



Appeal Decision

Site visit made on 11 October 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/M0933/W/22/3300524

Green Head, Grayrigg, Kendal LA8 9BP

- 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 and Mrs Allonby (Green Head Farm (J Allonby & Sons)) against the decision of South Lakeland District Council.
 - The application Ref SL/2021/1005, dated 18 October 2021, was refused by notice dated 9 May 2022.
 - The development proposed is for the storage, sale and distribution of drainage and agricultural products including fencing supplies (part-retrospective).
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Decision

1. The appeal is allowed and planning permission granted for the storage, sale and distribution of drainage and agricultural products including fencing supplies (part-retrospective) at Green Head, Grayrigg, Kendal LA8 9BP in accordance with the terms of application Ref SL/2021/1005, dated 18 October 2021 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellants have submitted an Agricultural Appraisal with the appeal. As part of the appeal, the Council has had the opportunity to comment on this. I am therefore satisfied there is no risk of prejudice if I take the appraisal into account and have determined the appeal on this basis.
3. The development under consideration does not relate to the existing access track and hardstanding at the site, which the Council are content has been in existence for over 4 years and is immune from enforcement action.
4. I note concerns raised by interested parties regarding the identity of the applicants and appellants. However, based on the submitted information I am content that the applicants and appellants have the same identity.

Main Issues

5. The main issues are (i) whether the site represents a suitable location for the development, having regard to rural diversification; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

6. The appeal site forms part of Green Head Farm, located to the south of Grayrigg. The immediate vicinity is rural in nature, comprising of undulating

fields and scattered development. The proposal seeks retrospective permission for the change of use of four areas of land for open storage, including an area for delivery and collection, connected with the business of Lakeland Pipes Ltd.

7. The Agricultural Appraisal details the evolution of Green Head Farm, an operation trading since the 1950s. It is currently run by the appellants and their family, who reside at the farm and have done for some time. In 2008 the appellants began to sell surplus fencing and drainage supplies to local farmers. Due to financial uncertainty within the farming industry, this continued as an additional revenue stream and, in 2016, Lakeland Pipes Ltd was set up.
8. The appraisal sets out that there is ongoing fluctuation in income generated by the farming business. As such, it is claimed the profits from Lakeland Pipes Ltd make an essential contribution to ensuring Green Head Farm remains a viable rural business. The proposal would enable Lakeland Pipes Ltd to continue to operate at the farm. However, the Council considers the proposal is not a diversification scheme, but a standalone storage and distribution business that would be inappropriate in the open countryside.
9. Policy CS1.2 of the South Lakeland Local Development Framework Core Strategy (the CS) sets out the Council's Development Strategy and settlement hierarchy. It states that, exceptionally, new development will be permitted in the open countryside in certain situations, including where it has an essential requirement for a rural location or is needed to sustain existing businesses.
10. Policy CS7.4 of the CS provides support to the economic needs of rural communities by encouraging the retention or expansion of appropriate businesses outside identified service centres, and the diversification of the agricultural economy. This is reflected in the National Planning Policy Framework (the Framework) which states that, in supporting a prosperous rural economy, policies and decisions should enable the development and diversification of agricultural businesses.
11. I acknowledge that limited information has been provided on the extent of agricultural business at the site. The Agricultural Appraisal omits certain information such as detailed accounting records, figures relating to crops and dairy cattle, or information on the number and type of farming equipment held by the business. Nevertheless, it confirms the number of sheep and beef cattle kept by the farm at the time of the appraisal, along with a brief reference to typical sales and retention of livestock. Some trading receipts have also been supplied which, although limited, show transactions relating to livestock and the purchase of animal feed for the farm as recently as September 2022.
12. During my visit I observed there to be livestock, along with machinery and infrastructure that would be associated with an agricultural use. There was nothing to suggest that a farming business was no longer in operation at the site, albeit that it was being carried out alongside an obvious open storage use. While I note the concerns of local residents as to the extent of the operation and, although the precise scale of farming activities remains unclear, I overall have no reason to doubt that an existing, if limited, farming business is currently operating at Green Head Farm.
13. With regard to whether the proposal can be seen as a diversification scheme, I note that Policy CS7.4 does not provide a succinct definition of what such a scheme must entail or how it should interact with the agricultural business.

Supporting text outlines that the Council is keen to encourage farm enterprises to diversify into new agricultural and non-agricultural business activities that will help to sustain the rural economy, and that farm diversification can involve various forms of enterprise. On this basis, the storage and distribution use of the proposal would not, in itself, prevent it from being a diversification scheme to Green Head Farm.

14. On the submitted evidence, Lakeland Pipes Ltd complements the farming activities at Green Head Farm. The two businesses have been owned and operated by the appellants and their family for some time, with the appellants agreeable to a condition or obligation that Lakeland Pipes Ltd would not operate if the farming enterprise were to cease. Although I have nothing substantive to indicate that the proposal would become the sole use or income stream of Green Head Farm, such a condition would provide certainty that this would not become the case. The two businesses have, and would continue, to operate in tandem, such that the proposal would diversify, rather than replace, the operations at Green Head Farm.
15. While I acknowledge there is no information of the precise economic integration, this alone does not prevent me from concluding that the proposal would be a diversification scheme and there is no specific policy requirement for this. It is clear that there are currently financial constraints within the agricultural sector, something that is supported by the evidence from the National Farmers Union. The operation of two businesses in tandem would support the overall viability of the existing farming business and allow the appellants to generate a more reliable income source in order to sustain their long established operations at Green Head Farm.
16. Lakeland Pipes Ltd may be more profitable than the farm. Nevertheless, in supporting its continued operation through an additional enterprise, it would be a diversification of the agricultural business. As such, the proposal would help sustain the rural economy, support for which is given in both local and national policy. For this reason, it would also meet the test of Policy CS1.2 in being needed to sustain the existing business at Green Head Farm.
17. Policy CS1.2 also lends support to new development in the open countryside in where it has an essential requirement for a rural location. Although drainage and fencing supplies are not specifically rural products, the proposal would also provide agricultural items, which it is reasonable to assume would be required by surrounding rural businesses. In this regard, I acknowledge the large amount of public support for the proposal, with many comments citing a reliance on the business due to its location within the rural area. Whilst it could be argued that it is not essential for this business to be located in the countryside, it is highly suitable for location in a rural area such that there are other considerations that outweigh that conflict.
18. Policy CS7.4 of the CS seeks the retention or expansion of appropriate businesses outside identified service centres, in the open countryside. Although not all storage and distribution uses would be appropriate in such a location, due to the particular nature of Lakeland Pipes Ltd, I find this would be the case. It provides a specific service to meet the needs of the local customer base, with many of its products being of an agricultural nature for an agricultural community. As such the proposal would comply with the overall aims of both Policy CS1.2 and CS7.4, in addition to aligning with the

Framework in supporting a prosperous rural economy by meeting local business and community needs within a rural area.

19. For the reasons given, I have found that the site represents a suitable location for the development, having regard to rural diversification. As such, it would comply with the provisions of Policy CS1.1, CS1.2 and CS7.4 of the CS insofar as they seek to grow and support the local and rural economy in a sustainable way by encouraging and supporting rural diversification.

Character and appearance

20. Green Head Farm is not within an area subject to any national or local landscape designations and is not visible from views from either the Lake District National Park or the Yorkshire Dales National Park. Nevertheless, it sits within an open and rural area where its agricultural use visually assimilates. While scattered forms of development are present, it remains that the farm is read primarily in the context of the surrounding open countryside.
21. The four areas of open storage which make up the appeal site were in use for this purpose at the time of my visit. One of these parcels sits adjacent to the main farm buildings while the other three are together in a cluster further west. This land area is less than 2% of the overall agricultural holding.
22. Long range views of the site are overall limited. Nevertheless, distant views remain from the north and south, particularly from Grayrigg and land in the vicinity of the residential Bracken Hall. In addition, public rights of way are present nearby, including the Dales Way which passes through the farm close to the open storage. From these locations, even alongside farm buildings, the open storage is visually jarring against the surrounding rolling fields.
23. The appellant has submitted a Landscape and Visual Statement with photomontages detailing native hedging screening proposed. These native hedgerows would assimilate in the overall landscape, largely following a demarcation of field boundaries. Coupled with the intervening distance and rolling landform, they would ensure longer ranging views of the site, including from Grayrigg and Bracken Hall, would not be prominent or unduly detract from the surrounding countryside. It would also effectively screen the proposal from the footpath to the north of the large, eastern storage area.
24. Nevertheless, views of the open storage would remain for users of other nearby rights of way. When travelling along the sections of Footpath 546004 and the Dales Way to the south of the farm, the eastern part of the site and the unscreened collection area would be visible. Visibility of the site as a whole would then significantly increase along those sections of footpath that pass through the farm, directly abutting the open storage areas, which would read as undue elements of visual clutter within the countryside.
25. However, in the overall context of the rights of way, views of the proposal, particularly up close, would be experienced for a short section. Beyond these immediate locations the footpaths would continue to pass through open fields with limited to no views of these areas. As such, while the visual impact of the proposal would be severe from the footpaths passing near to and through the farm, due to the localised effects I consider this could be effectively addressed by an appropriate landscaping scheme to provide further screening from these locations. Subject to a condition requiring implementation and retention of

such suitable landscaping, the character and public visual amenities of the footpath would be retained such that overall the proposal would protect the intrinsic beauty of the open countryside and its recreational and social value.

26. I acknowledge that the proposal would also result in a level of commercial traffic attending the site for deliveries and collections. However, such vehicles would utilise the collection area set back from the public rights of way within the farm. In addition, I have nothing to indicate that the levels of such traffic, experienced in the context of the existing farming business, would be so significant as to fundamentally alter the wider character and appearance of the surrounding open countryside.
27. For the reasons given, subject to the imposition of the above condition the proposal would not have an adverse effect on the character and appearance of the area. As such, it would comply with Policies CS7.4, CS8.2 and CS8.10 of the CS and Policies DM1, DM2 and DM5 of the South Lakeland Local Plan Development Management Policies insofar as they seek to ensure that development protects the character, appearance and local distinctiveness of the area.

Other Matters

28. Local residents have raised concerns that the proposal would result in unacceptable levels of traffic and that the presence of open storage and commercial vehicles would have harmful effects on the environment. However, the Council did not raise issues in this regard, and that the Highways Officer had no objection to the proposal. Based on my observations, I have no reason to disagree.
29. Images have been submitted by interested parties showing open storage of pipe products outside of the areas that form the appeal site. Any planning permission granted as a result of this appeal will only permit such storage in accordance with the approved plans. The Council would retain the right to investigate and take appropriate action in the event of any breach of this.

Conditions

30. I have had regard to the conditions suggested by the Council, and note that the appellant has had the opportunity to comment on these. Due to the retrospective nature of the application a commencement condition is not required. However, a condition relating to the approved plans is necessary in the interests of certainty.
31. Condition 2 is imposed to ensure that details of landscaping are approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matter before the development takes place. This condition will ensure that the development can be enforced against if the requirements are not met. Condition 3 is imposed in the interests of the character and appearance of the area to ensure that any planting carried out as part of the landscaping scheme is replaced in the event of such planting dying or being uprooted, destroyed or removed.
32. Condition No. 4 is necessary to ensure that the proposal does not unduly impact the safety and continued operation of the public rights of way passing

through the farm. Conditions relating to the maximum height of stored items and to ensure that no external lighting will be installed at the site are imposed in the interests of the surrounding character and appearance.

33. I have considered the condition suggested by the Council to ensure that the Lakeland Pipes Ltd. business shall at no time operate independently of Green Head Farm. I have concerns that the storage use could be expanded into other uses that would not be appropriate in the rural area. I have therefore amended the condition to reflect the Council's intentions.

Conclusion

34. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

C Rafferty

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Figure 1 Site Location Plan Rev A dated October 2021; Figure 2 Storage Areas Rev A dated October 2021; Figure 3 Site Plan Rev A dated October 2021; Figure 4 Site Plan Rev A dated October 2021; Figure 5 Traffic Routing Plan Rev A dated October 2021; Proposed Kerb realignment Drawing No. 2021/2142/001A dated December 2021.

2. Unless within 3 months of the date of this decision a scheme for hard and soft landscaping works is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. If, within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved landscaping scheme (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
4. A space of at least 2 metres in width shall be maintained at all times between the storage use hereby permitted and the public rights of way PROW546005 and PROW546006.
5. The height of items stored on the site in connection with the use hereby permitted shall at no time exceed 3 metres.
6. No external lighting shall be installed in connection with the use hereby permitted.
7. The use hereby permitted shall be for the purposes of the storage, sale and distribution of drainage and agricultural products including fencing supplies only and for no other purpose, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall only operate alongside the agricultural use of Green Head Farm.

End of Schedule