



Appeal Decision

Site visit made on 30 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/A2335/W/24/3341267

Richmond Hall, Lancaster Road, Cockerham, Lancashire, LA2 0DU

- 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 Mrs Victoria Walmsley on behalf of Richmond Hall Farm Ltd against the decision of Lancaster City Council.
 - The application Ref is 23/01444/FUL.
 - The development proposed is the erection of an agricultural storage building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural storage building at Richmond Hall, Lancaster Road, Cockerham, Lancashire, LA2 0DU in accordance with the terms of the application, Ref 23/01444/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the landscape, character, and appearance of the area.

Reasons

3. The appeal site comprises an existing area of hardstanding¹ located to the north of Richmond Hall Farm, which is a large dairy farm. The farm is located within the open countryside adjacent to the A588 between the villages of Thurnham and Cockerham. Within the farm complex are a range of medium and large-scale agricultural buildings.
4. A Grade II listed building, known as 'Laund House'², is located approximately 135 metres to the south and is separated from the appeal site by existing farm buildings. The Council concluded that there will be no adverse impacts on the setting of this heritage asset arising from the proposed development and based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.
5. The surrounding area is rural in character, with a number of farmsteads and scattered residential properties, visible within the surrounding area. The topography is undulating, with a number of these farmsteads, including the appeal site located on elevated ground.
6. The appeal is seeking approval for the erection of an agricultural storage building measuring approximately 18 metres wide by 59 metres in length, with

¹ Planning Application Ref: 22/00988/AD

² List Entry Number: 1164114

an eaves height of approximately 7.2 metres and a maximum ridge height of approximately 9.6 metres. It would be constructed of concrete panels and Yorkshire boarding with fibre cement sheets to the roof. These materials are typical of buildings within the farm complex and also those present within the wider area.

7. Policy DM29 of the A Local Plan for Lancaster District 2011-31 Part Two: Development Management Development Plan Document, adopted July 2020 (DMDPD) states development should contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.
8. Policy DM46 of the DMDPD states that outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping.
9. The proposed building would be a large, new building. However, it would not appear out of character with the scale and height of buildings already present at the farm. The proposed building would also be of a similar design and appearance to neighbouring buildings and therefore would be viewed in the context of these buildings. As a result, it would not represent a dominant or intrusive addition to the landscape.
10. Whilst I note the Council's concerns regarding the need for the amount of storage proposed, they recognise that their observations from their site visit represents only a snapshot in time, as did my own visit to the site. Nevertheless, the evidence provided by the appellant indicates the storage needs of the farm being some 12000 tons, which is required to feed their dairy herd, particularly throughout the winter months. Therefore, I am satisfied that from the evidence before me, the proposed building is commensurate with the size of the holding and the size and requirements of the agricultural enterprise for which it is proposed.
11. The proposed building, although located close to existing buildings and covering part of an existing area of hardstanding, would be located approximately 14 metres from the buildings within the existing complex. The appellant states that this is a necessary operational gap to enable access to the buildings, including by large vehicles and lorries, as required. Therefore, whilst I accept that there would be a visible gap between the buildings, where views of the proposed building would be possible, this would not lead to it being viewed as an isolated form of development, it would still be viewed alongside the existing buildings within the wider complex which are of a similar scale and appearance.
12. As noted above, the appeal site is located in an elevated position. As such, the existing buildings within the farm complex are visible, in certain viewpoints, from the nearby road and public right of way (PROW). Although the Council states that the proposed building would break the skyline, they also accept that the farm complex contains a range of buildings, including those which are of a similar footprint or height. Therefore, whilst I acknowledge that the appeal site is visible, from certain vantage points within the wider area, the appearance of

the proposed storage building would be agricultural and therefore expected in a rural location such as this.

13. The proposed building would also be viewed alongside existing buildings and structures within the farm complex and would not lead to an unacceptable extension of the farm complex into adjoining countryside. Furthermore, the appeal site is enclosed by existing, mature landscaping features which would assist in visually containing the development as a single complex of buildings.
14. The appeal is supported by a landscaping scheme which would involve the planting of additional native species hedgerow and trees, to supplement the existing mature landscaping which currently surrounds the appeal site. Although I accept that it will not be possible to minimise all views of the building through landscaping, I am satisfied that the landscaping would minimise some of the visibility of the building from the nearby road and would also soften the appearance of the building in longer range views. I am satisfied that the implementation of the landscaping scheme would be capable of being secured by the imposition of a suitably worded planning condition.
15. I have had regard to the Council's case that there are other locations within the ownership of the appellant, which could result in lesser visual impact arising from the proposed development. However, I have not been provided with any substantive evidence that there are suitable alternative locations for the development. Based on the evidence before me, the suggested location would appear be towards the southeastern corner of the farm, which would be located on much lower ground than the existing silage clamp location and also the recently constructed slurry lagoon. This would be likely to present challenges for draining the effluent into the existing slurry lagoons, both of which would be located on higher ground.
16. Therefore, I find that it has not been demonstrated that this represents a suitable location, bearing in mind the aims of the proposed development, which is to minimise pollution, thereby improving water quality. Furthermore, the alternative location, whilst potentially having a closer relationship to existing buildings and minimising viewpoints from the road, would nevertheless still result in a highly prominent form of development when viewed from the nearby PROW, which runs through the farm.
17. At present the use of the uncovered silage clamp for storage of grass is a potential hazard in respect of the health of the cattle, and the risk of water pollution. Silage effluent is a pollutant that can cause harm to the aquatic environment and therefore, rainwater falling onto silage should be diverted and drainage separately from the silage effluent, to avoid rainwater being contaminated and to minimise the amount of effluent that needs to be dealt with. The appeal site is located close to nearby watercourse, which increases the risk of pollution or adverse harm to water quality. I also understand from the evidence before me that The Wyre and Lune Catchment Area already has a significant amount of slurry/effluent being managed.
18. As outlined above, the size of the holding means that there is a requirement for large amounts of silage to be stored. As a consequence, any water ingress into open storage areas will result in a large amount of effluent being created. The proposed development would provide additional covered storage for the farm holding, thereby minimising the amount of effluent created and reducing any risk of this discharging into the nearby watercourse and thereby reducing the

risk of pollution. Both the Environment Agency and Natural England support these types of projects to improve water quality in the local area. Therefore, this is a benefit of the proposed development to which I attribute significant weight.

19. Consequently, for the reasons set out above, whilst I acknowledge that the proposed development would cause some localised harm to the landscape, character and appearance of the area, this would be limited. The proposed development would also provide substantial benefits in terms of reducing water pollution. Therefore, in this particular case, I find that these benefits would be sufficient to outweigh the limited and localised landscape harm I have identified. Thus, I conclude that the proposed development would not cause unacceptable harm to the landscape, character and appearance of the area.
20. The proposed development would thus comply with Policies DM29 and DM46 of the DMDPD, which require amongst other things, development to be in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping. It would also comply with Policy EN3 of the A Local Plan for Lancaster 2011-2031: Part One - Strategic Policies and Land Allocations Development Plan Document which states that development proposals located within the open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management DPD relating to development in the rural areas.
21. I also find that the proposal would not be contrary to Sections 12 and 15 of the Framework.

Conditions

22. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have imposed standard conditions concerning commencement and compliance with the submitted plans. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
23. A condition (3) requiring surface water drainage to be carried out in accordance with the submitted Surface Water Drainage Scheme is required to ensure there is no increased risk of flooding on or off site resulting from the development. Further conditions (4 and 5) requiring, tree protection measures and landscaping to be implemented in accordance with the submitted details are required in the interests of protecting the character and appearance of the area. Finally, a condition (6) is required, to ensure that in the event that contamination is found during the development, necessary steps are taken to minimise the risk of contamination during construction.

Conclusion

24. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - Proposed Site Plan
 - Plan View
 - Elevations
 - Proposed Planting Scheme (prepared by Rural Futures)
- 3) The development hereby permitted shall be fully implemented in accordance with the following details:
 - Surface Water Drainage Scheme - Richmond Hall Farm Silage Building

The scheme shall be implemented in accordance with the approved details prior to first use or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

- 4) The development hereby permitted shall be fully implemented in accordance with the following approved details:
 - Tree Constraints Plan provided by Yew Tree and Gardens
 - Site Guidelines
 - Tree Protection Measures

In particular the approved protection measures shall be fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.