



Appeal Decision

Site visit made on 4 July 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/F2360/W/23/3314900

Aspden Fold Farm, Nabs Head Lane, Salmesbury, Lancashire PR5 0UQ

- 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 Raymond Wilkinson against the decision of South Ribble Borough Council.
 - The application Ref 07/2022/00922/FUL, dated 10 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is change of use of part of the farm yard to allow a flexible commercial use for temporary storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The Council's description, officer report and appeal statement refers to the formation of hardstanding and change of use of an existing agricultural building. The red edge plan that has been provided (undated and untitled Promap location plan) identifies two separate parcels of land, neither of which include buildings. This, and the appellant's submission, including the application form, confirm that these two parcels alone form the appeal site and the appellant's description of development seeks only a change of use of this land.
4. It was clear at the time of my site visit that hardstanding had been created on the two parcels of land and vehicles and containers were stored thereon. The development had therefore, in part, already occurred. However, there were other areas of hardstanding used for storage beyond the extent identified on the submitted plan. Nevertheless, the laying of hardstanding does not form part of the application. Neither does the inclusion of areas outside the red edge plan. For the avoidance of doubt due to inconsistencies within the appeal submissions from both main parties and what I observed at my site visit, I have limited my consideration of the appeal to that outlined in the planning application for the change of use of the land edged red only, as a proposed development.
5. On the above basis, the lawful use of land or buildings outside land edged red or the formation of hardstanding on the appeal site is not a matter for me to consider within the context of this appeal. It is open for the Council to address potential unauthorised development elsewhere in legislation, or for the

appellants to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 (the Act) to determine this matter, and any such action or application would be unaffected by my determination of this appeal.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policy; and,
- Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. The appeal site is located in the Green Belt. It comprises two rectangular parcels of land on an existing agricultural unit associated with the farmhouse and buildings at Aspen Fold Farm. One parcel of land is located to the west of an agricultural building which, at the time of my site visit, was under construction¹ (Parcel 1). The land was laid to hardcore and included 3 metal shipping containers, a vehicle with trailer, tractor with dumper and other plant. The other parcel of land is located to the north-east of an existing agricultural building (Parcel 2). I observed at my site visit that this area was also laid to hardcore and included parts of two flatbed trucks.
8. It was evident at my site visit that other areas around these parcels of land had also been laid with hardcore and various non-related agricultural vehicles and equipment were stored upon them. Surrounding the wider site is relatively flat open agricultural land, some of which is used for grazing livestock. Access to the site can be reached through the Aspden Fold Farm off Nabs Head Lane, or from a gated track known as Huntley Lane, off Preston New Road, which is also a public right of way.
9. The proposed development seeks to change the use of the land from agricultural purposes to a mixed agricultural and commercial storage use as a farm diversification scheme. It is unclear from the evidence before me what commercial storage would take place on the land, although the appellant suggests that this may vary in terms of type and timescale. One photograph submitted by the appellant clearly denotes that Parcel 1 would be used for 'temporary storage of machinery collected and delivered with our trucks' and Parcel 2 'to park 4 trucks and 4 trailers'. The submission also refers to an HGV operators licence and that the appeal site would be likely to be used for commercial storage for more than the permitted 28 day temporary use of land², although the items stored would come and go over a period of time.
10. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

¹ LPA Ref: 07/2022/0621/NOT

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 4, Class B

special circumstances. There are exceptions to this general restriction and paragraph 150 advises that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception, at paragraph 150 e), is material changes in the use of land.

