



Appeal Decision

Site visit made on 23 November 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/T2350/W/23/3324057

Land off Shire Lane (adj Shire Lane House), Hurst Green BB7 9QR

- 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 Ellis Warbrick against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0573, dated 09 June 2022, was refused by notice dated 14 December 2022.
 - The development proposed is extension to the existing agricultural unit for breeding of livestock & new access road from Longridge Road and new barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the Council's decision notice and the appellant's appeal form refer to the site as 'adj Shire Lane House'. I have therefore used this site address in the banner heading above.
3. The Council's statement of case refers to a different development description. I have determined the appeal based on the description provided within the application form and decision notice.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The legal designation and policy status of AONBs are unchanged.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area with particular regard to the Forest of Bowland National Landscape (FBNL);
 - the effect of the development on biodiversity;
 - whether the proposal is consistent with the objectives of the development plan relating to development in a rural area; and
 - the effect of the proposed development on the living conditions of nearby residents, with particular regard to odour and noise.

Reasons

Character and appearance

6. The site is located within the FBNL (formally AONB). Within such a designation, there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty. I have determined the appeal with these duties and responsibilities in mind.
7. The appeal site is situated in a relatively isolated location, accessed along Shire Lane. Along Shire Lane are a small linear dispersed band of dwellings and buildings that can be found on either side of the lane, separated by gardens and fields. Longridge Road (B6243) runs to the south of the appeal site.
8. The appeal site is located on a raised plateau with gentle undulations, and this provides long-distance views in many directions. To the south, the land slopes relatively steeply downwards, reducing the prominence of the building from short-distance views at lower land level. When looking upward, the appeal site is seen against the backdrop of trees and other limited built form on Shire Lane. The landscape to the south of the appeal site is largely open, aside from field boundaries and groups of trees.
9. The proposed development would introduce a new vehicular access track to an area of open land where no built development currently exists. Having regard in particular to the length, width, slope and location of the proposed track, it would have an urbanising effect on the open field, detrimentally altering the appearance of the appeal site. Relocating the hedgerow would do little to mitigate the effect of the proposal. While there would be some natural screening owing to existing vegetation, large parts of the track would have a clear visual impact from Longridge Road and broader views. As a result of the slope on which the track would be located it would draw the eye and would have a negative impact on the experience of the scenic beauty of the FBNL.
10. Notwithstanding my findings above, the proposal would change the appearance of the site through the alteration of the existing building, the introduction of a new building section and associated works. Having regard to the submitted plans, there are a number of openings to the building, including doors that have a somewhat domestic appearance. However, the proposed building would be constructed of external materials commonly found in this area and on agricultural buildings. As such, when viewed as a whole, the building would not appear as a domestic dwelling but have the general form and appearance of an agricultural building.
11. While there would be an increase in the footprint of the building, the resultant development would not be particularly harmful in landscape or visual terms, being reflective of the rural character of the area and a working agricultural landscape. The proposed development would remain situated within a dispersed cluster of existing buildings found along Shire Lane. The development would ensure that the site remains partially isolated among a remote group of buildings within the wider landscape, which is a characteristic of this part of the NL.
12. Therefore, for the reasons given, whilst the extension and alteration of the existing building would not result in visual harm, the proposed access track

would unacceptably harm the character and appearance of the area, including the FBNL, in conflict with Policies EN2, DMG1 and DMG2 of the Ribble Valley Core Strategy (RVCS). Amongst other things, these policies require development to be sympathetic to existing land uses, in keeping with the character of the landscape, contribute to natural beauty and the FBNL.

Biodiversity

13. Policy EN4 of the RVCS seeks to conserve and enhance biodiversity and geodiversity, as well as avoiding fragmentation and isolation of natural habitats and to develop green corridors.
14. To construct the new access identified above, a substantial section of mature hedgerow would need to be removed to facilitate the required visibility splays. Given the length of the hedgerow and its connection to other nearby fields, this could have the potential to result in habitat fragmentation or loss.
15. The appellant states the hedgerow would not be destroyed but relocated. However, there is no substantive evidence before me that this can be undertaken without resulting in damage to the existing hedgerow. A planning condition to secure this has been suggested. However, in the absence of cogent evidence to demonstrate the hedgerow can safely and healthily be relocated, this would not be appropriate.
16. As a result, I cannot be sure the appeal scheme would conserve and enhance biodiversity whilst avoiding fragmentation and isolation of natural habitats. It has also not been shown the appeal scheme would help to develop green corridors. Consequently, the proposal fails to accord with Policy EN4. It would also fail to accord with RVCS Policies DMG1 and DME1, which, amongst other matters, seek to mitigate harm to the natural environment and protect and enhance hedgerows.
17. In so far as it relates to matters of biodiversity, I find no conflict with Policy DME2 of the RVCS. This is because Policy DME2 principally relates to landscape and townscape protection which I have already concluded on above.

