



Appeal Decisions

Site visit made on 5 November 2024

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal A Ref: APP/F0935/W/24/3345843

Tarn Bank, Greysouthen, Cumbria CA13 0AL

- 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 Sherriff against the decision of Cumberland Council.
- The application Ref is FUL/2023/0208.
- The development proposed is bale storage shed.

Appeal B Ref: APP/F0935/W/24/3345844

Tarn Bank, Greysouthen, Cumbria CA13 0AL

- 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 Sherriff against the decision of Cumberland Council.
- The application Ref is FUL/2023/0209.
- The development proposed is machine store.

Appeal C Ref: APP/F0935/W/24/3345845

Tarn Bank, Greysouthen, Cumbria CA13 0AL

- 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 Sherriff against the decision of Cumberland Council.
- The application Ref is FUL/2023/0210.
- The development proposed is sheep penning building.

Appeal D Ref: APP/F0935/W/24/3345851

Tarn Bank, Greysouthen, Cumbria CA13 0AL

- 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 Sherriff against the decision of Cumberland Council.
- The application Ref is FUL/2023/0207.
- The development proposed is erection of biomass building.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.
4. Appeal D is dismissed.

Preliminary Matters

5. As set out above, there are four appeals at this site. Each appeal relates to a separate building, but they would be attached to one another and in the same location. The planning applications subject of the appeals were refused for substantially similar reasons. Therefore, in the interests of clarity and to avoid duplication, I have dealt with the four appeals in a single decision letter.

6. At the time of my visit, I observed that land has been excavated to create a level platform and to create an access through the tree belt from the quarry road to the northeast. The appeals do not include details of earthworks or access. The Council considers that these works are unauthorised engineering operations, which would need to be considered separately. Nevertheless, I have taken into account what I saw insofar as relevant to the main issues.
7. As Tarn Bank and its observatory are Grade II listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

8. Therefore, the main issues are:
 - i) In Appeals A, B and C, whether there is a demonstrable agricultural need for the proposals in connection with a viable farming business sufficient to justify development in the open countryside;
 - ii) In Appeal D, whether the proposal would be an acceptable form of rural development, taking into account local and national planning policies for the protection of the countryside; and
 - iii) In Appeals A, B, C and D, the effect of the proposals on the rural character and appearance of the area.

Reasons

Appeals A, B and C, agricultural justification

9. The appellants purchased Tarn Bank in 2023, together with around 65 acres of land including agricultural grassland and parcels of woodland. There are numerous historic outbuildings to the rear of the dwelling with more widely separated outbuildings, including a modern agricultural building¹, in the low yard to the southeast of Tarn Bank.
10. There has not been a farming business operated from Tarn Bank for many years, with the land formerly managed under tenancy by local farmers. However, the appellants intend to manage the land as a small-scale enterprise in a way that is economical and sustainable. The evidence suggests it would principally be a sheep rearing enterprise. The appellants also keep goats, pigs, chickens, turkeys and ducks for personal consumption and sales of meat, eggs and breeding stock. They intend to keep a small herd of dairy/beef cross cattle from 2024. To support the livestock enterprise, they take a hay crop from the land in the form of small bales for overwinter fodder and for surplus sales. A tree surgery business operates alongside the farm.
11. The recently constructed building provides sheep pens, bale and small machinery storage. However, the appellants consider that, even with this, the range of existing buildings is not adequate to meet the requirements for livestock housing, storage for bales and farming machinery.
12. Policy S3 of Allerdale Local Plan (Part 1) Strategic and Development Management Policies Adopted July 2014 (the LP) sets out the Council's

¹ Planning permission Ref: FUL/2024/0032, agricultural building for farm use, dated 10 April 2024.

locational development strategy. This seeks to limit development in the countryside unless there is a demonstrable need, including the diversification of agricultural or land based activities and other developments with a requirement for a rural location. LP policy S14 supports the continued economic viability of farming and other land based enterprises, including appropriately designed and related agricultural development and buildings. This approach is broadly consistent with paragraph 88 of the National Planning Policy Framework (the Framework) in relation to the sustainable growth and expansion of rural business, including well-designed, beautiful new buildings; and the development and diversification of agricultural and other rural businesses.

13. In relation to the Appeal A bale storage building, the evidence with the planning application indicates a minimum of 2 hay cuts from 45 acres of land, yielding 10,000 small bales per annum. However, the appeal suggests that only 20 acres of land would be cropped. On the basis that less than half the area originally proposed would be cut, the need for bale storage, and the size of the building, would presumably be reduced. Irrespective, while 5 acres were cropped this year, no average yield information has been provided to quantify bale storage requirements. The appellants consider that the recent agricultural building should not be taken into account in the appeals. However, it does provide for bale storage and I see no reason why its capacity should not be offset against the need for a new building. Therefore, it has not been robustly demonstrated that the proposed bale storage building would be proportionate in scale to the needs of the farming enterprise.
14. In terms of the need for the Appeal B machinery store, a schedule of farm vehicles and machinery was provided to the Council during the processing of the application. No such schedule has been provided with the appeal, but I understand it included existing and potential future equipment and it was not clear what was reasonably required in connection with the management of the holding. While the appellants have purchased further machinery, little detail of land management, vehicles or machinery have been provided with the appeal. Consequently, and taking into account the recent agricultural building, it has not been demonstrated that the proposed machinery store would be proportionate in scale to the needs of the holding.
15. With respect to the need for the Appeal C sheep penning building, the evidence submitted with the applications subject of the appeals, and in relation to the recently approved building, indicates that the appellants have between 40-60 sheep and goats. The short to medium term plan indicates that the sheep flock will be increased to around 300 mainly breeding ewes. Irrespective of future intentions, there is an existing reasonable requirement for suitable livestock housing. This is now being met, at least in part, by the recently constructed building. I accept that the appellants want to increase livestock numbers, in which case the existing buildings may not be adequate. However, taking into account land in other uses including woodlands, tree planting and fodder production, and in the absence of a business plan, discussed below, there is little robust evidence that the holding could support a viable flock of 300 ewes plus lambs, together with pigs, poultry, goats and herd of cattle.
16. Turning to the agricultural business as a whole, there is little information about the land holding, except that it includes agricultural land and woodland. I note

that the appellants have a County Parish Holding number, but this is required in relation to the livestock and it does not evidence a viable rural business.

17. The submitted short to medium term plan sets out the aims and objectives for the enterprise in terms of the appellants' intentions to improve the land and manage it economically and sustainably. As the appellants have only relatively recently acquired the land, there are no financial accounts for previous years to demonstrate an existing viable farming business. Even so, the plan is not a robust or fully costed business plan. Taking into account the infancy and size of the enterprise and in the absence of substantive information, there is little compelling evidence that it would be an economically viable farming business with a justified long-term requirement for the range of buildings proposed.
18. Therefore, I conclude that there is not a demonstrable agricultural need for the bale store, machinery store and sheep penning buildings in connection with a viable farming business sufficient to justify the scale of development in the open countryside. As such, Appeal A, Appeal B and Appeal C would conflict with the aims of LP policies S2, S3 and S14 in relation to proposals in the countryside being proportionate in scale to viable farming enterprises.

Appeal D biomass building

19. The appellants intend to replace the domestic oil-fired central heating system in Tarn Bank. The biomass building is proposed to house a biomass boiler and pellet store, associated equipment, blower, wood and chip store. While there is little evidence the building would be proportionate to a domestic biomass heating system, there would also be drying floors for processing wood waste and harvested chip in order to reduce future commercial pellet deliveries. The building would also be used for the storage and drying of timber in connection with the appellants' tree surgery business.
20. The building would be agricultural in design and appearance, remote from and poorly related to the dwelling. The evidence suggests that there are no suitable existing buildings closer, taking into account the size of pellet delivery vehicles, the constraints of the access, and the need for timber processing and drying. However, it has not been demonstrated that the existing access would not be suitable for domestic deliveries of pellets or that the proposed biomass building and its location is the most realistic, practical and feasible solution.
21. The biomass boiler would be connected to the dwelling by a considerable length of insulated buried pipework that would cross the curtilage of the listed building and connect into the basement of the dwelling. The details of the pipework do not form part of the appeal nor has a Listed Building Consent application been made in this regard. The appellants consider that there will be a suitable route through the grounds and into the building, but this is unsubstantiated in the absence of Listed Building Consent for the buried pipework and heating system.
22. I understand that the existing oil central heating is not efficient and it needs an overhaul. However, even if the existing arrangements are not adequate to maintain the historic fabric of the building, Appeal D does not relate to the replacement of the domestic heating system, the benefits of which would be a matter for a future Listed Building Consent application.

23. Therefore, the proposed biomass building is not demonstrably development that requires a rural agricultural location, taking into account national and local policies that protect the countryside. Appeal D would conflict with the locational aims of LP policies S2 and S3 in relation to the scale of development and the technical or operational justification for the rural location.

