



Appeal Decision

Site visit made on 5 February 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/A2335/W/24/3349052

Batty Hill Farm, Lancaster Road, Cockerham, Lancashire LA2 0DZ

- 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 Peter Hewitt of WE & G Hewitt & Sons against the decision of Lancaster City Council.
 - The application Ref is 23/01215/FUL.
 - The development proposed is roof over a silage pit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework. Any reference to the Framework in this decision is to the most recent version.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the surrounding area; and (2) flooding in relation to surface water drainage.

Reasons

Character and Appearance

3. The roof over the silage pit has already been erected and comprises a large metal structure 100 metres long x 23 metres wide. It is open sided and stands at 9 metres to the eaves and 11 metres to the ridge.
4. The appellant explains that Batty Hill Farm is an active dairy farm with over 90 hectares of land and 1250 head of cattle. The silage clamp is required to accommodate the operational needs of the farm hosting standard grass silage, 165 acres of maize silage and 65 acres of whole crop barley. Following an inspection by the Environment Agency, the appellant states that the farm business was obligated to improve the construction of the clamp and roof over the area to reduce the amount of effluent, dirty water and emissions created. An added

advantage of the roof is that it removes rainfall from the silage clamp thereby improving the feed quality to the benefit of the health and welfare of the animals.

5. The appellant further explains that the silage clamp is 100 metres x 23 metres, hence the size of the appeal structure. The structure's height is the minimum required to allow agricultural machinery to tip, clamp, stack and consolidate the forage crops in the store safely and efficiently.
6. The appeal site is located within a rural area, characterised by an undulating topography. Lancaster Road runs in a north - south direction to the west of the appeal site. A public footpath runs along the access to the farm and through the farmyard. The rise in land from the road means that the appeal structure is very visible in the landscape. Even though the structure is open sided, it is still large and imposing. Also, although it sits amongst other farm buildings, its size and elevated position means that it is larger and more dominant than those around it. The appellant suggests that a landscaping scheme could secure tree planting which could minimise the visual impact of the building. No scheme has been submitted and I am not convinced that requiring one by condition would overcome the harm I have identified.
7. Planning permission has previously been approved for a roof over a silage pit measuring 20 metres in length and 7 metres to the eaves and 8 metres to the ridge¹. The building subject to this appeal is substantially larger than this and it is unclear why such an increased size is required in order to satisfy any legislative requirements. The letter submitted by the appellants from the Environment Agency supports an application for a grant and states that the works are within the scope of The Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (England) Regulations 2010. I assume that the letter relates to the works subject to this appeal but there is no plan accompanying it or description of the works referred to. In any event, notwithstanding the size of the existing silage clamp, I have no evidence that a smaller structure would also comply with this legislation.
8. Due to the overall scale and appearance of the appeal structure, it has a harmful effect on the character and appearance of the surrounding area. This carries substantial weight and conflicts with Local Plan² Policies DM29 and DM46 which collectively require development to make a positive contribution to the surrounding landscape and be in scale and keeping with the landscape character. Policy SM47 supports economic development within rural areas, including essential operations for agriculture, amongst other things. However, such development is required to maintain or enhance rural character, which for the reasons stated, this development fails to do. It would, therefore, also conflict with this policy.

Flooding/Drainage

9. The second reason for refusal relates to the lack of information regarding the drainage of surface water and its risk of flooding on or off the appeal site. The appellant explains that the roof is a cover for the existing impermeable concrete silage pit and no alterations to the site's hydrology has been created. However, the appeal structure has an extremely large roof and it would be necessary to address

¹ Planning Application Ref: 20/00905/FUL.

² A Local Plan for Lancaster District 2011-2031 – Part Two: Review of the Development Management DPD Adopted Version July 2020.

how surface water would be dealt with. Details of drainage arrangements for the roof covering have been submitted with the appeal to address this matter and on this basis Lancashire County Council (LCC), as the Lead Local Flood Authority, withdraw its objection subject to a suitably worded condition. Given that the drainage strategy has been submitted with the appeal and the Council has been able to consult with LCC, I am satisfied that in the interests of natural justice, no harm would arise in me taking this document into consideration.

10. However, the submitted drainage strategy involves the construction of a new attenuation pond from which surface water could drain into an existing pond. Notwithstanding that the construction of an attenuation pond is not included in the application, it would be within land under the appellant's control (the blue line) and so could be implemented. The infrastructure and pond that drainage would run into however, is not. A condition involving a third party would be neither reasonable nor enforceable. I have not been presented with any other mechanism that could secure these works.
11. Whilst I am satisfied that it would be possible to address surface water drainage, in the absence of an acceptable drainage scheme for surface water that is capable of being implemented, the proposal could cause flooding on or off the site. I afford this moderate weight in conflict with Local Plan Policies DM29 and DM34 and paragraphs 181 and 182 of the Framework which collectively seek to minimise the risks of flooding.

Other Matters

12. The appellant refers to permitted development (PD)³ which would allow an agricultural building 12 metres high and covering a ground area of 1500m². However, the Council point out that the site is within 3 kilometres of an aerodrome (Cockerham Airfield) and so the PD height limit is 3 metres. The structure also covers a much larger area than 1500m². This does not therefore provide a fall-back position.
13. I appreciate that the appellant has over forty years' experience in the business, and I do not dispute his knowledge. I also accept that the operational needs of the farm may be best served by the large structure over the silage pit. I also appreciate that the Framework supports development that makes a positive contribution to the rural economy (paragraphs 88 and 89). This carries significant weight. However, the Framework (Chapter 15) recognises the intrinsic beauty and character of the countryside. The extremely large size of this structure and its harms as explained in my main issues carry moderate to substantial weight that outweigh the benefits of the proposal.

Conclusion

14. 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. Consequently, the appeal should be dismissed.

J D Clark
INSPECTOR

³ Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), Schedule 2, Part 6, Class A.