



Appeal Decision

Site visit made on 7 March 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/U2370/W/22/3310413

Valiants Farm, Lancaster Road, Out Rawcliffe, Lancashire PR3 6BL

- 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 EA Wallace Limited against the decision of Wyre Council.
 - The application Ref 22/00093/FUL, dated 1 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is demolition and replacement of existing storage and distribution building.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by EA Wallace Limited against Wyre Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a slightly different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
4. On site, an elevation is in place which is broadly reflective of the proposed south east elevation shown on the submitted plans. No other elements of the proposed building shown on the plans are on site. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.
5. Since the Council made their decision, the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) has been adopted (the LP). It is a revised replacement for the Wyre Local Plan (2011-2031). The Council have confirmed that policy SP4, referenced within the Council's reason for refusal, has been amended. However, neither main party has suggested that the changes materially alter the operation of the policy or that they have any implications for the appeal. I have no reason to disagree and have thus considered the appeal using the amended policy. Policy EP8, also referenced within the reason for refusal, remains unchanged.

Main Issue

6. The main issue is:

- Whether the proposed development would comply with relevant development plan policies relating to the countryside, with particular regard to the rural economy and, effects on the rural character of the countryside.

Reasons

7. The appeal site, Valiants Farm, is located within the countryside and contains a group of adjoined buildings. The building proposed for demolition and subsequent replacement is roughly L-shaped and located closest to Lancaster Road. Areas of hardstanding and fencing are also to the surrounds of the L-shaped building.
8. Policy SP4 of the LP states that planning permission will only be granted for new development within Countryside Areas where it meets the requirements of the LP's Core Development Management Policies and, where it is for specific purposes, which are set out at criteria a) – h). Criterion h) allows for the expansion of rural businesses in accordance with policy EP8.
9. Policy EP8 states, amongst other matters, that the expansion of existing businesses within countryside areas will be supported, where it is demonstrated that:
 - a) The scale and nature of the activity is not detrimental to the rural character of the area;
 - b) Any new building and supporting infrastructure is necessary.
10. The main parties dispute whether or not a previous permission¹ to change the use of the L-shaped building, together with other buildings within the site for storage and distribution has been implemented. This is important as it determines whether the proposal relates to an existing business in the countryside and thus the extent to which the above criteria are relevant.
11. At the time of my site visit, the part of the L-shaped building marked on the existing plans as a storage area contained a range of items much of which were building and building maintenance related. Within the spaces I entered in the adjoining buildings I noted, as put to me by the Council, an arrangement indicative of music event use but there were also some pallets with goods on. During my visit the stable areas had a stable-like layout though no clear indication that they were being used as such. Within the stable areas I noted further items that were building related. The layout and appearance of existing buildings on site, the presence of individuals who were likely staff and commercial vehicles manoeuvring, all indicated to me that commercial enterprise activities take place at the site.
12. Overall, on the basis of all that is before me, and with particular regard to the commercially scaled activities which were apparent on site and the evidence of some storage, I am satisfied that there is a greater than theoretical possibility that the L-shaped building has extant planning permission for storage and distribution purposes.

¹ Planning Permission Reference 15/00084/FULMAJ

13. I note that there is no dispute between the parties that the footprint of the replacement building would be similar to that being demolished. However, even though the replacement building would not be significantly larger, the appellant submits that it is sought because of defects with the existing building's condition and that its layout is too restrictive. The purposes of the proposal would therefore be to replace one building that is deemed to be too compromised with one specifically designed to be fit for purpose. It would be reasonable to assume that some expansion and betterment to the business operations would result. Therefore, the proposal would amount to an expansion of the business.
14. Therefore, I have firstly found that there is a greater than theoretical possibility that the L-shaped building has extant planning permission for storage and distribution purposes. Secondly, and despite the proposal involving the replacement of an existing building, the proposal amounts to expansion. Policies EP8 and SP4 of the LP are therefore both applicable to the development proposed and the development plan is not, as it has been put to me, silent in respect of the development proposed.
15. The cited defects with the existing building are not supported by compelling evidence such as surveys. It is also put to me that the costs of refurbishment would be prohibitive, but no detailed submissions are before me in regard to the comparative costs of the refurbishment or replacement of the existing building. Therefore, and whilst I can appreciate how a new purpose built-building may be desirable, I have no firm basis on which to conclude that the operational requirements of the business are such that it necessitates the replacement of the existing building with that proposed.
16. In replacing the existing building, in the same location, with one of a similar footprint, scale and size and, with forms of existing built development on all sides, the proposal would result in no incursion into the undeveloped countryside that surrounds the site. Rather, the proposed building would adjoin and be set amongst existing built development. Furthermore, the submitted plans show that the proposed building would be lower in height than existing buildings it would adjoin, whilst the appearance and materials to be used would be similar to some of those which are already within the site. The building proposed would therefore congruously assimilate into the building group.
17. However, and for the above reasons, the proposed development would amount to an expansion of a business within the countryside, and it has not been shown to me that the building proposed is necessary. As a result, and despite the effects on the rural character of the countryside being negligible, the development would, nevertheless, be contrary to policies SP4 and EP8 of the LP which relate to development within the countryside and the rural economy.

