



Appeal Decision

Site visit made on 21 November 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 3 January 2025

Appeal Ref: APP/A2335/W/24/3345679

Greenbank Farm, Hornby Road, Cloughton, Lancashire LA2 9JD

- 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 David Platts against the decision of Lancaster City Council.
 - The application Ref is 24/00089/FUL.
 - The development proposed is erection of an agricultural livestock building, silage clamp and midden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the appellant had agreed to undertake an air quality assessment and retain the existing hedgerow, the assessment and amended drawing had not been submitted to the Council before the determination of the application. Therefore, the appeal has been determined on the basis of the information submitted with the original application.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. However, the principles relevant to this decision remain the same, and it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication.

Main Issues

4. The main issues are the effect of the proposal on i) the character and appearance of the area, including on the Forest of Bowland National Landscape¹; ii) the integrity of designated and European sites; and iii) historic hedgerows.

Reasons

Character and appearance and effect on National Landscape

5. Greenbank Farm is located adjacent to the A683. The farmstead is sited higher than the road and overlooks the flat river valley floor of the River Lune. Behind the farmstead the land rises steeply. Small trees and bushes, the surviving remnants of hedgerows, are dotted around the fields, with larger trees visible

¹ Previously the Forest of Bowland Area of Outstanding Natural Beauty

on the skyline at the top of the slope. Adjacent to the proposed buildings, the ground slopes down into a gully with a small stream.

6. The farmstead consists of a small range of buildings, including older, stone buildings, and modern blockwork buildings, sited to the rear and side of the traditional stone farmhouse. Those I saw were used for storing equipment, or had cattle pens containing calves.
7. The site is within the Forest of Bowland National Landscape (NL). National Landscapes are designated for the purposes of conserving and enhancing natural beauty. The NL consists of open moorland and high fells, as well as areas of lower lying landscapes. Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purposes of protected landscapes, in this case the NL, in this decision. The site is described as within an area characterised as undulating lowland farmland with wooded brooks and a patchwork of pasture fields, deeply incised by wooded troughs and gorges. Field boundaries are either stone walls, or in this case, hedgerows.
8. Policy DM46 of the Lancaster District Local Plan 2011-2031 Part Two², 2020, (DMDPD), states that the Council attaches great weight to the protection of nationally important designated landscapes. Furthermore, paragraph 189 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving the landscape and scenic beauty of National Landscapes.
9. The proposed development would be in a field, where the boundary adjacent to the appeal site is marked by a post and wire fence and the remains of an old hedgerow. It would be reached by an existing access through the farmyard and would be located next to the existing farmstead.
10. The proposal is for two adjoining buildings. The livestock building would provide loose housing for cattle and replace the existing cow shed which does not provide the required space standards and current Red Tractor Assurance Standards, as the farm intends to rear calves between 0 and 36 months, a longer period than currently. The second building would contain a midden and a silage clamp for storing grass to feed cattle on the farm in the winter. A covered building for this purpose is encouraged by Natural England to reduce water run-off into vulnerable sites and watercourses. Moreover, allowing the grass taken from the farm to be stored and kept dry, reduces losses of the crop and avoids storage in plastic bales.
11. The surrounding land levels constrain the location of buildings, and it is acknowledged if the buildings were reorientated so that the gable elevations were visible from the road, it would require greater excavation into the adjoining hillside. However, the existing farmstead is relatively compact, with the differing roof forms of the farm buildings being low in height and clustered around the farmhouse. Instead, the proposal, despite the materials reflecting the colour of existing buildings, would be linear and homogenous in form, extending the building line and farmstead into the adjoining field. Whilst avoiding the construction of further tracks or hardstanding, and not affecting adjoining residential properties, the proposal would result in elevations stretching for 36.5 metres, encroaching into the designated landscape.

² Review of the Development Management DPD

12. Whilst acknowledging that the proposed height of the buildings is determined by the need for trailers to be tipped at full height to comply with safe working guidance³, the buildings would, nevertheless, be a dominant and intrusive addition into this rural and attractive landscape. Although not originally proposed, the appellant has stated that they would be prepared to do tree planting to screen the buildings from the A683. However, the existing landscape in this location is relatively open in character and trees would take a considerable time to grow to the extent that they would screen the proposed buildings. Notwithstanding this, the buildings would be within an open field and highly visible from the road to the north-west, as well as the footpath which runs alongside it. It would be an intrusive addition to the landscape in this location and visually detrimental to the character and appearance of the area and the NL.
13. I therefore conclude that it would result in significant visual harm to the character and appearance of the area, and it would fail to conserve and enhance the natural beauty of the NL.
14. It would not accord with Policies EN2 and EN3 of the Lancaster Local Plan 2011-2031 Part One⁴, 2020 (LADPD) and Policies DM29 and DM46 of the DMDPD. Collectively these policies seek to contribute positively to the character of the area and open countryside, as well as attaching great weight to the protection of nationally important designated landscapes, including the NL⁵. It would also not accord with Policies CL2 and CL8 of the Caton-with Littledale Neighbourhood Development Plan (2021 to 2031) (CLNP) which seeks to ensure development conserves and enhances the landscape of the AONB⁶.

Designated and European sites

15. The proposed buildings would be used for livestock, and as a midden and silage clamp. However, manure stores and livestock sheds are a major source of ammonia emissions, toxic to vegetation and a major contributor to nitrogen deposition which reduces habitat biodiversity.
16. The appeal site is within the impact risk zone of several designated sites: Artle Dale Site of Special Scientific Interest (SSSI), Burton Wood SSSI, Bowland Fells SSSI and Special Protection Area (SPA), Calf Hill and Cragg Woods SSSI and Special Area of Conservation (SAC), Morecambe Bay SSSI, SAC, SPA and Ramsar site, and Morecambe Bay and Duddon Estuary SPA. These sites could be sensitive to aerial pollutants resulting from the proposed development. I must therefore have regard to the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations), and as advised by Natural England, a Competent Authority must consider the implications of the development on these habitat sites.
17. However, as there is no screening for air quality impacts, it has not been demonstrated that the proposal would not have a detrimental impact on these internationally designated sites. Applying the precautionary principle, and as I have no evidence to suggest otherwise, I can only conclude that the proposal would adversely impact the designated sites, contrary to the Regulations.

³ Health and Safety Executive

⁴ Strategic Policies and Land Allocations DPD

⁵ Previously the Forest of Bowland Area of Outstanding Natural Beauty

⁶ Now the Forest of Bowland National Landscape

18. It would also not accord with DMDPD Policy DM31 which requires development to not worsen any emissions or air pollutants in areas that could result in a breach of or worsen ecosystems within relevant internationally designated nature conservation sites during both construction and operational phases. Furthermore, it would not accord with DMDPD Policy DM44 and CLNP Policy CL4 which supports the protection and enhancement of biodiversity including development affecting nationally and internationally designated sites.

Historic hedgerow

19. The proposal includes the removal of a hedgerow adjacent to the proposed buildings, and a new hedgerow to be planted to the north of it. The hedgerow, which is shown on the 1847 Ordnance Survey map, is, therefore, of historic importance, and contributes to the character of the area. However, no substantive evidence has been provided of the species within the hedgerow and proposals for its future management. On this basis, I conclude that the proposed development would harm the historic hedgerow. It would not accord with DMDPD Policies DM45 and DM46, LADPD Policies EN2 and EN3 and CLNP Policy CL2 which collectively supports the protection of hedgerows and the protection, conservation and enhancement of designated landscapes and the open countryside.

Other Matters

20. The development proposal has been screened⁷ which identified that it was not likely to have significant effects on the environment and that it is not Environment Impact Assessment (EIA) development. Therefore, this matter does not need to be considered further.
21. The Forest of Bowland is an important agricultural production area, with sheep and beef farming dominating the upland areas. Whilst I am aware that it is a working landscape for those who live there, the construction of the proposed buildings for the farm does not outweigh the harm that I have identified.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and warrant a decision other than in accordance with the development plan.
23. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

⁷ Town and Country Planning (Environmental Impact Assessment) Regulations 2017