



Appeal Decision

Site visit made on 13 February 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/A2335/W/23/3329686

Laithwaite Farm, Crimbles Lane, Cockerham, Lancashire LA2 0ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Sutcliffe (W.G.Farms Ltd) against the decision of Lancaster City Council.
 - The application Ref 23/00757/AD, dated 30 June 2023, was refused by notice dated 28 July 2023.
 - The development proposed is earth banked slurry store.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the GPDO for earth banked slurry store at Laithwaite Farm, Crimbles Lane, Cockerham, Lancashire LA2 0ES in accordance with the terms of the application, Ref 23/00757/AD, dated 30 June 2023, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.

Background and Main Issue

2. Under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO, planning permission is granted for agricultural development on units of 5 hectares or more subject to limitations and conditions. Condition 2 (i), of paragraph A.2, includes the requirement for the developer to, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design, and external appearance of the proposed development.
3. The Councils reason for refusal states that due to the siting, design, and external appearance of the proposed development which is located in a remote section of the landscape, the proposal would appear as an obtrusive and harmful addition to the appearance of the countryside setting.
4. The main issue is therefore the effect of the siting, design, and external appearance of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site relates to an agricultural piece of land associated with Laithwaite Farm located off Crimbles Lane to the south of Cockerham. It lies

adjacent to a public right of way and is surrounded by hedgerows and small post and wire fences.

6. The appeal site has an agricultural character and rural appearance with many nearby open fields surrounding the site where there are other agricultural buildings/development dotted across the landscape. The proposed development involves the creation of an earth banked slurry store which would have a triangular shape featuring an earth bank with a perimeter fence on top. It would allow for the storage of slurry for longer periods over winter and I note the benefits associated with storing slurry onsite. The overall design of the works would exhibit a common style for this type of development and would be located to the north of the main farm steading. Whilst detached from other buildings, there is specific reasoning for this including agricultural value of the land and safe distancing from the farmhouse. It is also not considered to be of a distance to be totally remote in the landscape and it would still be seen and read alongside the overall prevailing agricultural nature of the site and its surroundings.
7. The existing landscaping surrounding the site would also help screen the development and whilst it would still be visible particularly from the adjacent public right of way, the general scale of the works particularly its overall limited height would not be overly excessive or dominant in its setting and thus would still retain the intrinsic beauty of the countryside. It would be related to an agricultural use and its overall design would reflect its intended use which would not represent an untypical feature within the rural landscape or considered unreasonable in this context.
8. For the reasons given above, I conclude that the siting, design, and external appearance of the proposed development would not have an unacceptable impact on the character and appearance of the area. Accordingly, the proposed development would accord with sections 12 and 15 of the National Planning Policy Framework relating to achieving well-designed and beautiful places and conserving and enhancing the natural environment.

Conditions

9. For the avoidance of doubt, any approval granted for the development under Article 3(1) and Schedule 2, Part 6, Class A of the GPDO is subject to the conditions set out in paragraph A.2 including the time limits for when development must be carried out as set out at A.2 (2) (vi).

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Teasdale

INSPECTOR