



Appeal Decision

Site visit made on 28 March 2023

by Ann Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2023

Appeal Ref: APP/E2340/W/22/3312145

Land adjacent to Hilldene, Rock Lane, Trawden, Lancashire BB8 8RR

- 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 Ian Barker against the decision of Pendle Borough Council.
 - The application Ref 22/0497/FUL, dated 22 July 2022, was refused by notice dated 24 October 2022.
 - The development proposed is demolition of former poultry sheds, removal of silo feed tower/hopper and erection of tractor and equipment store for use in relation to agricultural land.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of former poultry sheds, removal of silo feed tower/hopper and erection of tractor and equipment store for use in relation to agricultural land, at land adjacent to Hilldene, Rock Lane, Trawden, Lancashire BB8 8RR in accordance with the terms of the application, Ref 22/0497/FUL, dated 22 July 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan 648/1; Proposed Site Plan 648/5A; Proposed Plans & Section 648/6A; Planning Proposed Elevations 648/7A.
 - 3) Prior to the cladding of the external walls and roof of the building hereby approved, samples of the upper wall and roof cladding materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details and retained as such thereafter.
 - 4) The development shall be carried out in strict accordance with the recommendations for 'Proposed Biodiversity Net Gain' and 'Accidental Exposure of Bats' in the Preliminary Bat Roost Assessment Report dated 27.01.2022.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form, omitting wording that is unnecessary to describe the development. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues are:

- Whether the size of the proposed building would be commensurate with the size and function of the agricultural holding that it would serve; and
- Whether the proposal would preserve or enhance the character or appearance of the Trawden Forest Conservation Area.

Reasons

Commensurate

4. The steeply sloping land extends to 3.4 acres and contains a number of dilapidated timber former poultry sheds and a tall metal hopper. At the time of my site visit, albeit only a snapshot in time, the land was not in productive agricultural use. There were several locked single storey buildings beyond the gated access to the appeal site. However, these buildings do not form part of the appeal site.
5. The appellant intends to yield hay from the land and proposes to replace the current poultry sheds and hopper with a single blockwork and timber clad building. Although the size of the holding is relatively small and the land is undulating, from my observations on site and the evidence before me, I consider it would be capable of yielding hay or haylage. The existing buildings on the appeal site are clearly unsuitable for use without significant works of repair or re-build. Consequently, as there are no other buildings serving the agricultural land, I am satisfied that there is an agricultural need for a replacement building.
6. However, it has been put to me that the size of the proposed building is not commensurate with the storage requirements of the land, which would only be used to produce a hay crop. I have been provided with an inventory of vehicles and machinery proposed to be stored in the building and I have no reason to dispute that they would be capable of being utilised for agricultural purposes.
7. Although limited information has been provided regarding the associated space requirements for hay derived off the land, I have carefully considered the balance between the amount of machinery and the size of the holding. I find the size and type of equipment proposed is not excessive and this, together with space required for circulation and other more general agricultural maintenance tools would take up roughly half the space of the proposed building. Whilst the remaining part of the building dedicated to the storage of hay may be optimistic, I do not consider it to be unreasonable.
8. Therefore, based on the evidence before me, the overall scale of the proposed building would be commensurate with the size and function of the agricultural unit that it would serve. No relevant development plan policy has been brought to my attention that seeks to ensure the size of an agricultural building is commensurate with the size of the holding to which it relates. Neither is such a test required in the Framework. Nevertheless, the proposal would support a prosperous rural economy as advocated in the Framework¹ through the growth of a rural enterprise.

¹ National Planning Policy Framework

Trawden Forest Conservation Area (CA)

9. The appeal site lies within the CA which covers an extensive area including the settlement of Trawden, as well as other villages, farmsteads and the wider countryside beyond. Its significance is set out in the CA Assessment² (CAA). The appeal site lies on the cusp of the 'Moorland Fringe' and 'Industrial Foothills' countryside character areas as defined in the CAA. From my observations in so far as it relates to the appeal site, I find that the significance of this part of the CA lies, in part, to the slopes of the farmland overlooking the Colne Water valley where the land descends steeply into Trawden with open views of the moorland hills beyond. Locally quarried stone buildings and field boundary walls are also a significant feature of the CA.
10. The appeal site is accessed off Rock Lane, on the edge of the settlement. The proposed building would replace two dilapidated former poultry sheds, a small shed and a metal hopper. While the proposed building would, with the exception of the hopper, be taller than the buildings it would replace, it would not project outward into open countryside as far as the current buildings and would occupy a smaller footprint overall. Furthermore, it would be sited within a cluster of buildings close to the urban edge and the proposed use of vertical timber cladding on the upper parts of the building would harmonise with the adjacent buildings and the site's rural surroundings.
11. Due to the topography of the area, I saw on my site visit, that the building would be visible on the sloping hillside from across the valley and in glimpses from the public right of way along Rock Lane. However, even though the proposed building would be modestly taller than the existing buildings, any views that are possible from surrounding public vantage points would be at such a distance that the building would be seen against the backdrop of the sloping hillside and in the context of other buildings and structures. Moreover, the scale of the building and the proposed materials would reflect those found elsewhere in the CA.
12. Consequently, the proposal would not be at odds with the countryside character area or harm the significance of the CA. Having paid special attention to the requirements of s.72 of the Act³, I conclude that the proposed development would preserve the character and appearance of the CA. As such, I find no conflict with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2015) which require, amongst other things, that the significance of any heritage asset, including conservation areas, is conserved and not harmed. I also find no conflict with the heritage protection policies of the Framework.

Other Matters

13. Interested parties have expressed concern that the proposed building could be used as a dwelling or for vehicle repairs. However, that is not the proposal before me. Comments relating to current noise levels is not a matter within my jurisdiction in determining this appeal.
14. With regards the impact of the proposals on wildlife in the area, the Council have suggested that the recommendations in the Bat Roost Assessment Report

² An Assessment of the Special Historic And Architectural Interest, Character And Appearance Of The Trawden Forest Conservation Area, January 2005.

³ Planning (Listed Buildings and Conservation Areas) Act 1990

could be required by a condition, and I consider such a condition necessary in the interests of biodiversity.

Conditions

15. The Council has suggested a number of conditions which I have considered against the Framework and Planning Practice Guidance⁴. As a result, I have made some amendments to the wording for clarity and consistency. A condition is necessary, in the interests of clarity and enforceability, setting out the approved plans. To protect the character and appearance of the area, a condition requiring details of external materials is necessary. In addition, I consider a condition to ensure that a suitable bat box is installed on the site is necessary in the interests of biodiversity.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Ann Veevers

INSPECTOR

⁴ PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019