11. Therefore, to ascertain whether or not the proposal would be inappropriate development, an assessment of its effect on openness and the purposes of including the site within the Green Belt is required. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, the assessment of which requires consideration of both spatial and visual impacts.
12. Policy G1 of the South Ribble Local Plan 2015 (SRLP) sets out criteria for the construction of new buildings in the Green Belt and the justification text to the policy refers to inappropriate development being that which adversely affects openness of the land, which is broadly consistent with the Framework. Since this policy does not refer to changes of use other than in the case of buildings, I give more weight to the Framework.
13. Despite the appellant's contention that vehicles would be stored for temporary periods, the regular use of the land for commercial storage, even the parking of vehicles not associated with an agricultural use and which could be large, would have a significant degree of permanence on the site. Indeed, the Council's evidence suggests that some of the vehicles unrelated to agricultural use and currently stored on the wider site, have been in situ for over a year. Images provided show containers on parts of the wider site in 2021 that are now located on Parcel 1.
14. Moreover, the use of the land for commercial storage would encompass a variety of forms, some of which may not be capable of being easily moved. While the appellant would use this land intermittently and asserts it would be predominantly used for agriculture, planning permission and the proposed change of use would run with the land. Thus the appeal site could be occupied by a broad range of end users who could utilise it for a variety of commercial purposes that could be more intensive than an agricultural use and result in a considerably greater level of storage.
15. I acknowledge that the appeal site would have the capacity to also be used intensively for the storage of many agricultural vehicles, equipment and other ancillary products, such as the storage of a large volume of hay, straw or silage. Indeed, a substantial stack of bales were stored adjacent to Parcel 2 at the time of my site visit. Whilst there is nothing before me to confirm that this level of storage would be practical across both proposed parcels, even if this were to be the case, the presence of materials and equipment relating to an agricultural use would not be untypical in this rural location.
16. Furthermore, I consider it unlikely that the agricultural holding would result in a comparably high number and concentration of similar vehicles and equipment, namely numerous tractors and machinery, at any one time compared with the proposed use, even if family farm operations were centralised. In this regard, while I acknowledge the farm operates a closed flock management plan over 100 acres and has an HGV operator's licence for moving machinery, I have little information about the business or how the other two sites in Skipton and

Brindle operate within it. In addition, there is no compelling evidence to substantiate the claim that the proposed use would assist the farm to diversify and remain viable.

17. As a form of development not related to agriculture and on land previously free from development, there would be an inevitable effect on the spatial openness of the Green Belt. I consider the extent of the effect on spatial openness would be moderate.
18. In terms of visual openness, the fields, paddocks and sporadic built form in the surrounding area impart a rural countryside character to this part of the Green Belt. The area's flat topography, combined with screening from occasional trees, hedges and buildings, would limit distant views of the proposed development. Furthermore, views towards Parcel 1 would be partially seen against the backdrop of the existing agricultural building and the building currently under construction.
19. However, the proposed development would be highly prominent from the public right of way along the adjacent access track. For users of the right of way and the outdoor archery club to the east, it would represent a significant change.
20. Even if the appeal site would be used interchangeably for agricultural purposes and for the storage of commercial uses, the proposed use would be seen as an incongruous form of development. Although some vehicles or equipment that could be stored on the appeal site would appear similar to that commonly found on an agricultural unit, commercial storage could encompass a variety of forms and sizes.
21. No mechanism has been put to me to be able to control the level or form of the use. Given the potential for many different forms of commercial storage, I consider the proposed development would undoubtedly and fundamentally alter the visual appearance of the site from what would be a typical form of agricultural use that would assimilate into the wider countryside location, to an incongruous urban form of development. I consider the proposal would erode the prevailing visual rural qualities of the Green Belt landscape.
22. Consequently, the proposal would have a harmful visual impact on the openness of the Green Belt. In the context of the existing agricultural building and associated storage of agricultural items and vehicles, the harm would be moderate.
23. Given I have found harm to the spatial and visual aspects of the Green Belt, the proposed use would not preserve the openness of the Green Belt in the context of paragraph 150 of the Framework. Therefore, the proposal would amount to inappropriate development in the Green Belt. It would conflict with Policy G1 of the SRLP and guidance in the Framework that, together, seek to, amongst other things, protect the Green Belt.

Other Considerations

24. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations. There are several other considerations that have the potential to weigh in favour of or against the appeal scheme.

25. The appellant has advanced several 'fallback' scenarios making use of permitted development rights. The consideration of a fallback position, including what could be carried out under permitted development rights, is a well-established principle. For a fallback position to be a relevant material consideration, the basic principle is that it must be a real prospect. For the prospect to be real, there must be a greater than theoretical possibility that the development might take place.
26. It is argued that the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) would permit the appeal site to be used for flexible uses including commercial storage, despite being located within the Green Belt. My attention has been drawn to a Planning Statement³ that refers to an application for prior approval at Aspden Fold Farm and a Council reference of 2022/0041/COULND is provided. Although I have been provided with an excerpt of an email from the Council with a request to re-start a 56 day consideration period, no further information relating to this application has been provided by either main party. No determination that prior approval is required or the giving of a prior approval for a flexible commercial use at the site has been provided.
27. Prior approval cannot be granted for development that has already begun. Nevertheless, there could be a real possibility of this permitted development fallback position taking place elsewhere on the agricultural unit. However, the degree of weight to be given to the fallback position depends on whether it would be equally or more harmful than the scheme proposed.
28. For the purposes of Part 3 of the GPDO, Part X states that 'curtilage' means an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. This would limit the effect of development on the openness of the Green Belt. In the appeal case, Parcel 2 is not immediately beside the agricultural building, being separated by an access track. Because of the size and location of Parcel 2, extending into open land away from farm buildings, it would result in greater harm than that which would be permitted under the GPDO. Accordingly, this fallback position carries limited weight in the balance.
29. The appellant asserts that Schedule 2, Part 4, Class B of the GPDO would allow for the change of use of the land to be used for 28 days in a year to meet the appellant's requirements. On the basis of the submitted evidence, the proposed use would be for more than 28 days in a year. Even if there was a realistic prospect of the use taking place on the land for no more than 28 days a year, as the effect on openness would be apparent on an infrequent basis, I afford this fallback position limited weight.
30. I recognise that Schedule 2, Part 6, Class A of the GPDO permits the creation of a hardstanding as an engineering operation on an agricultural unit of 5 hectares or more. As this has already taken place, the prospect of the fallback

³ Planning Statement for a flexible change of use to convert the use of two areas of the yard to a flexible use, prepared by Rural Regeneration - undated

is real. Hardstanding created under Part 6, Class A can only be carried out when reasonably necessary for the purposes of agriculture within that unit. The use of land for agricultural purposes represents appropriate development in the Green Belt. In contrast, the appeal proposal would not be related to agriculture and would result in greater harm to the Green Belt and its openness due to its inappropriateness for the reasons set out above. Consequently, I consider this fallback position carries limited weight.

31. I acknowledge the government's commitment to a strong, responsive and competitive economy. This is reflected in both the Framework, the SRLP and the Central Lancashire Core Strategy which together, support economic growth and productivity. Paragraph 84 of the Framework sets out the government's support for the sustainable growth and expansion of all types of business in rural areas as well as, amongst other things, the diversification of agricultural businesses.
32. I appreciate that the appeal site would have many advantages for the appellant, being in their ownership. However, the ongoing viability and economic benefits of the proposal to the farm business or the wider economy have not been robustly quantified by the appellant. Furthermore, there is no substantive evidence to suggest why, in the face of harm to the Green Belt, an economic or other benefit would not also arise from the continued productive agricultural use of the land. Even if there would be some benefit to the economy as a result of the proposal, it is likely that such benefits would apply equally if the use operated from another non-Green Belt location. In addition, any benefit arising would likely be somewhat limited due to the size of the proposal. Nevertheless, given the importance placed on supporting businesses in local and national planning policy, particularly in rural areas, I afford the economic benefits moderate weight in favour of the proposal.
33. There is no substantial evidence before me to demonstrate that the proposed development would ensure the agricultural unit would be more secure. Therefore, I give this matter neutral weight.
34. The absence of unacceptable harm to neighbouring occupiers, highway safety, noise, contamination and flood risk are also neutral factors which neither weigh in favour nor against the proposal.
35. Unsubstantiated assertions regarding the labour market, environmental practices, climate change, the lasting effect of the Covid pandemic and the war in Ukraine carry neutral weight in the overall balance as I have no evidence before me to be certain the proposed development would not also affect or be affected by these same issues.

Whether very special circumstances exist to justify the proposal

36. I have identified that the development is inappropriate development in the Green Belt as defined by the Framework. I have also found a moderate reduction of spatial and visual openness which harms the Green Belt. In accordance with the Framework, I afford this Green Belt harm substantial weight. Having carefully examined the other considerations advanced in support of the appeal, I find, on the evidence provided in this case, whether taken separately or together, they do not clearly outweigh the harm I have identified.

37. Consequently, the very special circumstances necessary to justify the proposal do not exist, thus it would fail to accord with the Green Belt aims set out in Policy G1 of the SRLP and the Framework.

Other Matters

38. I note the appellant's concerns about the Council's handling of this and previous proposals at the site. However, these matters have had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

Conclusion

39. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR