



Appeal Decision

Hearing held on 10 October 2024

Site visit made on 10 October 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/Q2371/W/24/3345930

Ream Hills Farm, Mythrop Road, Weeton With Preese PR4 3NB

- 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 Chris Threlfall against the decision of Lancashire County Council.
 - The application Ref is LCC/2021/0061.
 - The development proposed is Raise levels of field.
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Decision

1. The appeal is allowed and planning permission is granted to raise the levels of the field at Ream Hills Farm, Mythrop Road, Weeton With Preese, PR4 3NB in accordance with the terms of the application, Ref LCC/2021/0061, subject to the conditions in the attached schedule.

Application for costs

2. An application for the award of costs was made by Mr Chris Threlfall against Lancashire County Council. This is subject to a separate decision.

Preliminary Matters

3. A 'Proposed Restoration Plan' (drawing no. RH/04722/012 Rev A) was submitted as part of the original planning application. Amongst other matters, the plan demonstrates areas of depressions to be provided across the site that are intended to hold water. This is in response to requirements arising from the appellant's Ecology Appraisal that identified the need to create replacement wetland/swale areas on the site for bird use. During discussions at the hearing, it became evident that the Proposed Restoration Plan demonstrates a much greater area for depressions than is necessary based upon the stated requirements of the ecological evidence. Main parties agreed that the plan could be treated as only indicative in nature, while the precise details of the site's restoration could be dealt with via a condition requiring approval of a scheme of restoration. I have therefore proceeded on this basis.
4. Natural England previously confirmed that it had no objections to the proposed development based upon the plans and evidence submitted. Such view is likely to have been formed on the basis that the development would be complete in accordance with the submitted 'Proposed Restoration Plan'. Accordingly, following the hearing I sought further comments from Natural England on this matter.
5. Although intended for agricultural use, the proposal would involve the disposal of inert waste across the appeal site to increase its ground levels. Main parties agree

that the Council's development plan policies do not require the appellant to demonstrate a need for inert waste facilities. During the appeal process, the Council also confirmed that the need for inert waste facilities/capacity is not a reason for refusal.

6. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In respect of matters of pertinence to this appeal scheme, there have been no fundamental changes to national policy. As such, comments have not been sought from the main parties on the implications of the revised Framework.

Main Issues

7. The main issues are: a) the effect of the development on the character and appearance of the area; and b) whether the proposed development is suitable having regard to the local development strategy.

Reasons

Character and Appearance

8. The appeal site is an agricultural field that forms part of Ream Hills Farm. The Ream Hills Farm complex includes a farmhouse, an industrial compound with several large buildings, along with a range of tourism and leisure uses that are situated amongst a primarily agricultural landscape.
9. The appeal site falls within the Mosslands as defined by 'A Landscape Strategy for Lancashire' (dated 2000) (the landscape strategy), and specifically the South Fylde Mosses, 16b, landscape character area (LCA). The landscape strategy identifies that the Mosslands typically consists of a low-lying flat landscape that allows for extensive uninterrupted views for great distances. Additionally, fields within the character area are typically large in size and geometric in shape, being defined by straight drainage ditches and post and wire fences.
10. The localised landscape, including the appeal site, broadly consists of geometric field parcels and remain low lying and gently undulating with linear drainage ditches and hedgerows and tree shelter bands. However, the appeal site is rather well contained, such that it does not form part of an extensive landscape. This in part due to the immediate topography including the previous development of a bund¹ along part of the site's perimeter, while a hill restricts views from the east. The presence of frequent woodland copses, along with linear woodland and tree shelter bands also restrict long and medium distance views of the site and across the wider landscape.
11. There are also several urbanising features within the immediate setting of the site. These include the neighbouring industrial buildings, Reams Hill Holiday Park and Blackpool Wake Park, as well as the M55 motorway. As such, although the appeal site is inherently rural and displays some of the traits of the LCA, I do not consider that it strongly aligns with its key characteristics.
12. The proposed development would result in short-term landscape impacts (approx. 2 years) as construction works take place, during which, the appeal site would take the appearance of an active landfill operation. Nevertheless, short term impacts on

¹ Allowed under appeal reference APP/Q2371/W/15/3064083

the character and appearance of an area during construction periods is typical of development activity. Given the site's rather contained nature and the proposed maximum height level of fill, the landscape and visual effects during construction would also be highly localised. Furthermore, the land raising is proposed to be completed in phases with no more than one quarter of the appeal site to be raised/filled at any one time. The appellant has also set out that once the final levels of each phase are reached, the process of restoration on that stage would be commenced prior to beginning the next phase, for example, through re-seeding of the land. The phasing of works in such a manner could be suitably secured via condition and would further minimise the extent of the proposal's temporary landscape and visual effects.

