



Appeal Decision

Site visit made on 8 November 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/B2355/W/22/3301972

Far Pastures Farm, Burnley Road East, Waterfoot, Rossendale BB4 9NH

- 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 Ms Lynda Ashworth against the decision of Rossendale Borough Council.
 - The application Ref 2021/0509, dated 16 November 2021, was refused by notice dated 13 May 2022.
 - The development proposed was originally described as change of use of agricultural land to dog exercise fields, including formation of car parking, internal tracks siting of field shelters and one refreshment unit (shipping container).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, having regard to the countryside location and local planning policy; and
 - The effect of the proposed development on surface water drainage and flood risk.

Reasons

Character and appearance

3. The appeal site comprises an open agricultural field which is adjacent to Burnley Road East and tracks which provide access to properties to the west. The topography of the site is uneven, and the site is partly enclosed by dry stone walls as well as post and wire fencing. There is a public footpath which runs across the site and a public footpath adjacent to the site. The site is located within open countryside. The surrounding area is rural in character and is characterised by primarily open grazing land enclosed by dry stone walls, Cloughbottom reservoir, powerlines and trees.
4. Policy SD2 of the Rossendale Local Plan 2019 to 2036 (2021) (LP) states that all new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area. Policy LT3 of the LP relates to tourism.

5. I agree with the main parties that the proposed use could cause amenity issues, due to noise, in densely populated urban areas. However, to my mind, the development does not specifically need to be located within a countryside location and would not contribute to the tourism economy. Dog exercising fields are primarily used by local residents, rather than tourists visiting the area. In any event, even if the development specifically needs to be located within a countryside location and the proposal would contribute to the tourism economy, in order to comply with policies SD2 and LT3, the development is also required to enhance the rural character of the area and ensure there are no unacceptable impacts affecting landscape character and visual quality.
6. Similarly, I recognise that the proposal would be a diversification of the existing agricultural enterprise at Far Pastures Farm and could contribute to the continued viability of the farm holding, which is supported by LP policy LT6. However, again this policy requires that the scale of the diversification proposal is appropriate for the location and would not have an unacceptable impact on landscape character.
7. The appellant has drawn my attention to parts of the Lancashire County Council Landscape Character Assessment Report (2000). They also highlight that there are car parks in rural areas for walkers, the height and footprints of the buildings, the height of the proposed fencing and the lighting would be limited to specific hours.
8. The proposal includes three separate exercise fields with associated access, fencing and field shelters. Furthermore, the proposal includes large amounts of lighting (which due to the proposed operating hours could be on for long periods, particularly in winter months), 33 parking spaces¹ (which seems excessive for the development proposed) and a refreshment shipping container.
9. The proposed development would be clearly visible from the public footpaths and from Burnley Road East. The main, large parking area and shipping container would be particularly prominent due to their siting, adjacent to the highway, and the low boundary stone wall.
10. As a result of the scale of the proposed development and the combination of the different elements proposed, the scheme would result in an unacceptable form of urban development that would harmfully alter the character of the area and would be visually intrusive when viewed from public vantage points. The proposed development would not enhance the rural landscape character of the area and, at the scale proposed, would be out of keeping with the character and appearance of the open countryside.
11. For these reasons, the proposed development would cause harm to the character and appearance of the surrounding area, having regard to the countryside location and local planning policy. Consequently, it would conflict with Policies ENV1, ENV3, LT3, LT6 and SD2 of the LP. These collectively seek, amongst other matters, to ensure development within the countryside is of an appropriate scale and enhances the rural character of the area. It would also conflict with chapters 12 and 15 of the National Planning Policy Framework (the Framework). These collectively seek, amongst other matters, to ensure developments are sympathetic to local character and should contribute to and

¹ As shown in the proposed site plan drawing and set out in the appellant's appeal statement

enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Surface water drainage and flood risk

12. The Council are concerned that insufficient information has been submitted to demonstrate that the development would not have a material impact on surface water drainage resulting in a potential increase of flood risk. Furthermore, the submitted drainage plan does not fully reflect the proposed development.
13. The appellant sets out that the grassed surface would remain unchanged, the parking areas would be surfaced in porous hardcore, and the proposal would have an inconsequential impact on flood risk. In addition, they highlight that the site is situated within flood zone 1 and the fields drain into the adjoining river.
14. Based on the evidence presented, I am satisfied that this matter could be adequately addressed by a planning condition, such as that suggested by the Council, and the proposed development would be acceptable in terms of surface water drainage and flood risk. Consequently, it would comply with chapter 14 of the Framework which states when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Other Matters

15. I have also had regard to the other matters raised by the appellant and local residents. These include that paragraph 84 of the Framework supports a prosperous rural economy, lack of similar facilities, secure and safe space, reduce trips, close to public footpaths, as well as benefits of the proposed refreshment container, shelters and parking. The other matters raised, and benefits of the proposal, do not outweigh the harm identified above.

Conclusion

16. As set out above, the proposed development would be acceptable in terms of surface water drainage and flood risk, but it would cause harm to the character and appearance of the surrounding area, to which I attach significant weight. The other matters raised, would not justify or outweigh the harm identified.
17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR