



Appeal Decision

Site visit made on 25 April 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal Ref: APP/A2335/W/23/3335129

Lower Addington Farm, Birkland Barrow Road, Nether Kellett, Lancashire LA6 1FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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).
 - The appeal is made by Stonegate Agriculture Ltd against the decision of Lancaster City Council.
 - The application Ref is 23/00580/AD.
 - The development proposed is 5 silos.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended), (the GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. Where it is determined that development falls within the scope of these provisions, and any limitations are met, the local planning authority is required to assess an agricultural building solely on the basis of its siting, design and appearance. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan or the National Planning Policy Framework (the Framework). I have not been provided with any development plan policies; however, I have had regard to the Framework only in so far as it is a material consideration relevant to matters of siting, design and appearance.
4. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the avoidance of doubt, I have used the term AONB which remains in the latest version of the Framework.

Background and Main Issue

5. The proposed 5 silos would provide feed for existing poultry sheds located at Lower Addington Farm. The appeal proposal seeks to re-locate 5 silos from their existing position which is immediately to the east of the closest shed to the north of the appeal site. There are four smaller silos to the east of this shed also. The information before me sets out that the 5 silos in their existing position have been subject to an application for a Lawful Development Certificate¹, which was subsequently dismissed at appeal², as well as an enforcement notice³ requiring removal of the 5 silos. A subsequent appeal⁴ against the enforcement notice succeeded to a limited degree in relation to ground (g) only, relating to the time for compliance. Otherwise, the appeal did not succeed, including in relation to ground (a) whether or not planning permission should have been granted for the development. The enforcement notice was upheld as varied, requiring removal of the existing 5 silos within a 12-month period.
6. A planning application⁵ for the erection of an agricultural building for free range hens, which was refused by the Council but allowed on appeal⁶, has also been drawn to my attention. The position of this building would be to the south-east of the appeal site.
7. The main issue is the effect of the siting, design and appearance of the proposed 5 silos on the character and appearance of the surrounding area.

Reasons

8. The 5 silos would be re-positioned to the south of an existing poultry shed, at Lower Addington Farm. This poultry shed is a large, albeit narrow and low-level building, that sits south of Birkland Barrow Road and north of Kirkby Lonsdale Road. At present, this building is detached from other farm buildings, surrounded by open fields. The surrounding area is rural in character. There is a public footpath crossing the fields to the east (The Lancashire Way), while the boundary of the Forest of Bowland AONB, lies to the south-east.
9. The Council indicates that while the site lies beyond the AONB designation, it is within the area of the Docker-Kellet-Lancaster Drumlin Field. I have not been provided with any specific landscape character assessment for this drumlin field, however, I can appreciate that the rise and fall of the rolling countryside at this location would be characteristic of such glacial features, giving the area a distinctive character.
10. Land levels rise to the west and northwest of the appeal site and part of this rising land has been planted with trees. Given this topography and planting, the proposed silos would not be visible from public vantage points to the west and northwest of the site. From Birkland Barrow Road looking south, land levels presently rise and then fall away. Given the setback of the proposed silos from this road, as well as the landform and vegetation, it is unlikely that the appeal scheme would appear unduly prominent in public views from the north and northeast along Birkland Barrow Road. A wooded knoll to the east of the

¹ Application reference 20/00689/ELDC

² Appeal reference APP/A2335/X/20/3261623

³ Enforcement notice reference 21/00029/ENF

⁴ Appeal reference APP/A2335/C/21/3283349

⁵ Application reference 20/00019/FUL

⁶ Appeal reference APP/A2335/W/20/3265416

- appeal site would screen the proposed silos from public views along part of the Lancashire Way, where it first extends south from Birkland Barrow Road.
11. However, further south along the public footpath, beyond the wooded knoll, there would be clear and uninterrupted views of the proposed 5 silos. Additionally, while mature trees line Kirkby Lonsdale Road, views remain possible through these trees, and so the proposed 5 silos would be visible in public views from this direction also.
 12. In these views, the proposed 5 silos would be seen against the backdrop of rising land to the northwest and so they would not skyline. They would be positioned sufficiently close to the existing poultry shed, not to appear detached or as a significant encroachment into the countryside. Additionally, the angled arrangement of the proposed 5 silos, could, in some views from the southeast, assist in diminishing the bulky appearance of the silos. However, this would not be the case in all views.
 13. While the cross sections suggest that the proposed 5 silos would be sited at a lower ground level than the existing poultry shed, the same sections indicate that they would still exceed the height of the ridgeline of the nearest shed, as well as the height of the four existing silos to the north. Due to their exposed position, number and size, and arrangement as a solid bank of development, they would appear as an unduly dominant feature in this rural setting, when viewed from the east and southeast.
 14. I appreciate that silos are not an uncommon feature of farmsteads and that those proposed are of a standard design that is fit for purpose, providing weather-tight and secure storage for feed for the farm. Nevertheless, the arrangement of 5 silos of this size, in such close proximity to one another, would give the appeal scheme an industrial, rather than an agricultural appearance, that would be at odds with, and which would further exacerbate their harmful appearance in the rural landscape. While the undulating landform would ensure there were no longer range views of the appeal scheme, there would be visual harm to the character and appearance of the surrounding area.
 15. The appellant indicates that a review of alternative options has been considered and states that there is a robust functional need for siting the 5 silos as proposed, as it serves the agricultural practices on site. I acknowledge the functional link to the farming activities, and I appreciate that there would be some locations on the farm that would be more exposed than the appeal site, for siting the silos, such as their existing position, or on rising land to the northwest. However, details of the review of alternative options have not been provided to me, and so I cannot be certain that the siting and design of the appeal proposal is the only or best solution, when seeking to balance the functional needs of the agricultural business with the visual impacts of the proposal on the countryside, as suggested by the appellant.
 16. I have also considered the planning permission that exists for a further agricultural shed for free-range hens near to the appeal site. In views from the southeast, this building, if constructed, would sit within the foreground of the proposed 5 silos. However, it appears that this building would sit at a lower ground level than the appeal scheme. I have not been provided with any elevation drawings for this approved building, showing how high it would be. Given the difference in levels and the lack of information relating to its height, it is unclear whether this building would provide any degree of screening to the

proposed silos, while any new planting associated with this building would take time to mature.

17. To conclude, as a result of their siting, design and appearance, the proposed silos would appear as a dominant industrial feature at odds with, and visually harmful to the rural character and appearance of the area. Chapter 12 of the Framework seeks to ensure that new development is of good design that adds to the overall quality of the area and is sympathetic to local character, while Chapter 15 recognises the intrinsic character and beauty of the countryside and requires that planning decisions should contribute to and enhance the natural and local environment. As the siting, design and appearance of the proposal would harm the character and appearance of the area, it would not accord with these requirements of the Framework.

Other Matters

18. I note that a previous appeal decision makes reference to the Morecambe Bay and Duddon Estuary habitats sites. As I have found harm in relation to the main issue it is not necessary in this instance to undertake an appropriate assessment to consider any effects on these sites.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR