



Appeal Decision

Site visit made on 2 April 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/R2330/W/23/3332819

Land parcel adjacent to Blackleach Farm, Blackburn Old Road, Great Harwood, Lancashire BB6 7UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Robinson against the decision of Hyndburn Borough Council.
 - The application Ref is 11/23/0239.
 - The development proposed is glamping site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with access and layout to be considered at this stage. I have determined the appeal on this basis.
3. The description of development in the above banner heading is taken from the planning application form. The Council's decision notice however describes the development as "*Outline application: Erection of glamping pods and reception building including access and layout*". I consider this to be a more accurate description of the proposal and I have therefore determined the appeal on that basis.
4. 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. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
5. The appellant's submissions refer to a plan showing the visibility splays at the access to the site. This plan was not however submitted as part of the appeal documents and the Council's submissions state that this plan was not submitted with, or during the determination of, the planning application. Clarification on this matter was sought and the appellant has confirmed that the plans lodged with the appeal submission should be relied upon in the determination of the appeal. I have determined the appeal on this basis.
6. The Council are currently preparing a new Local Plan and the appellant states that they have submitted representations to the Council to have the appeal site

removed from the Green Belt and included within the settlement boundary of Great Harwood.

7. At the time of writing this appeal the Council have confirmed that the second round of consultation of the Pre-Submission (Regulation 19) version of the emerging Local Plan has recently concluded and the Council will be formally submitting the new Local Plan to the Secretary of State in preparation for the independent public examination in due course. As such any weight that can be given to the new Local Plan, and its policies, at this stage is very limited.
8. Nevertheless, the Council have confirmed that the Pre-Submission (Regulation 19) version of the emerging Local Plan does not propose any alterations to the Green Belt in this location. The appellant will therefore have an opportunity to make further representations on this matter at any future public examination of the new Local Plan.
9. In view of the above, the appeal site is currently located within the Green Belt, and I have determined the appeal on that basis.
10. The appellant also makes reference to the Hyndburn Green Belt Assessment (July 2019) (HGBA) which independently assessed the appropriateness of sites in fulfilling the purposes of the Green Belt.
11. The appeal site is situated within a larger parcel of land which the HGBA identifies as making an overall weak contribution towards the purposes of the Green Belt. The HGBA is however an evidence document only and does not form part of the adopted development plan. As such, I attribute this document limited weight in the determination of this appeal.

Main Issues

12. The main issues are:

- i. whether or not the proposal 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;
- iii. the effect of the use of the existing access on the safety of users of Blackburn Old Road; and
- iv. 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 including effect on openness

13. The appeal relates to a piece of land located to the south of Blackburn Old Road, within land defined as Green Belt. The site is predominantly grassland, containing a significant number of trees, and during my site visit I observed two modest sized single storey outbuildings on the site, situated close to the boundary with Blackburn Old Road.
14. Policy DM34 of the Hyndburn Borough Council Local Plan Development Management DPD (2018) (DMDPD) relates to development within the Green Belt

and is broadly consistent with the Framework. However, I note that this policy does not include an equivalent to paragraph 154 (b) of the Framework, nor does this policy refer to inappropriate development not being approved except in very special circumstances, which are matters that I have considered in my determination of this appeal as they have been addressed by the main parties. Nevertheless, paragraph 16 (f) of the Framework indicates that local plans should avoid unnecessary duplication of policies in the Framework and Policy DM34 conforms with the provisions of the Framework.

15. 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.
16. Whilst the appeal is in outline form, layout is a matter which is being applied for and the submitted plan shows that the proposal would involve the installation of 7no. glamping pods, a facility building that will be used as a combined reception, maintenance and cycle store, and a separate refuse store. In addition, a new access road and car park would be created, with this car park containing 8no. car parking spaces.
17. The submission explains that the glamping pods would be permanently based on site and Section 336 of the Town and Country Planning Act 1990 (as amended) states that a building includes any structure or erection. I therefore consider the proposed pods, and the aforementioned proposed facility structure and refuse store, to all be buildings.
18. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 154.
19. One such exception, criterion 154 (b), is for the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
20. The appellant contends that the proposal meets the exception requirement of paragraph 154 (b), in that it relates to a change of use of land related to outdoor recreation. However, the proposed development would be for tourist accommodation rather than a facility for outdoor recreation and as a result would not meet the exception within this criterion.
21. Furthermore, even if the proposed development met the definition of a facility for the purposes of outdoor recreation, the introduction of the buildings and associated development into an area which is predominantly devoid of such structures, with the exception of the two modest sized outbuildings currently on site, would fundamentally alter the spatial openness at the site. As would the parking and movement of vehicles within the car parking area and new access road.
22. Visually, the location of the site close to Blackburn Old Road would result in elements of the appeal proposal being visible from this highway. I acknowledge

that there is some existing vegetational screening along the boundary of the appeal site and this highway. Nonetheless, given my observations on site this screening will not prevent views of all the proposed structures and associated works, particularly the reception building and cars using the car park and new access road, which will be visible from Blackburn Old Road. Furthermore, the buildings and associated works would also be visible from the Public Rights of Way¹ to the south and west of the appeal site.

23. The proposal would therefore not preserve openness and furthermore would also breach the key purpose of Green Belt policy by encroaching into the countryside, conflicting with the purposes of the Green Belt. In this respect the degree of harm to the openness of the Green Belt would be moderate. Therefore, even in a scenario whereby the appeal proposal was considered to provide appropriate facilities for outdoor recreation, the proposal would not fulfil the requirements of criterion 154(b).
24. For the above reasons, the proposed development is not in the list of exclusions within Policy DM34 of the DMDPD and paragraph 154 of the Framework. Therefore, when judged against the wording of both local and national policy, the proposal is inappropriate development in the Green Belt which is by definition, harmful.
25. In coming to this view, I have had due regard to the HGBA which finds that the larger parcel of land, within which the appeal site is located, makes an overall weak contribution to the purposes of the Green Belt. Nevertheless, national and local policies do not take the quality of the contribution which a site makes to the Green Belt as a whole in account when assessing whether or not a proposal would be inappropriate development in the Green Belt.

Character and appearance

26. It is not disputed that the appeal site is located within National Character Area 35: Lancashire Valleys² and the 'Farmed Ridges' Lancashire Character Area³. During my site visit I observed that the site lies within a rural setting largely characterised by gently undulating farmland with mature field trees and larger woodlands, with a number of Public Rights of Way within the vicinity. To the north is the highway of Blackburn Old Road with a short terrace row of dwellings situated on the opposite side of this highway, facing the appeal site.
27. To the west is the dwelling at Blackleach Farm, situated on the opposite side of the public byway on Limers Lane. To the east the site is bound by open land which separates the appeal site from residential properties, and to the south are significant areas of undeveloped farmland which provide longer distance views of the site from this direction.
28. The existing vegetation on the northern and eastern boundaries of the site provides some screening from Blackburn Old Road, however as mentioned earlier I observed on my visit that this vegetation does not fully screen the site from views along this highway. Nevertheless, whilst scale is a reserved matter, based on the submitted layout plan I consider it likely that the 7no. pods would be modestly sized and due to their set back from Blackburn Old Road would be

¹ RB1104109; FP1104098 and FP1104097

² National Character Area maps and profiles - Natural England (2014)

³ A Landscape Strategy for Lancashire – Lancashire County Council (2000)

reasonably well screened from views along this highway by the existing vegetation.

29. The new access road and reception / maintenance building would however be visible from Blackburn Old Road, as would parked vehicles within the proposed car parking area, due to their siting much closer to this highway. Furthermore, these features would also be highly prominent from public vantage points when viewed from the public byway (RB1104109) which runs directly to the west of the appeal site. I also observed that the appeal site, and proposed developments, would be visible from longer distances along sections of the public footpaths (FP1104098 and FP1104097) situated to the south of the site across the undeveloped fields.
30. From these vantage points the appeal proposal would have an intensive appearance in comparison to its predominantly verdant surroundings, particularly when the proposed site is fully occupied and the car park contains multiple vehicles.
31. I acknowledge that the appellant states the internal access road would be constructed in environmentally friendly materials, and not be tarmac or concrete. However, my concern with the access road and car park is not only with the visual impact of these features themselves, but also the visual impact of the vehicles using these areas.
32. I also note the appellant has stated that future further landscaping can be controlled by condition. However, as the appeal scheme is at outline stage with landscaping a reserved matter, I have no landscaping scheme before me to conclude that the visual impact of the appeal proposal on the character and appearance of the area can be mitigated through sensitive landscaping.
33. In view of the above, the appeal proposal results in a moderate degree of harm to the character and appearance of this rural area. The proposal is therefore contrary to Policies Env3 and Env6 of the Hyndburn Borough Council Local Development Framework Core Strategy (2012) (CS), and Policy DM34 of the DMDPD. These policies together seek to ensure, amongst other things, that the character and quality of rural environments will be conserved and enhanced; that development proposals must not adversely affect the character of the rural landscape; and new development should contribute towards the conservation, enhancement or restoration of landscape character.

Highway Safety

34. The Highway Authority requested a plan be submitted to demonstrate that the required visibility splays can be achieved in each direction at the existing access point onto Blackburn Old Road. This plan does not appear to have been provided as part of the application.
35. The Council's third reason for refusal states that the submitted application has failed to provide details that satisfactory visibility splays can be provided at the site access onto Blackburn Old Road, and consequently the appeal proposal could be detrimental to highway safety.
36. I observed on my site visit that visibility to the east of the access point appeared to be reasonable but is compromised by the presence of a wall and hedge to the west. These features are not within the application site boundary. In the light of this a planning condition to secure the provision of the necessary

visibility splays would not be reasonable or enforceable, as I have limited evidence that the required visibility splays can be achieved.

37. Consequently, and in the absence of a plan identifying the achievable visibility splays on land within the appellant's ownership at the site access onto Blackburn Old Road, it has not been adequately demonstrated that the use of the existing access onto Blackburn Old Road would not compromise the safety of users of this highway. Accordingly, the proposal would also conflict with DMDPD Policy DM32 which requires new development to ensure that the safety of highway users is properly taken into consideration and not have an adverse impact on highway safety.

Other considerations

38. The appellant states that the Council, through its Core Strategy, has done little to promote uses of the type proposed by the appeal across the borough, and that there are no recreational facilities of the type proposed anywhere within the borough. I have minimal evidence before me to substantiate these claims and thus attribute them very limited weight in favour of the appeal scheme.
39. The appellant also states that the appeal scheme is a quality proposal that will require significant investment to bring to fruition and has potential for future growth. Furthermore, the appellant states that the proposal would provide several full-time and part-time employment opportunities. These comments are reiterated by an interested party, who also adds that the appeal scheme would attract tourists to the area and benefit the local economy, including nearby hospitality venues and the use of local supply chains.
40. Whilst limited substantive evidence has been provided to quantify the social and economic benefits referred to by the appellant and the interested party, I nonetheless acknowledge that there would be some arising from the appeal proposal, both during the construction phase and once operational. I therefore attribute them moderate weight in favour of the appeal scheme.

Green Belt Balance

41. The proposal 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, and it has not been demonstrated that the appeal scheme can provide safe vehicular access out of the site. Highway safety is an important matter, and consideration must be given to the public interest in providing safe access along the public highway. For that reason, this matter attracts significant weight.
42. 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; the character and appearance of the area; and highway safety.
43. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

44. The proposal 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, the appeal is dismissed.

R Major

INSPECTOR