



Appeal Decision

Site visit made on 29 January 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/E2340/W/23/3328428

Smithsons Farm, Woodend Road , Brierfield, Lancashire BB12 9DR

- 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 H Johnson against the decision of Pendle Borough Council.
 - The application Ref 23/0314/FUL, dated 9 May 2023, was refused by notice dated 1 August 2023.
 - The development proposed is creation of hard standing area for car parking and use of adjacent field for dog exercise paddock.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that the appeal proposal has already been implemented, I shall thus consider it on a retrospective basis.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

4. The main issues are:
 - i. whether or not the development is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - ii. the effect on the character and appearance of the area; and
 - iii. 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 to justify the development.

Reasons

Whether inappropriate development

5. The appeal relates to a piece of land located on the north side of Woodend Road, within land defined as Green Belt. The site is predominantly grassland and used as a dog exercising area, enclosed by a timber post and rail fence, with a section of hard standing gravel used for the parking of vehicles.

6. Directly to the east of the site is a holiday camping and caravan site, and mining museum. The appeal site, and the adjacent camping site and museum are all accessed by a tarmac track off Woodend Road, and all form part of the larger holding at Smithsons Farm.
7. Policies ENV1 and ENV2 of the Local Plan for Pendle - Core Strategy 2011-2030 (2015) (LP) states that the general extent of the Green Belt in Pendle will be maintained, and that proposals should, where applicable, maintain the openness of the Green Belt by way of their siting, size, design and appearance. Therefore, these policies conform with the provisions of the Framework.
8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. As per paragraph 155 of the Framework, 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. These include (b) engineering operations and (e) material changes in the use of land, such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.
10. I acknowledge that use as a dog exercise area is not specifically referred to within paragraph 155 (e) of the Framework, however the use of the words 'such as' in this paragraph indicates the cited list is not inclusive. Therefore, other similar changes of use may be treated as not being inappropriate in the Green Belt if they preserve openness and do not conflict with the purposes of including land within it. I conclude that the use of the land for exercising dogs is an outdoor recreational activity and thus meets the exceptions listed at paragraph 155 (e).
11. Furthermore, the hard standing gravelling works that have been undertaken on the appeal site to create a car parking area represent an engineering operation and therefore meet the exception listed at paragraph 155 (b) of the framework.
12. In respect of openness and not conflicting with the purposes of including land within the Green Belt, openness can be perceived both spatially and visually. The proposed dog exercise area has retained its open grassland appearance, enclosed by a perimeter fence that allows views through it and is of a design commonly found in the area. As such this element of the appeal proposal has resulted in minimal change in the appearance of the site, retaining its open rural character. For this reason, I am satisfied that the dog exercise area will preserve the openness of the Green Belt and will not conflict with the purposes of including land within it.
13. The hard surfaced car parking area however, being able to accommodate 12 – 14 vehicles, is considerable in size and by occupying space that was previously undeveloped open land has inevitably reduced the spatial openness of the site and resulted in an encroachment into the countryside, conflicting with the purposes of the Green Belt.

14. Visually, whilst set back from Woodend Road, due to the open nature of land in between, the car parking area is visible from this highway, which is also a public right of way (FP 1316027). As such, vehicles parked within this car park are clearly visible from public vantage points outside the site, such as the highway and public right of way of Woodend Road, and thus have the effect of reducing openness from this public viewpoint. I acknowledge that the appellant states that a van brings dogs to the site, and this van uses this car park, however the submission also details how the car park is used as an overspill parking area for both the adjacent camping and caravan site, and museum. This only adds to my concerns in respect of the number of vehicles that will potentially use this car parking area, the frequency of its use and the length of time that vehicles may be parked, resulting in a greater visual impact on openness in this area.
15. As a result, the car parking area will not preserve openness and will conflict with the purposes of including land within the Green Belt and in this respect the degree of harm to the openness of the Green Belt is moderate.
16. With the above in mind, the car parking element of the appeal scheme will be inappropriate development in the Green Belt. There is thus conflict with LP Policies ENV1 and ENV2 insofar as these policies seek to maintain the Green Belt, and that proposals should, where applicable, maintain the openness of the Green Belt by way of their siting, size, design and appearance. The development is also contrary to the Framework which states that inappropriate development will not be approved except in very special circumstances.

Character and appearance

17. The appeal site lies within a rural setting largely characterised by gently undulating grassland with mature field trees. Directly to the east of the site is a small caravan and camp site, and a mining museum, however these are largely screened from the highway of Woodend Road by mature vegetation. The appeal site is however visible from Woodend Road, which as mentioned above is also a public right of way.
18. To the west of the site, and on the opposite side of Woodend Road, is a relatively large metal clad building, a design commonly found in rural areas. Beyond this is a large sewage works, consisting of various forms of development including large water works and plant equipment, facilities buildings and car parking areas. Further afield runs the M65 motorway.
19. As outlined above, the change of use of the field for the exercising of dogs has resulted in minimal change in the appearance of the site, retaining its open rural character. However, the car parking area associated with the proposal would, when used for the parking of vehicles, have an intensive appearance. Furthermore, its expansive stone surface would appear visually harsh in context with the adjacent verdant fields. This impact would be most apparent from the nearby public highway and public right of way of Woodend Road and would be at odds, and harmful to, the rural character and appearance of this part of the Green Belt.
20. I acknowledge the aforementioned nearby developments in the vicinity have been referred to by the appellant as a justification for the appeal proposal. I have not however been provided with the full details of all these developments or the relevant planning history.

21. Notwithstanding this, the existing and retained areas of greenery in this area provide a visual relief from, and prevent the merging of, these surrounding built developments. As such, these open green spaces serve a vital role in retaining the rural character and appearance of the area and therefore it is important they are retained.
22. In view of the above, the car parking area results in a moderate degree of harm to the character and appearance of this rural area. The proposal is therefore contrary to LP Policies ENV1 and ENV2, which together seek to ensure, amongst other things, that development proposals should, wherever possible, aim to safeguard or enhance the landscape character of the area, and make a positive contribution to local identity and character.

Other considerations

23. The submission details how the car park will not only be used by vehicles associated with the dog exercise use, but also as an overspill for the camping and caravan site, and museum. The submission explains that this allows for a better environment for the tourist users and supports the mining museum which has developed into a well-known tourist attraction for people of varying ages and backgrounds, which in turn helps the local economy. Additionally, the appellant states that the site is not on a bus route and therefore further car parking is needed. I attribute moderate weight to these matters.
24. The appellant has stated that the dog exercise area provides local employment and social benefits for dog owners knowing their dogs are exercised in a safe environment. The appellant also makes reference to paragraphs 88 and 89 of the Framework, which seeks to support the rural economy. I acknowledge there will be some social and economic benefits arising from the appeal proposal. I therefore attribute them moderate weight.

Green Belt Balance

25. The car parking area constitutes inappropriate development in the Green Belt and results in moderate harm to openness. By virtue of paragraph 153 of the Framework this harm attracts substantial weight. The proposal will also result in moderate harm to the character and appearance of the area.
26. The Framework makes it clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which weigh in favour of the appellant, the weight of these other considerations does not clearly outweigh the totality of the harm arising to the Green Belt and the character and appearance of the area in general.
27. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

28. The development conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore,

for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Major

INSPECTOR