



Appeal Decision

Site visit made on 23 November 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/M2325/W/22/3298879

Willow View Cottage, Kirkham Road, Freckleton PR4 1HX

- 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 Proctor against the decision of Fylde Borough Council.
 - The application Ref 21/0932, dated 8 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the removal of existing miscellaneous structures, blocking up of access and erection of an agricultural storage building and green house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt;
 - b) the effect of the proposal on the character and appearance of the area; and
 - c) the effect of the proposal on the living conditions of occupiers at the dwellings known as Swallow Cottage and Mayfield, with particular regard to noise and disturbance and privacy.

Reasons

Whether inappropriate development

3. Policy GD2 of The Fylde Local Plan to 2032 (incorporating Partial Review) (the LP) states that within Green Belts national policy will be applied. The National Planning Policy Framework (the Framework) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework. One exception, at paragraph 149 a), is buildings for agriculture and forestry.
5. The Town and Country Planning Act 1990 (the Act) provides a definition of agriculture at section 336(1). This states that 'agriculture' includes 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food,

wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.'

6. During the winter months the appellant states that they intend to enter agreements with local farmers to allow for winter sheep grazing on the land within their ownership. However, it seems to me that the proposed storage building at the appeal site would not primarily be required in connection with this use, with only occasional need to house sheep in particular weather conditions.
7. Nevertheless, it is intended that the proposed building would allow for the storage of bale hay, once grown and cropped on the agricultural holding. It would also provide storage for the machinery associated with the production of the bale hay and the husbandry of the holding. The evidence indicates that the wider site within the appellants ownership is intended to facilitate a combination of both sheep grazing and hay production, both of which could fall within the definition of agriculture within the Act. It is therefore likely that some form of associated building would be required to assist in one or both activities. The Framework also does not distinguish between existing, future or speculative businesses relating to an agricultural use of land. It is to be considered against the narrow terms of paragraph 149 a).
8. In addition to the cropping and storage of bale hay and winter sheep grazing, the appellant also seeks to grow fresh produce, which the proposed greenhouse would allow for. The greenhouse would therefore be used for horticulture which is also defined as agriculture within the Act. The definition of agriculture does not make a distinction between market and subsistence production.
9. I note the history of the wider site within the appellant's ownership and that the Council are concerned the proposal would be used for commercial storage. Indeed, I observed elements of storage activity during my site visit, as expanded upon below. Nevertheless, it is important that I consider this appeal based on what has been applied for and I have not been made aware that any future change of use of the proposal would not require planning permission.
10. Based on the evidence before me, I consider that the appellant has demonstrated an agricultural use for the proposed development, thus it would be not inappropriate development in the Green Belt. For this reason, it would accord with Policies GD2 of the LP and the Green Belt aims as set out in the Framework.
11. Given that the development does not amount to inappropriate development in the Green Belt, there is no need for me to assess the effect of the proposal on the openness of the Green Belt as this is implicitly taken into account within the exception at 149 a) of the Framework. I also do not need to consider whether there are other considerations and whether they amount to very special circumstances to justify the development.

Character and appearance

12. The part of the site on which the proposed development would be positioned is to one side of the access driveway. It is a currently grassed pasture which is

devoid of built development. It is clearly separated from the well delineated external space of the adjacent dwellings within this cluster of built form. As such, from public vantage points this parcel of land has a close affinity to the undeveloped swathe of land to the west and the largely flat agricultural landscape which stretches for a considerable distance beyond the appeal site. Therefore, its open, undeveloped nature contributes positively to the verdant, rural landscape and sense of spaciousness in this locality. Despite the number of residential properties in the immediate locality, the area maintains a strong rural character.

13. The proposed greenhouse would have a functional, lightweight design. Similarly, the design of the proposed storage building would be typical of other agricultural buildings in the locality. However, together, both would be of a substantial scale and mass, due to their footprint and overall height. Additionally, whilst they would be sited close to the built form at Mayfield and would also not extend further back than the existing built form and well set back building line along this part of Kirkham Road, they would nevertheless be noticeably distinct from Mayfield and surrounding buildings. Due to their collective scale, mass and positioning, the proposal would appear as prominent and obtrusive additions. The introduction of substantial built form in this location would unacceptably enclose the currently open and undeveloped site and erode the rural characteristics and spaciousness of this locality by restricting wide ranging views of the fields beyond.
14. At the time of my site visit I observed vast amounts of materials, ranging from machinery, highway paraphernalia and building materials, being stored in the location where the building to be demolished was identified. The building itself had already been removed. Adjacent to this, there were several timber buildings and structures, of varying sizes and states of repair. Based on the information before me I cannot accurately ascertain the history of these structures, namely whether they are lawful or have planning permission.
15. Nevertheless, this part of the land within the appellant's ownership has a disorderly and sprawling appearance. The proposed development would add further to this piecemeal arrangement of structures and reduce the open gap between them and the garage/outbuilding of Mayfield. The resultant built form would be arranged in a prominent linear manner, thus further eroding the open character of the site and its surrounds.
16. I note that the appellant would be willing to accept a landscaping condition to seek to address amenity and landscape concerns however there are no further details before me. I am also not convinced that landscaping could overcome the proposals harmful positioning in an undeveloped part of the site or that it would not result in harm itself to the open character of the site.
17. My attention has been drawn to various agricultural developments which have been approved in the locality. However, the detail before me is very limited and I do not know the full circumstances which led to the approval of each example. Similarly, the details relating to the residential development along Kirkham Road are scant. I cannot therefore ascertain whether the examples are directly comparable to this appeal.
18. Taking all the above into consideration, the proposal would harm the character and appearance of the area. It would therefore conflict with Policy GD7 of the

LP which seeks to ensure that developments relate well to the character and appearance of the local area.

Living conditions

19. The Council has raised concerns with overlooking from the greenhouse to Swallow Cottage. However, as the proposal would be sited opposite the driveway and detached garage of this property, and given the existing stretch of intervening landscaping, there would be no significant loss of privacy in this respect. With regards to the activity associated with the greenhouse, this would likely be on a limited domestic scale and typical of a residential setting.
20. In terms of the proposed storage building, due to the intended use of the building for storage of bale hay and machinery, this element of the proposal has the potential to generate extensive activity from the general comings and goings associated with the building and from the movement of mechanical vehicles. This could create significant noise and disturbance within very close proximity to the garden space of Mayfield and Swallow Cottage, where residents would reasonably expect a degree of peace and quiet.
21. Although it is intended that the appellant would be the sole operator of the mechanical vehicles, this cannot be guaranteed. The size of the land associated with the proposal is generous and there is nothing to prevent it from being worked at a more intensive level in the future than is currently being suggested. As such, vehicle movements could be high and therefore disruptive.
22. I note there are existing agricultural and equine activities within the surrounding locality however they are some distance from Mayfield and Swallow Cottage compared to the appeal proposal. Whilst I acknowledge that agricultural and residential uses can have a harmonious relationship, particularly in countryside locations such as this, it is not clear whether or not the examples provided of dwellings sited close to non-residential businesses/activities are associated to one another.
23. The appellant has suggested that conditions could be attached to an approval which could restrict times when machinery could be operated and noise levels. Whilst the latter may be reasonable, there is nothing before me to indicate that acceptable noise levels could be achieved. I am also not convinced that the noise and disturbance resulting from the use would be less intrusive during the daytime or more sociable hours. A condition in this respect would not therefore overcome the harm identified.
24. Accordingly, the proposal would harm the living conditions of neighbouring occupiers, in terms of noise and disturbance. It would therefore conflict with Policy GD7 of the LP which aims to ensure that amenity will not be adversely affected by proposed neighbouring uses.

Conclusion

25. I acknowledge the self-sufficient aims of the appellant and the sustainability benefits which the proposal could achieve. However, given the small scale of the proposal, these benefits would be limited. It has also been suggested that the proposed building would be a more sustainable storage option than polyethylene wraps for bale hays however the evidence is not conclusive in this regard.

26. The proposal would be contrary to the development plan taken as a whole and there are no material considerations, including the Framework, which indicate that the decision should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

H Ellison

INSPECTOR