13. Although the site covers a sizeable area, the proposed development would broadly follow the levels of the existing bund. The proposed raised levels would also be capable of being graded so that they maintain a gently undulating nature and largely tie in with the surrounding topography, again this could be secured by an appropriate planning condition. The proposed development may entail some areas where slightly sharper drop offs in the land are present, but given the maximum height profile of the development, I do not share the Council's view that it would result in the land appearing as a sizeable, raised plateau or an alien feature within the landscape.
14. Furthermore, as part of the restoration of the site the appellant has indicated an intention to provide localised landscaping through the addition of native tree and shrub planting, as well as the introductions of deliberate depressions in the land for habitat creation purposes. These features, which could again be secured via condition on any permission, could further help to integrate any notable changes in levels with adjoining land. Given the existing presence of vegetation and nearby woodland copses, the use of such landscaping would also be capable of integrating effectively with the surrounding environment. Indeed, I find that the characteristics of the LCA that the site currently displays, namely being a sizeable, geometric, relatively low-lying, and gently undulating field could still be maintained despite increases to levels across the field.
15. Additionally, aside from the public right of way that runs to the south of the site, public views of the proposed development are likely to be highly limited and largely transient in nature. This is due to the rather well contained quality of the appeal site.
16. Based on the above factors, in the medium to longer term, I consider that the appeal proposal would largely appear indiscernible within the local landscape. Accordingly, I find that the appeal scheme would not cause harm to the character and appearance of the area. It would therefore not conflict with Policy ENV1 of the Fylde Local Plan to 2032 (adopted 2021) (the Local Plan) which promotes development that is appropriate to its landscape context. Nor would it conflict with Local Plan Policy GD4 insofar as the policy seeks to ensure that developments are sensitive to their surroundings.

Local Development Strategy

17. The appeal site lies in the countryside as defined in the Local Plan. Policy GD4 of the Local Plan sets out that development in the countryside will be permitted in several circumstances, before listing relevant criteria. From my reading of the

policy, it is only necessary for one of the criteria (a to g) to be met for development to be permissible under the policy.

18. Of relevance to this appeal are Criterion a) and Criterion d) of policy GD4. Firstly, considering Criterion a), which I find to be the most pertinent criteria for assessment of the proposal, this states that development will be permitted:

*a) where it is needed for the purposes of meeting local business and community needs; **for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy, including small-scale tourist accommodation, holiday caravan sites and very exceptionally, larger scale tourism development. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).** (my emphasis added)*

19. Main parties do not dispute that the proposed development is for the purposes of agriculture and from the evidence before me, I have no reasons to reach an alternative view. However, the Council has argued that Criterion a) of Policy GD4 requires a need for the proposed development to be demonstrated where it is for the purposes of agriculture.
20. On my site visit much of the appeal site was saturated with water. This included several sizeable areas of surface water ponding, whilst water was present underfoot across a substantial area of the site.
21. Despite my site visit being only a snapshot in time, the conditions that I experienced largely aligned with the appellant's drainage and hydrological evidence². Notably, this evidence highlights that the site suffers from large areas of standing water pooling due to a combination of a high-water table and the existing ground conditions/topography. The site is therefore already at a low to medium risk of groundwater flooding, with future predictions on climate change suggesting a likely worsening situation. The submitted hydrological evidence includes satellite and aerial photography, over various periods, that also illustrate the site is substantially waterlogged across several seasons. No robust evidence has been presented that counters the findings of the appellant's drainage/hydrological evidence.
22. Based upon Natural England datasets, the appeal site's agricultural land classification (ALC) is Grade 2 (Very Good) which is amongst the best and most versatile agricultural land as recognised by the Framework. This suggests that the site should only face minor limitations that could affect crop yield, cultivations or harvesting and that levels of yield should be generally high. However, such ALC datasets are acknowledged as providing only general guidance and are not sufficiently accurate for use in assessment of individual fields or development sites³.

² Drainage Statement Ream Hills, prepared by CFM Consultants; Hydrological Statement (Ref: GON.0433.0278, dated 05.06.24) prepared by Gondolin Land & Water; and Flood Risk Assessment (Ref 21107, dated 11.10.21) prepared by ELLUC Projects.