Other Matters

18. In response to the Council's concerns over the future use of the building, the appellant has put to me that a condition could be imposed which would restrict the use of the proposed building for the purposes of storage and distribution and that a future change of use would require planning permission. However, the imposition of such a condition would not ensure compliance with the development plan.

19. The appellant has drawn to my attention 2 planning applications previously determined by the Council and an appeal decision which they consider sets a precedent for the development proposed. However, the full details of each case are not before me including, in relation to the applications referenced 20/00504/FUL and 21/00127/FUL, any delegated or committee reports outlining the Council's reasoning for those grants of planning permission. As a result, it is not possible to draw accurate comparisons between those schemes and that proposed in this appeal. In the submitted appeal at Pilling, the Inspector did not address the matter of whether the building was necessary, and I do not know what evidence was put to them. I must consider the appeal on the basis of the arguments made to me. Accordingly, the findings of the Inspector in that case do not weigh in favour of the appellant.
20. The appellant has made reference to policy EP9 of the LP, however, it has not been articulated to me of the particular relevance that the policy has to the appellant's case. In such circumstances the appellant's reference to policy EP9 has no influence upon my decision.
21. I note the public representation made on the application which submits that the appellant has acted courteously both in their operations at the site and in their communications with residents. Whilst I have no reason to disagree, this does not alter the conflict with the development plan I have identified nor serve to outweigh this conflict. It is also put to me that the proposal would support and promote Out Rawcliffe. However, given the lack of substantive evidence before me on why the building proposed is necessary, or the contribution that this particular proposal would make to the business, I can only afford very limited weight to the benefits that the proposal could bring to the locality.
22. The site may have sufficient parking, whilst no harm may be caused to the living conditions of neighbouring occupants or upon ecology. However, the absence of harm in relation to these matters is a neutral factor and weighs neither for nor against the proposal.
23. Finally, the appellant has drawn comparisons between this proposal and what may be allowed under both Green Belt policy and policy HP6 of the LP. However, these policies are not relevant to this case and thus have had no bearing on my decision.

Balance and Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
25. The proposed development would amount to an expansion of a business within the countryside, and it has not been shown to me that the building proposed is necessary. As a result, the proposed development would be contrary to policies SP4 and EP8 of the LP. This policy conflict would arise regardless of the effects of the development upon the rural character of the countryside, which would be negligible.
26. I note that, in the proposal, an existing vehicular access would be stopped up which the Council state has poor visibility. The Council state that there would be some benefit to this, and I have no reason to disagree. I can also envisage that the provision of a new purpose-built building could also provide some

betterment to business operations with some economic contribution being made to the locality too. However, with such limited information before me on what precisely this betterment may be and, given that it has not been shown to me that the building is necessary, the extent to which any such economic contributions weigh in favour of the proposal is very limited.

27. Therefore, and despite the proposal according with some LP policies, the development would nevertheless conflict with the development plan as a whole. I acknowledge the advice contained within the National Planning Policy Framework (the Framework) in relation to both decision-making and building a strong, competitive economy, including the rural economy. However, given my conclusions on the main issue and the resultant conflict with the development plan I also conclude that the development would not amount to the sustainable growth and expansion of a rural business, thereby inconsistent with the advice within the Framework.
28. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal is dismissed.

H Jones

INSPECTOR