



Appeal Decision

Site visit made on 9 January 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/A2335/W/23/3326857

Land to the west of Garstang Road, Cockerham, Lancashire LA2 0EG

Grid Reference Easting: 346789, Grid Reference Northing: 451523

- 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 David Mitchell against the decision of Lancaster City Council.
 - The application Ref 22/01195/FUL, dated 27 September 2022, was refused by notice dated 31 January 2023.
 - The development proposed is engineering works to form an earth banked slurry lagoon, with floating cover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The address of the appeal site on the application form was given as land west of Cockerham Road, Cockerham. However, the Council's decision notice, the appeal form and the appellant's statement indicate that the correct address is land to the west of Garstang Road, Cockerham. I have therefore used this address on the banner heading above and determined the appeal accordingly.

Main Issue

4. The main issue of the appeal is the effect of the proposed development on the landscape, character, and appearance of the area.

Reasons

5. The appeal site comprises an area within a large agricultural field, located off the B5272, Garstang Road. It is located in the open countryside, to the edge of Cockerham village and it slopes away from the main road. It is a largely open site, devoid of any structures or buildings, with the closest residential dwelling located approximately 85 metres to the north. The appeal site is currently used for summer grazing and arable crops.
6. The proposed development would involve the construction of an earth banked slurry lagoon, with a floating cover. It would measure approximately 53 metres

by 53 metres, with the bund measuring approximately 1.5 metres by 10 metres wide. A 2.2-metre-high fence would be erected on top of the proposed earth bund.

7. The proposed earth bunds which would surround the slurry lagoon, would introduce an extensive and obviously artificial landform into the natural slope of the existing field, resulting in a significant and permanent change in the appearance of the appeal site. Whilst a landscaping scheme could potentially soften the more industrial appearance of the proposed development, this in itself would introduce new landscape features that are not typically found within the more open fields found in this part of the countryside.
8. Although the appeal site is not within a protected landscape, it is within the open countryside. It is also detached from any existing built features and there are no other buildings or structures within the appeal site or surrounding area. The topography of the area, with the road elevated above the field and relatively low boundary hedgerow would result in the development being highly visible. Therefore, due to its visibility and the absence of any buildings or landscape features, the proposed development would fail to assimilate with the surrounding landscape character.
9. Furthermore, even if a suitable landscaping scheme could be agreed, it is unlikely that it would mitigate the full extent of the landscape impact arising from a development of this scale. The proposed development would, by virtue of its siting and scale result in a prominent and incongruous feature within the otherwise open landscape.
10. In respect of the need for the proposed development, I understand that in addition to the appeal site, that the appellant also farms at Snapewood Farm and Hard Head Farm. The appellant states that this location has been chosen as it is central between the two other farms. However, I have not been provided with details as to the extent of the entire holding, nor whether the location of the appeal site lies centrally between the appellant's farming activities. The evidence also indicates that the
11. The Storing Silage, Slurry and Agricultural Fuel Oil (SSFAO) regulations require earth banked slurry lagoons to provide a minimum of four months storage for slurry. The evidence provided in support of the appeal indicates that the farm can currently only provide up to six weeks storage. This demonstrates that there is a need for additional provision to be made within the agricultural holding. However, the evidence also indicates that the livestock is predominantly kept at Snapewood Farm, not at the appeal site.
12. As such, the slurry would be transported to the site from Snapewood Farm. Whilst the appellant states that this will be more efficient, and dramatically reduce the numbers of journeys to and from the appeal site, I have not been provided with any substantive evidence in relation to the existing and proposed vehicle movements to support this claim.
13. Consequently, whilst it is not disputed that there is a need for additional slurry storage capacity within the agricultural holding, I have limited evidence before me, including details of any discounted or unsuitable sites me to justify the need for this development in the proposed location, which is remote from where the livestock is kept. Whilst I accept that the scale of the proposed slurry lagoon is dependent upon livestock numbers and associated storage

calculations, it is nevertheless of a scale and location that would cause unacceptable harm to the landscape, character, and appearance of the area.

14. My attention has been drawn to a number of applications¹ for slurry lagoons, which have been granted planning approval, including Far Lodge, Knotts Farm and New Brows Farm. Although I have been provided with some details of these approvals, there is insufficient information to enable me to draw any direct comparisons to the appeal proposal. In any event, I am required to consider the appeal on its own individual merits, taking account of the characteristics of the appeal site, which in this case involves a field with a largely open landscape. Therefore, I attribute these decisions limited weight.
15. For the above reasons, I find that the proposed development would result in unacceptable harm to landscape, character and appearance of the area. It would therefore be contrary to Policies DM29 and DM46 of the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD, adopted July 2020 (DPD) which require, amongst other things, development to contribute positively to the identity and character of the area, ensuring that it is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping.
16. It would also be contrary to Policy 47 of the DPD, which states, amongst other things, that development proposals will be supported in principle for essential operations for agriculture where there is a proven and justified need and they would maintain and enhance rural vitality and character.
17. It would also conflict with Policy EN3 of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD adopted July 2020 (SPLA), which states that development proposals located within the open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management DPD relating to development in the rural areas.
18. The proposed development would also be contrary to Paragraph 180 of the Framework which recognises the intrinsic character and beauty of the countryside. It would also be contrary to Paragraph 135 of the Framework which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

19. The appeal site is located within 1.5km of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar Site. It is also within 1.6km of the Lune Wyre Marine Conservation Zone (MCZ). The site is also within the Impact Risk Zone of the Cockerham March Site of Special Scientific Interest (SSSI) and the Lune Estuary SSSI, both located approximately 1.5km away.
20. The SPA and SAC have been designated because they support internationally important populations of seabirds and wading birds, together with the habitats that support these birds. The Shadow HRA identifies that significant populations of 13 of the bird species associated with these sites have been recorded within 2km of the appeal site, but not within the appeal site itself.

¹ Planning Application Refs: 19/00420/FUL, 18/0166/FUL and 21/01007/FUL

21. Had I concluded that the development would be acceptable in terms of the main issues, it would have been necessary to investigate the effect of the proposal on the integrity of these sites as part of Habitats Regulation Assessment and Appropriate Assessment. However, as I have found harm in respect of the main issues, I have not considered this matter further.

Conclusion

22. For the above reasons, the proposed development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR