



Appeal Decision

Site visits made on 29 November 2022 and 11 January 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/A2335/W/22/3303526

Lower Barn, Littleedale Road, Littleedale, Lancaster LA2 9EU

- 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 Andrew Riley against the decision of Lancaster City Council.
 - The application Ref 22/00136/FUL, dated 17 February 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as erection of an agricultural building and formation of access track and hardstanding part retrospective.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As a result of the weather conditions, I was unable to view the site in its surroundings on the first visit. Therefore, a second visit was made on 11 January 2023.
3. The description of development is set out in the banner heading, but the appeal form and the decision notice describe it as 'part retrospective application for the erection of an agricultural storage building and associated hardstanding, access track and alterations to land levels'. This more accurately reflects the development, which is in part retrospective, as the access track and alterations to land levels to create a flat area for the construction of the building have already occurred. The Council determined the application on this basis, and so shall I.
4. The site has been considered in accordance with Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development has been screened as it is within, partly within or near 'sensitive sites', as defined by Regulation 2 of the EIA Regulations. The 'sensitive sites' are: Artle Dale SSSI, Calf Hill & Cragg Woods SAC, Calf Hills and Cragg Woods SSSI, Bowland Fells SPA; and Bowland Fells SSSI. The site is also within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The proposal was found as not likely to have significant effects on the environment and so an Environmental Statement is not required. Therefore, this matter does not need to be considered further.

Main Issues

5. The main issues are:

- The effect of the building on the character and appearance of the area and the Forest of Bowland AONB.
- Whether an agricultural storage building is required in this location.

Reasons

Character and appearance

6. The site is located off a narrow track which rises steeply from Littledale Road. The track is also a public footpath and provides access to a number of houses. Lower Barn, a traditional stone agricultural building, lies adjacent to the proposed site, and is located in an elevated position in the open countryside.
7. The site is within the Forest of Bowland AONB (AONB). Such areas are designated for the purposes of conserving and enhancing natural beauty, and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) advises that 'great weight should be given to conserving the landscape and scenic beauty' within AONBs 'which have the highest status of protection in relation to these issues.'
8. The AONB in this area is characterised by extensive open moorland with steep wooded valleys which are fringed by semi-improved grassland enclosed by dry stone walls and hay meadows.
9. The track and hardstanding are considered by the appellant as essential in order to farm the land. The track has been constructed, and an extensive area of ground cleared and levelled with a hardcore surface to the front of the traditional stone building. Whilst the track has been constructed sensitively following the general contours of the land, the hardstanding is extensive, in part to enable the construction of the agricultural building on the site. Neither of these features have a high degree of visibility or harm the character and appearance of the area to any great degree.
10. The levelling of the site means that the proposed building would in part be hidden on the eastern and southern elevations by the earthen banks that now exist. The building as detailed on the plans would be 18.2 metres by 10.9 metres in area, which is considered to be the size required for the storage of machinery and hay on the site. This would, however, introduce a large modern structure into the countryside.
11. Whilst the materials for the building are typical of modern agricultural buildings, it would be faced with stone on the northern elevation, which is the elevation most likely to be viewed from surrounding footpaths, reputed to be some 100 metres to the west. The appellant considers that as this runs through a heavily wooded area, the development would be shielded from view, and commented that the Public Rights of Way Officer had no objection to the application. Although the adjoining footpaths would not be directly affected by the proposal, the building would be visible from those using the footpaths.
12. As there is no farmstead in this location, the proposal to build the new agricultural building close to the only other building on site is noted. However, this is a traditional stone building, visible from the country road below, and is anchored into the landscape. Building a large new building adjacent to this would diminish the existing building in size and character. It would also

introduce a new building that would be obtrusive, located as it is on a prominent raised area, and would not be sympathetic to the characteristics of the open landscape in this location. Although the use of stone on one elevation of the proposed building, would both match the historic building and tie in with the traditional materials of the area, overall, the position and size of the building would cause harm to the character and appearance of the countryside and the surrounding landscape.

13. I therefore conclude that the proposal would harm the character and appearance of the area and fail to conserve or enhance the landscape and scenic beauty of the Forest of Bowland AONB. The proposal would not accord with Lancaster District Local Plan 2011-2031, Part One: Strategic Policies and Land Allocations DPD (LP One) Policies EN2 and EN3, which collectively seek to protect designated landscapes including the AONB, the natural environment and open countryside. It would also not accord with Lancaster District Local Plan 2011-2031, Part Two: Review of the Development Management DPD (LP Two) Policies DM46 and DM29 that requires good design that makes a positive contribution to the character of the area and protected landscapes. It would also fail to accord with advice within the Framework.

Requirement for a storage building in this location

14. Policy DM47 of LP Two discusses economic development in rural areas and supports in principle development for essential operations for agriculture where there is a proven and justified need.
15. The appellant has noted that one of the core principles of the AONB management plan is to support sustainable land management. The appellant is a starter farmer, with a flock of 24 breeding ewes and 12 beef fattening cattle. The landholding adjacent to the appeal site is separate to a larger parcel of land that the appellant farms as part of the overall agricultural enterprise. The proposed building is required for the storage of hay and machinery and to shelter sheep during lambing or bad weather. The existing building on the site, is reputed to date from the 1860s, and it is clear that this would not satisfy these requirements. Agricultural buildings are encouraged to be built within an existing farmstead so that they do not encroach into the countryside but in this case, there is no farmstead, although the appellant considered that siting it adjacent to the existing building would satisfy this requirement.
16. The size of the enterprise is small. Limited evidence has been provided as to the scale of the agricultural enterprise, and whether a building of this size is required for the limited stock and the size of the land that is farmed. Furthermore, there is no information on the other land holding held by the appellant, how this is farmed, and whether it has agricultural buildings on the site.
17. Whilst it is appreciated that as an agricultural operation, the development would need to be in a rural location, in this case, it has not been established that there is a proven and justified need for the building in this particular location. Therefore, for this reason the proposal would not accord with both Policy DM47 of LP Two and the Framework.

Other Matters

18. Whilst there are no concerns regarding overshadowing, privacy or overlooking, this does not outweigh the overall harm that I have identified.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.

20. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR