



Appeal Decision

Site visit made on 8 April 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/E2340/W/23/3326664

Field 3226 at the junction with Reedymoor Lane and Whitemoor Road, Foulridge, Lancashire BB8 7LJ

- 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 T Philpot against the decision of Pendle Borough Council.
 - The application Ref is 23/0102/FUL.
 - The development proposed is placing of office/store unit and alteration to entrance gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the address within the submitted planning application form incorrectly references "Whitemoor Lane". The address in the above banner heading is therefore taken from the appeal form, which correctly refers to "Whitemoor Road".
3. I observed on my site visit that the appeal proposal has already been implemented.
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.

Main Issues

5. The main issues are:
 - i. whether or not the building is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - ii. the effect of the building and alterations to the entrance gates 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 including effect on openness

6. The appeal relates to a parcel of land located on the northern side of Reedymoor Lane, situated close to its junction with Whitemoor Road (B6251). The site is located within land designated as both Green Belt and Open Countryside and has planning permission¹ for equestrian use.
7. Policy ENV 2 of the Local Plan for Pendle - Core Strategy 2011-2030 (2015) (LP) states that proposals should, where applicable, maintain the openness of the Green Belt by way of their siting, size, design and appearance. Therefore, this policy conforms 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. 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.
10. 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.
11. The appellant contends that the proposal meets the exception requirement of paragraph 154 (b), in that it relates to a building on a site that is used for the recreation purpose of stabling horses by the appellant. The appeal submission states that the appeal building provides an office, store building and staffroom.
12. I note the Council's comments that in this case there cannot be an exception under paragraph 154 (b) as the site is not in commercial use and the previously approved development on this site provides kitchen and office facilities. However, I must determine the appeal based on the appellant's description of the proposed use of the appeal building and there is no requirement under paragraph 154 (b) to demonstrate a need for the building, only that it be an appropriate facility for recreation use. Furthermore, there is no requirement under 154 (b) for the recreational use to be commercial.
13. As such, I accept that the stabling and keeping of horses for personal use is an outdoor recreational use, and therefore based on the appellant's description of the proposed use of the appeal building as an office, store and staffroom in association with the outdoor recreational use of the site, this building could be an appropriate facility for outdoor recreation.
14. Nevertheless, to comply with paragraph 154 (b) an assessment must also be made as to whether the introduction of this new building has an impact on the

¹ Council Ref: 21/0844/FUL

- openness of the Green Belt, which can be perceived both spatially and visually, and does not conflict with the purposes of including land within it.
15. I acknowledge the appellant's comment that there are other existing buildings on this site and therefore the site is not presently open. Nevertheless, the new building has been sited to the southwest of these existing structures and has extended the built development on this site beyond its previous extremities. As such, the introduction of a new building where there previously was no building has extended the boundaries of the built development on the site and consequently altered the spatial openness of the Green Belt in this location.
 16. Visually, the appeal building is visible above the existing hedgerow from short distances along Reedymoor Lane. It is also visible from mid-range views along the Public Right of Way² (PROW) which runs through the adjacent field to the southwest of the site. From this view point the appeal building is visible above the existing fence line and particularly prominent as it is the closest building on the appeal site to this PROW.
 17. From longer distances, the appeal building is visible from the north when the site is viewed from Whitemoor Road, as this vantage point is considerably higher than the appeal site. Whilst I observed that other buildings on the appeal site are also visible from this location, the appeal building appears more prominent than the other buildings on site, as a result of its larger size and siting on the edge of the appeal site. As such the appeal building also has a visual impact upon the openness of the Green Belt.
 18. I note the appellant's comments that this building replaces a container that was previously on site. However, on the basis of the submitted plans this previous container was considerably smaller than the appeal building, and was positioned more centrally within the site, and therefore enclosed by other buildings and structures. As such the appeal building has more of an impact on both the visual and spatial aspects of openness than the previous container on site.
 19. The appeal building 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, the appeal building would not fulfil the requirements of criterion 154 (b) of the Framework.
 20. With the above in mind, the appeal building represents inappropriate development in the Green Belt as defined by the Framework and causes moderate harm to openness. The appeal building therefore conflicts with LP Policy ENV 2 insofar as this policy states that proposals should where applicable, maintain the openness of the Green Belt by way of their siting, size, design and appearance.

Character and appearance

21. The appeal site lies within a rural setting largely characterised by grassland with mature field trees and larger woodlands, with a number of PROWs within the vicinity. To the north of the site runs the disused railway line, which is overgrown with mature trees, and beyond this the land slopes steeply upwards, resulting in the land to the north having elevated views of the appeal site and its

² FP1312009

surroundings. Directly to the southwest is a field with the aforementioned PROW running through it and beyond this field is a small cluster of residential properties. To the east is the highway of Whitemoor Road and to the south Reedymoor Lane, with green fields situated on the opposite sides of these highways.

22. The existing hedge along the boundary of the appeal site with Reedymoor Lane somewhat screens the other buildings on the appeal site from nearby vantage points along this highway, as well as from sections of Whitemoor Road to the south of the appeal site. The appeal building however is a relatively large, flat roofed structure which stands taller than the existing hedgerow. As a result, the top section of the appeal building is visible above this hedgerow when viewed from public vantage points directly adjacent to the appeal site, and its light-coloured external finish only exacerbates its visual prominence.
23. Additionally, the appeal building is also visible from mid-range views along the PROW in the adjacent field to the southwest, and due to the rising land levels to the north, from longer distances along sections of Whitemoor Road. As mentioned earlier, I acknowledge that other buildings on the appeal site are also visible from this location, however due to its siting and size the appeal building stands out within the landscape in comparison to the other buildings on the site.
24. The altered solid entrance gates are also visible from public vantage points along both Reedymoor Lane and Whitemoor Road in relatively close proximity to the appeal site. These solid gates have an oppressive commercial appearance which is not characteristic of the rural nature and equestrian use of the appeal site.
25. During my site visit I observed a number of other access gates within the wider area, and these were of a more traditional and open design which allow views through and into the surrounding fields. The gates at the appeal site are solid in appearance and do not allow any views through, resulting in a harsh man-made feature in this rural location.
26. The appellant contends that the gates are not visually intrusive when viewed in the context of the road signs and solid bus shelter adjacent to the site. In this regard the road signs are an essential feature that serve a public function. Furthermore, they are also considerably smaller and therefore are not visually comparable to the scale and massing of the solid gates. Additionally, the existing road side shelter also provides a functional facility for the public and in terms of its design is relatively attractive in appearance with its stone walls / pillars and slate roof. This shelter is therefore visually in keeping with the character of this rural area.
27. The appellant also asserts that Reedymoor Lane is not ideally suited for walkers as it has no footpath, meaning users will be focussed on the road and consequently views of the appeal site will be fleeting. During my site visit I walked in both directions along Reedymoor Lane on a number of occasions and observed that the top section of the appeal building is clearly visible above the hedgerow from this highway, and the gates are also prominently viewed from Reedymoor Lane and Whitemoor Road. Additionally, whilst I acknowledge my site visit is only a snapshot in time, I witnessed a number of walkers, joggers and cyclists using both Reedymoor Lane and Whitemoor Road.
28. In view of the above, the appeal building and the alterations to the entrance gates have introduced visually incongruous and alien features into this rural location, which result in moderate harm to the character and appearance of the

area. The proposal is therefore contrary to LP Policy ENV 2 which seeks to ensure, amongst other things, that development proposals make a positive contribution to local identity and character.

29. The proposal is also contrary to the Framework where it seeks to ensure that developments add to the overall quality of the area, are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Other considerations

30. The appellant states that the appeal building has replaced a container that previously existed on site and this new building is more suitable for its intended use than the previous container which was in poor condition. I have very limited information before me in respect of the condition of the previous building on this site and its suitability for its intended purpose. As such, this matter carries limited weight in favour of the appeal.
31. The appellant comments that the 'solidifying up' of the gates has been undertaken as a security measure, however there is no substantive evidence before me that the appeal site is at risk from criminal activity. Furthermore, I have been provided with limited evidence that the 'solidifying up' of the gates is the only way of improving security at this site. Consequently, and based on the lack of evidence provided in respect of the need to alter these gates in this way, I attach limited weight to the added security benefits arising from the alterations to the gates.

Green Belt Balance

32. 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 also results in moderate harm to the character and appearance of the area.
33. 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 provide limited weight in favour of the appeal, 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.
34. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

35. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR