrangements are detrimental to the financial viability of the agricultural enterprise. Rather it would be financially preferable and more convenient to the appellant to have deliveries made by HGV's, via an alternative route. Reference is made to complaints by local residents regarding the delivery of goods via Forge Mill Bridge however, none are before me. I appreciate that access over the bridge by the emergency services will be

difficult. However, this is not an uncommon scenario in rural areas for which contingencies could be put in place.

12. Reference is made to utility companies using the track to carry out repairs to their apparatus, including repairs to Thirlmere Aqueduct pipes that are said to be proposed for summer 2022. However, no evidence is before me to demonstrate what such repair works would entail and where they would be carried out, relative to the track. The utility apparatus may be accessible from other locations without the need for the track. Even if the track was to be used by utility providers, it is likely to be on an occasional basis for a temporary period. Such usage does not justify the retention of a track engineered to a permanent degree.
13. Regardless of the above, it is not clear whether the track as constructed is commensurate to the needs of the appellant in terms of dairy farming and grassland management. There is limited evidence before me of the agricultural enterprise including levels and types of animal stock, farming and land management practices and the resultant implications this has on the amount and frequency of movement of stock, feed and fertiliser by large vehicles. Brief reference is made to 2 to 3 vehicle movements per week onto Littledale Road but the details of this are unspecified. The ongoing functional need for the track in its current position and engineered specification has not therefore been robustly demonstrated. Thus, the harm to the character of the AONB as identified above has not been outweighed.
14. By virtue of resulting in incongruous development within an essentially open and rural site that contributes positively towards the pastoral landscape, the proposal has a significantly detrimental effect on the character and appearance of the area, including the AONB. As a result, it fails to comply with Policies EN2 and EN3 of the Local Plan for Lancaster 2011-2031; Part 1, Strategic Policies and Land Allocations DPD (2020) which designate areas of open countryside and seek to ensure the landscape character of the AONB is conserved and enhanced. The proposal also conflicts with Policies DM29 and DM46 of the Local Plan for Lancaster 2011-2031; Part 2, Review of the Development Management DPD 2020 (Local Plan Part 2) which amongst other things, seek to ensure that development proposals contribute positively to the identity and character of the area as well as conserving and enhancing the protected landscape. The proposal further conflicts with paragraphs 130, 176 and 177 of the National Planning Policy Framework (the Framework) which requires great weight to be given to conserving and enhancing scenic beauty in AONB's, and that new development is sympathetic to its landscape setting.

#### *Highway Safety*

15. The widening of a former field gate and installation of an associated track is likely to result in an intensification of use of the access onto the 60mph speed restricted highway of Littledale Road. Visibility from the access is impeded to the north by the boundary hedge and bend in the road and to the south by a drystone wall and third party dwelling.
16. The Highway Authority considered that the proposal is unlikely to meet the required visibility splays of 2.4m by 214m but they requested a plan to show the maximum visibility that could be achieved from the access. Such a plan is said to have been submitted with the appeal documentation showing visibility splays of 215m to the north and 180m to the south-east. However, the plan

before me is a site location plan that does not adequately show the specific position of the access, the boundaries and the achievable visibility splays. Even if a visibility splay plan were to be before me, appeals should not be used to advance a proposal, given that it may prejudice interested parties from commenting. Whilst I am mindful that the Highway Authority in their consultation response to the planning application, indicated that they would be likely to accept a shortfall in visibility, they did not qualify what level of shortfall would be appropriate in this instance and the reasons why. I cannot therefore be satisfied that the suggested visibility splays would be acceptable.

17. As the double gates have not been set well back into the site as required by the Highway Authority, large vehicles accessing the track would need to wait in Littledale Road while the gates are opened. Although this would be a temporary situation, it is likely to be dangerous to vehicles travelling in a southerly direction, given the potential speed of travel and the lack of forward visibility due to the bend in the road, and the presence of the boundary hedgerows.
18. There is insufficient evidence by way of a visibility splay plan or speed survey, to demonstrate that the proposal would not be harmful to highway safety. This is compounded by the positioning of the gates close to the carriageway edge which prevents large vehicles from being able to pull safely off the highway. The proposal would therefore be harmful to highway safety. It would conflict with Policy DM29 of the Local Plan Part 2 (2020) which seeks amongst other things, that development incorporates suitable and safe access to the highway network. It would also conflict with paragraph 111 of the Framework, which seeks to prevent an unacceptable impact on highway safety.

### **Conclusion**

19. There are no considerations present in this instance that lead me to find otherwise than in accordance with the development plan. Therefore, for the reasons set out above, the appeal is dismissed

*M Clowes*

INSPECTOR