



Appeal Decision

Site visit made on 25 March 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/B2355/W/23/3329076

Cribden Flatts Farm, Cribden End Lane, Haslingden, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Gribben against the decision of Rossendale Borough Council.
 - The application Ref is 2022/0391.
 - The development proposed is agricultural building (inc. biomass boiler).
-

Decision

1. The appeal is allowed and planning permission is granted for an agricultural building (inc. biomass boiler) at Cribden Flatts Farm, Cribden End Lane, Haslingden, Lancashire in accordance with the terms of the application, Ref 2022/0391, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MG.230722.A (Location Plan) and MG-20-07-22-E (Proposed Plan titled 'agricultural building').

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach. In any event, the main parties were able to deal with this matter within their statement of case and final comments.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises an open, agricultural field bounded by dry stone walling. The site is located within the countryside and the surrounding area is characterised by exposed upland with scattered farms and buildings. Nearby is also a scrap car business and agricultural buildings isolated from other buildings.

5. The building would introduce built development where none currently exists and would be visible from nearby public footpaths. Reasoning has been provided for the location of the development, which would be located some distance from the existing cluster of farm buildings.
6. The development would not adversely affect the open and rural character of the surrounding landscape because the agricultural building would be in keeping with the characteristics of the area. Agricultural buildings, such as that proposed, are not unusual in the locality and thus the building would not appear out of place in this countryside location. The building would be in scale and keeping with the landscape character, and would be appropriate to its surroundings in terms of siting, design, materials, and external appearance. The development therefore would not be visually intrusive or dominate views and would conserve the natural environment. Accordingly, the proposal would be acceptable in terms of visual amenity, including the amenity of users of the public rights of way.
7. For these reasons, the proposed development would have an acceptable impact on the character and appearance of the surrounding area. Consequently, it would comply with Policy ENV3 of the Rossendale Local Plan 2019 to 2036 (2021). This states that development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surroundings in terms of siting, design, density, materials, and external appearance and landscaping will be supported. It would also comply with chapter 15 of the Framework which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

8. Planning permission has previously been granted to erect a similar agricultural building and associated biomass boiler¹ which has not been built. Concerns have been raised regarding the motives of the development, whether there is an agricultural need for the building and whether the existing agricultural buildings are used for agricultural purposes. In addition, objectors consider that the scheme would cause disruption to neighbouring properties, road access and local wildlife.
9. Whilst it has been highlighted that there are more suitable locations for the development, my role is to determine the appeal based on the planning merits and impacts of the proposed development before me. The reasoning provided outlining the need for the building is adequate to satisfy planning policy. Based on the evidence submitted, I am satisfied that the existing buildings are used for agricultural purposes. In any event, if the building, or other buildings, were subsequently used for any other purpose without planning permission it would be open to the Council to pursue enforcement action if it considered it expedient to do so.
10. The building would also have an acceptable effect on local wildlife, the road access, and the living conditions of nearby residents. This is due to the distance to nearby dwellings as well as the nature and scale of the proposed development. The other matters raised do not justify withholding planning permission.

¹ 2021/0128

Conditions

11. In addition to the statutory commencement condition, it is necessary to attach a condition specifying the approved plans as this provides certainty.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal succeeds.

L Wilson

INSPECTOR