³ As set out in Natural England Technical Information Note TIN049 (2012).

23. The appellant has therefore instructed a detailed survey report of the ALC of the site (herein referred to as the Biora Report), which included external laboratory testing of soil from the site. The soil sampling has indicated that soils at the site are almost entirely peat. Although peat soils can be productive, traditional agriculture is dependent on peat that can be drained. Furthermore, the site's soil was found to be near permanently wet. Accordingly, based on detailed site-specific analysis the ALC equates to Grade 4 (Poor). Such land is recognised as having severe limitations which significantly restrict the range of crops and/or level of yields. Meanwhile, the Biora report identifies that the current state of soils on site would likely restrict its use to low-level grazing. Again, there are no robust reasons for me to dispute these findings.
24. The appellant is an experienced farmer, having operated Ream Hills Farm since the late 1980s. At the hearing the appellant set out from previous experience that the site was unviable for arable farming due to its ground water conditions. The appellant also provided credible reasons why the site is unsuitable for use by livestock for large portions of the year, this included satisfactorily explaining previous conflicting evidence relating to keeping deer at the site. In essence, the appellant indicates that the site's drainage conditions result in almost a third of his farmland being suitable only for the grazing of livestock around the summer (approximately April to October), placing difficulties on his operations. I found the appellant's arguments to be credible, particularly considering the submitted hydrological and ALC evidence, while no substantive or robust evidence to refute these views have been presented to me.
25. The appellant's drainage engineer, at the hearing, also detailed how raising the site's levels would lead to increased groundwater storage, along with improving direct surface water run-off to a nearby watercourse. The increase in levels would also enable the proposed installation of gravity fed drains across the site to discharge into the adjacent watercourse.
26. From the evidence before me, the proposed works would improve ground water conditions at the site and enable it to be used more flexibly for agricultural purposes, including more prolonged periods of pasture or potentially for arable farming. The overall level of betterment across the site would be dependent upon the precise details of the proposed drainage scheme and quality/preparation of replacement soils. Still, I am content that the appeal proposal would be beneficial in terms of the site's ability to be used for agricultural purposes, while the precise drainage strategy can be suitably secured via a condition on the grant of any permission. Additionally, a condition could also be used to ensure that suitable soil quality is secured as part of the restoration of the site.
27. Alternative methods for improving the site's drainage were also discussed at the hearing, for example, through upgrading the site's existing drainage infrastructure or via mechanical pumping of water from the site. Notwithstanding, that such methods have their own limitations, there is no policy requirement to demonstrate that the appeal proposal is the only or best option to improve either the site's drainage or its agricultural use.
28. Therefore, irrespective of whether Policy GD4 requires it, I find that the appellant has satisfactorily demonstrated a need for the proposal for the purposes of agriculture.

29. Given my previous findings that the proposal would not harm the character and appearance of the area, subject to the appropriate restoration of the site, I am satisfied that the development would be sensitive to its surroundings. Additionally, subject to a condition requiring compliance with a traffic management plan (TMP), I am also content that the proposal would not have any unacceptable impacts on local roads or highway safety. As such, the proposal complies with further relevant requirements outlined under Criterion a) of Policy GD4.
30. The appeal scheme does not seemingly involve measures to make the location more sustainable, albeit the wording of criterion a) of Policy GD4 is such that this is not a necessity.
31. Bringing the above together I find the proposal adheres to Criterion a) of Policy GD4. Accordingly, it has not been necessary for me to consider the scheme against the policy's other criteria. The proposed development is therefore deemed suitable having regard to the local development strategy.
32. In reaching the above view, I appreciate that the previously approved and constructed bund also involved updating drainage arrangements for the appeal site, but that development may instead have exacerbated the site's drainage issues. However, that scheme was seemingly intended to provide a screening from wind for an adjacent tourism facility, as opposed to being purposefully designed to improve drainage across this current appeal site.

Other Matters

33. The proposal is located approximately 6km from the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site and Ribble Estuary SSSI, and Lytham St. Annes Dunes SSSI. The European Protected sites are designated in particular for supporting an extensive range of internationally important birds and notable wetland/intertidal habitats. The available conservation objectives for these sites can be summarised as maintaining and restoring the extent and distribution of qualifying natural habitats and the population of each qualifying feature within the sites, so that the integrity of the sites are maintained or restored.
34. Despite the distance that the appeal site lies from the above, these sites are designated for mobile species that may also rely on areas outside of the designated site boundaries. Such supporting habitats can play an essential role in maintaining designated sites' species populations. As such, proposals affecting them has the potential to affect the European sites.
35. The findings of the appellant's Shadow Habitat Regulations Assessment (SHRA) and Overwintering Bird Survey, suggest that various species of wintering birds associated with the European Protected sites have been found to use the appeal site, including utilising areas of standing water. Consequently, damage or deterioration of habitats on the appeal site could lead to a likely significant effect upon the qualifying features of the European Protected sites.
36. The appellant's SHRA suggests that the relevant habitats within and adjacent to the appeal site are of low value and are only of local significance to overwintering birds. As such, whilst mitigation measures are proposed to be incorporated in the appeal scheme, this was not due to potential impacts on the designated sites or their qualifying features.

37. A previous consultation response from Natural England concurred with the findings of the appellant's SHRA. However, Natural England was again consulted on the appeal scheme following the conclusion of the hearing due to amendments to the appellant's proposal. Natural England has subsequently advised that the proposal could lead to adverse effects on the integrity of the SPA and Ramsar site in the absence of appropriate mitigation measures. It further advised that it has no objection to the proposed development subject to securing a pre-commencement condition requiring details of the final restoration of the site, that is to include replacement onsite habitat creation and habitat establishment methods. The appellant has indicated a willingness to accept such a condition.
38. Based on the above, as the competent authority, I am satisfied that subject to the provision of mitigation measures (that can be secured via a suitable pre-commencement condition) the development would not have an adverse effect on the integrity of the European sites or any qualifying features. The proposed development would therefore comply with the Habitat Regulations.
39. The proposal would also lie approximately 2km from Marton Mere, Blackpool SSSI. Based on the information before me, and the advice of Natural England, I consider that the proposed development would not damage or destroy and interest features for which the site had been notified.
40. I am also content that, subject to conditions covering working practices, notably operational hours, dust minimisation measures and the TMP, the proposed development would not result in any significant adverse impact upon the living conditions of nearby residents.
41. There is no robust evidence before me that the proposal would exacerbate ground or surface water drainage issues in the surrounding area, including any associated with the nearby watercourse. Indeed, in respect of surface water matters, the lead local flood authority has not objected to the proposal. While as indicated the appeal scheme is likely to improve ground water storage capacity which could help to alleviate groundwater flooding associated with the area's high water table.
42. Should the appellant breach any conditions on the grant of a planning permission, it would be a matter for the County Planning Authority to determine whether to take any appropriate action.
43. There is no policy requirement for the appellant to demonstrate a need for site to be used for the disposal of inert waste.
44. Many other farmers may experience challenges with flooding, without it necessitating the raising of ground levels across significant areas of their land. However, I have determined the appeal based on the individual merits of the case presented and against the relevant planning policy context.

Conditions

45. In addition to the standard time limit condition, it is necessary to attach a condition requiring that the development is complete within two years of commencement. This is to comply with the terms of the application and safeguard the character and appearance of the area.
46. A condition requiring that written notification of the commencement of development is provided to the County Planning Authority is also needed. This is to allow

compliance with the deadline for completion of the development to be monitored and to ensure that the development accords with the terms of the application.

47. A condition specifying the approved plans is needed for clarity and certainty. I have though removed the 'Proposed Restoration Plan' from the suggested list of approved plans/drawings due to inaccuracies previously highlighted. It is also necessary to require the approval of a plan showing the final levels of fill material that the development will adhere to. This is again for clarity and certainty.
48. Conditions restricting the hours of deposits and grading of waste materials as well as requiring details of how dust will be minimised/mitigated through the development process are reasonable and necessary in the interest of the living conditions of neighbouring residents/occupiers.
49. A pre-commencement condition requiring the approval and subsequent implementation of a traffic management plan is reasonable and necessary. This is to ensure that, from the outset, development operations do not cause harm to highway safety and to also minimise any environmental impacts on neighbouring occupiers.
50. A pre-commencement condition relating to surface water drainage is required. This is to ensure that appropriate measures can be incorporated at the outset of development to mitigate the risks of ground and surface water flooding and to ensure the term of the application are complied with.
51. It is also necessary to attach a pre-commencement condition in relation to the restoration process for the site, to include details of habitat creation and establishment. It is necessary that this is a pre-commencement condition to ensure protected sites and species are not harmed by the development.
52. A condition that sets out measures for the replacement of trees or plants forming part of the approved landscaping is also reasonable and necessary in the interests of the character and appearance of the area.
53. Conditions requiring compliance with the recommendations of the appellant's ecological appraisal are also needed in the interest of ecology and biodiversity.

Conclusion

54. For the reasons given above, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Notification in writing shall be provided to the County Planning Authority of the commencement of the development hereby approved within 7 days of such commencement.
- 3) The deposit and grading of waste materials to form the land raising hereby permitted shall be completed within two years from the date of commencement as notified to the County Planning Authority under the provisions of Condition 2.
- 4) Except where modified by the conditions to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - *Drawing No. RH/04772/001 Location Plan*
 - *Drawing No. RH/04772/002 Location Plan*
 - *Drawing No. RH/04772/006 Wheel Wash Sections*
 - *Drawing No. RH/04772/007 Wheel Wash Plan*
 - *Drawing No. RH/04772/008 Existing and Proposed Sections*
 - *Drawing No. RH/04772/009 Access Track Sections*
 - *Drawing No. RH/04772/010 Site Access Plan*
 - *Drawing No. RH/04772/011 Rev A Section Identification*
 - *Drawing No. RH/04772/013 Site Access Sight Lines Plan.*
 - *Drawing No. RH/04772/014 Typical Proposed Site Section*
 - Preliminary Ecological Appraisal (Envirotech, August 2022, version 4)
- 5) No depositing or grading of waste shall commence on site until a plan showing the final levels of the fill materials at 0.5 metre intervals has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved plan.
- 6) No deposit and/or grading of waste materials shall take place outside the hours of:

07:30 to 16:30 hours, Mondays to Fridays (except Public Holidays)
08:00 to 13:00 hours on Saturdays

No such works shall take place at any time on Sundays or Public Holidays.

- 7) Prior to the commencement of development a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the County Planning Authority. The TMP shall include and specify the provisions to be made for the following: -
- Routes to be used by vehicles carrying plant and materials to and from the site;
 - Periods when plant and materials trips should not be made to and from the site;
 - Wheel washing facilities.

The wheel washing measures installed at the site shall be used by all HGVs leaving the site to avoid mud, dust or other deleterious matter being tracked onto the public highway.

The development shall be carried out in accordance with the approved TMP.

- 8) Prior to importation of materials on to the site or the stripping of any topsoil from any part of the site, details of measures to minimise dust generation during the construction of the development hereby approved shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of a surface water drainage scheme for the site has been submitted to and approved in writing by the County Planning Authority. The submitted details shall include:
- Identification of the method employed to discharge surface water from the site including discharge points;
 - Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - Measures to control run-off and to prevent erosion; and
 - A management and maintenance plan for the lifetime of the development.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 10) No development, including any site clearance, shall take place until a scheme of works for the final restoration and landscaping of the site has been submitted to and approved in writing by the County Planning Authority. The submitted scheme shall provide a programme for the proposed works and include details of:

- a) The phasing of the land raising and progressive restoration of the site;
- b) Replacement of stripped soils, including depths of placement, preparation, methods of cultivation and methods to alleviate compaction;
- c) Site preparation, habitat creation (including wetland areas) and habitat establishment methods;
- d) The seeding of the surface of the site, including seed mixes to be used and rates of application;
- e) Removal of all internal haul roads, wheel cleaning facilities and areas of hardstanding; and
- f) The management and aftercare proposals of any landscaping/habitat areas including maintenance and grazing or mowing of grassland areas.

The site shall be restored in accordance with the approved scheme and programme.

- 11) If, within a period of 5 years from the date of planting, any tree or plants forming part of the approved landscaping scheme, is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 12) The development shall be implemented in accordance with the mitigation measures outlined at Paragraphs 7.6.2 to 7.6.3 (in relation to badgers), as well as 7.6.1 to 7.6.9 (in relation to birds) of the Preliminary Ecological Appraisal (Envirotech, August 2022, version 4).
- 13) Prior to commencement of development, including any site clearance, a method statement detailing measures that shall be taken to ensure that impacts on populations of Common Toad are avoided shall be submitted to the County Planning Authority for approval in writing. The development shall be carried out in accordance with the approved method statement.
- 14) Prior to commencement of development, including any site clearance, a minimum 8m buffer from the edge of drains/dykes bordering the site shall be clearly demarcated and taped/fenced off for the duration of the works. No works shall take place within this buffer zone including (but not limited to): no soil stripping, storage of materials/soils and vehicle movements.