Development in rural areas

18. Policy DMG2 of the RVCS indicates that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision. Policy DMG2 sets out six criteria, of which at least one has to be met, for new development outside of settlements. In meeting one of the specified criteria Policy DMG2 further sets out, amongst other things, that within the open countryside and FBNL, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscape and siting. Additionally, proposals should where possible avoid habitat fragmentation.
19. There is no dispute between the main parties that the site lies outside of any defined settlement boundaries. Therefore, based on the evidence before me, criterion 2 of DMG2 is most relevant to this appeal. This states that for development to be acceptable outside of the settlement boundary, it must be needed for the purposes of forestry or agriculture.
20. The appeal site comprises an agricultural building and 2.8 ha of land off Shire Lane outside of any defined settlement, upon which the appellant keeps

alpacas and breeding sheep. The appellant also rents additional land in nearby Clitheroe.

21. The Council have raised concerns the footprint, form and design of the building are excessive for the enterprise and land holding to which it relates. The Council have also stated the appellant has access to alternative land and buildings which can accommodate the proposal.
22. The evidence before me indicates the proposal is to accommodate the appellant's livestock, feedstuffs, machinery and other necessary equipment. It is further stated that there is sufficient land to produce haylage with space to separate the males and females to facilitate a self-contained, sustainable breeding operation.
23. There is no explicit requirement in Policy DMG2 for the size or design of the proposed agricultural building to be justified in terms of its use and functionality. However, even if I were to agree with the appellant that an agricultural need existed in compliance with criterion 2 of Policy DMG2, it would still fail to comply with the policy as a whole. This is because I have found harm to the character and appearance of the area, including the FBNL. Additionally, the proposal has failed to demonstrate it would not result in habitat fragmentation.
24. For the reasons given above, I therefore conclude that the proposal would conflict with RVCS Policy DMG2 in terms of its objectives relating to development in rural areas.

Living conditions

25. Policy DMG1 of the RVCS seeks, amongst other things, to avoid new development adversely affecting the amenity of the surrounding area. The proposed building works would be set to the east of the boundary of Shire Lane House. I observed the proposed development from the property's boundary and noted the private garden is fairly large, with a significant proportion located on the opposite side of the dwelling. There is also a substantial intervening outbuilding on its eastern boundary. There are further dwellings to the east along Shire Lane, from which the proposed development would be barely visible beyond the boundary vegetation and site levels.
26. The Council and interested parties are concerned about the possibility of odour and noise from the agricultural operation and storage of manure on-site. I have not been made aware of any complaints in relation to the existing operation of the site and consider the likelihood of additional noise and disturbance to neighbouring residents to be low, given the separation distances and the scale of the development proposed.
27. This is a semi-rural location where livestock might be expected to be kept, with some attendant odours. In this case, the odours would be more focused around the covered trailers away from the boundaries closest to residential dwellings. Subject to a satisfactorily worded condition setting out a management scheme for the collection, storage and disposal of manure, there would unlikely be significant harmful odours arising from the development.
28. On this main issue, I conclude that the development would not unduly harm the living conditions of neighbouring occupiers, contrary to the aims of Policy DMG1 of the RVCS.

Other Matters

29. My attention has been drawn to a prior approval application Ref: 3/2023/0670 approved by the Council. Limited details have been provided. However, based on the details, it does not reflect the scheme before me, which I have considered on its own merits. I therefore attached little weight to this matter.
30. I acknowledge the access track has been designed to overcome highway concerns. However, in the absence of any substantive evidence to demonstrate this is the least harmful location with regard to the character and appearance of the FBNL, I attach little weight to this matter.
31. The appellant asserts that the business is now a profitable enterprise. I have therefore had regard to the National Planning Policy Framework (the Framework), in so far as it seeks to support a prosperous rural economy and the development of agricultural and other land-based rural businesses. There would also be economic benefits through the expansion of the business, which would support a prosperous rural economy, as required by the Framework. However, these matters do not outweigh the harm I have found above.

Conclusion

32. The proposal would not result in any detrimental harm to the living conditions of any nearby occupiers. Notwithstanding this and for the above reasons, the development would be harmful to the character and appearance of the area, including the FBNL, contrary to the aims of the development plan for development in rural areas. It has also failed to demonstrate it would conserve and enhance biodiversity whilst avoiding fragmentation and isolation of natural habitats. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh this.
33. Therefore, I conclude the appeal should be dismissed.

A Hickey MA MRTP

INSPECTOR