Character and appearance

24. The proposed buildings would be to the east of Tarn Bank, on a roughly crescent-shaped area of grassland enclosed by woodland belts. The appeal sites occupy an elevated location, widely separated from Tarn Bank and from the existing farm buildings which are set in a small valley with a tree-lined watercourse below. It is an area of undulating countryside characterised by grasslands with hedgerows, scattered trees and small patches of woodland.
25. Tarn Bank is a Grade II listed building dating from the early 19th century. It is a large 2-storey dwelling finished in ashlar stone with a hipped slate roof and it has a range of stone outbuildings arranged around a rear courtyard. It is accessed via a long driveway that serves the front of the dwelling and loops around to serve the rear outbuildings and the low yard in the valley beyond. To the south of the dwelling, the ashlar sandstone observatory with a lead-domed cupola is also Grade II listed and it has group value with Tarn Bank. Tarn Bank and its observatory occupy a relatively secluded woodland setting.
26. Insofar as relevant to the appeals, I find the formal driveway, residential managed grounds and wooded setting, which comprise its setting, contribute to the special interest of Tarn Bank as fine example of a high status rural dwelling. Notwithstanding that the appeal sites are in the same ownership, by virtue of wide separation, screening by intervening woodland, and access via the quarry road to the rear, I find that the proposed buildings would not impact upon the setting of the listed buildings thereby preserving their special interest.
27. Nevertheless, the appeal buildings would result in a significant quantum of new development in the countryside. The bale store and machinery store would each measure a little over 16m by 16m, with a pitched roof with ridge some 6-7m tall. They would effectively be 2 halves of the same building, sandwiched between the biomass and sheep penning buildings. The latter buildings would be orientated perpendicular to the substantially large central shed, with maximum height at or below the central ridge and protruding out several metres to the front and rear of it. The plans suggest that the cumulative footprint of the buildings would be substantially large compared to Tarn Bank, its existing outbuildings or buildings elsewhere in the surrounding area.
28. The biomass and sheep penning buildings would be modern agricultural buildings finished in Yorkshire boarding above concrete panels. In contrast, the long central section would be finished in metal cladding, with each half served by tall roller shutter doors, resembling a large industrial building. I understand the rationale for their siting away from the dwelling. However, by virtue of their design and isolated siting, they would be poorly related to existing buildings and would not have the appearance of a traditional farmyard. The buildings would be set lower than surrounding land, but the extensive levelled platform with retaining walls would be alien and visually obtrusive in this location.

29. That being said, it is difficult to fully evaluate the visual impact of the proposals in the absence of detailed topographic or layout plans. In this regard, the plans do not illustrate the breach in the woodland, the access from the quarry road, the extent of land levelling, retaining walls to the woodland edge, extent of tree removal, hardstanding yard or any internal access. Moreover, it is not clear that the plans are accurately scaled or the buildings accurately sited. The location plan and 'As proposed plans and elevations' drawings both illustrate that the buildings would be sited close to the edge of the woodland belt along the quarry road but they differ in relation to the extent of incursion into the woodland belt. In either case, there would be clearing of woodland and levelling of land to the northeast of the buildings to provide hardstanding for parking and manoeuvring of vehicles and to enable access to the buildings.
30. Taking into account the scale of the appeal buildings, the likely extent of land levelling, retaining walls, hardstanding and tree loss, the proposals both individually and cumulatively would be prominent and visually obtrusive. Even accepting that some trees could be retained between the buildings and the quarry road, the proposals would significantly diminish the woodland belt, which is a strong landscape feature. Trees in the surrounding area would provide some screening, but the appeal buildings would nevertheless be visible from locations in the surrounding landscape and more so during winter when the trees were not in leaf.
31. The appellants are undertaking a programme of tree planting across their land, and they would be amenable to planting further trees to screen the buildings. However, as noted, there are no detailed layout plans illustrating the proposals and their relationship to surrounding land. No arboricultural assessment has been provided to establish the location and extent of tree loss or the need for replacement or screen planting. Even if vegetation could be relied upon to screen development from view, it has not been demonstrated that the adverse visual impact on the rural landscape could be adequately mitigated by planting. As such, this is not a matter that could be addressed through the imposition of planning conditions.
32. The appeals relate to separate buildings such that each can be considered on its own merits and in combination with any or all of the others. The removal of one or more of the buildings would reduce the cumulative scale and massing of the group. However, the removal of either or both of the central sheds would leave the remaining buildings poorly related to one another. The removal of either or both end buildings, which are typically agricultural in appearance, would render the larger industrial buildings more prominent in the rural landscape. There is in any case little evidence that the extent of the levelled platform, retaining walls and hardstanding, and tree loss, would not be substantially similar in any scenario.
33. Therefore, I conclude that by virtue of scale, design and siting, the appeal buildings, individually and cumulatively, would harm the rural character and appearance of the area. Accordingly, Appeal A, Appeal B, Appeal C and Appeal D conflict with the aims of LP policies DM6, S2, S3, S14, S32 and S33. These require, among other things, that proposals respect and enhance the surrounding landscape and make a positive contribution to local distinctiveness, having regard to matters including design, scale and siting.

Other Matters

34. Planning permission for the recently approved agricultural building was granted in March 2024 after the appeals were made. It measures around 25m x 9m with an overall height of about 5m and it sits alongside and is well related to the existing low yard. It provides sheep pens and bale/small machinery storage, which the Council considers is proportionate to the scale of the farming operations. While it would not meet the anticipated future requirements for agricultural or biomass buildings, it is a reasonably sized building that provides some of the functionality and capacity of the proposed bale storage, machinery store and sheep penning buildings. Consequently, it weighs to an extent against the scale of the proposals.
35. Solar photovoltaic panels would be fitted to the roofs of the proposed agricultural buildings. This would contribute to the energy efficiency of the farming enterprise and to the aims of the Framework in relation to meeting the challenge of climate change. However, the appeals do not relate to planning applications for renewable and low carbon development and the solar panels would not be energy efficiency improvements to existing buildings, for the purposes of the Framework. The positive weight in favour of the renewable energy source would not outweigh the significant harm that I have found.

Conclusion

36. For the reasons set out above, I conclude that each of the appeal proposals would conflict with the development plan and there are no material considerations that would outweigh that conflict.
37. Therefore, I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR