



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: 24 February 2025

Appeal Ref: APP/A2335/W/24/3351482

Birkland Barrow, Birkland Barrow Road, Over Kellet, Lancashire LA6 1DX

- 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 Michael Cowsill against the decision of Lancaster City Council.
 - The application Ref is 24/00200/FUL.
 - The development proposed is change of use from agricultural land to equine space, with the erection of a double timber stable, mot sub base sharp sand finish hardstanding and 2 no. timber sheds.
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Decision

1. The appeal is dismissed.

Preliminary Matters

I have taken the location of the appeal site above from the planning application form but the appeal form and the decision notice refer to it as field north of Birkland Barrow Road, Nether Kellet, Lancashire. These differences do not alter my assessment of this appeal.

2. 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.

Main Issues

3. The main issues are:
 - whether the location of the site is suitable for the proposed equine development having regard to the development plan; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location

4. The appeal site comprises an area of open land to the north and east of Birkland Barrow Road. The stable and one shed have already been erected in the corner of the field close to the bend in the road and close to the junction with Timpenny

Road. The area is characterised by its open and undulating topography with a limestone ridge outcrop to the east and low stone walls to the road boundaries. There are also electricity pylons and overhead cables. The nearest settlements are Over Kellet about 1.3 km to the north and Nether Kellet about 2.3 km to the west.

5. Local Plan (Part Two)¹ Policy DM47 is referred to but this relates to economic development in rural areas and the appellant states that the proposal is to accommodate his own ponies and is not a commercial venture. The policy is therefore not relevant. Local Plan (Part Two) Policy DM51 relates to equine development. It is generally supportive of horse-related activity in rural areas provided a sequential approach is demonstrated, giving greater priority towards accessible sites on the edge of existing settlement areas and subject to a set of criteria.
6. The appellants state that he has been looking for a site for his two ponies between 2014 and 2020. For the purposes of this appeal, the search has been expanded upon and explained as a sequential test looking within 3 kilometres from his home on Over Kellet. The appellant's search found that there is no capacity in the existing equestrian facilities in the area; a search for land for sale was unproductive with no properties with land being viable for the appellant; a search for grazing land was unsuccessful with sites either being unsuitable or financially unviable; and searches for sites with potential dwellings or land with buildings failed to reveal land or buildings that was available or viable.
7. Therefore, the results of the appellant's search revealed that there were no sequentially preferable sites available to accommodate the needs of the appellant and the two ponies, on appropriately low quality pasture (necessary due to the health conditions of these particular ponies) and within a reasonable distance of the appellant's home.
8. Whilst this approach is not unreasonable, it is based on parameters particular to the appellant. The policy is intended to regulate equestrian developments throughout the district and whilst equestrian development usually requires a rural location, and in this case the appellant explains the availability of bridleways etc, the cumulative impact of small scale developments, such as this, would have an adverse impact on the rural character of the district. I agree with the Council that the appellant's search is too narrow geographically although I accept that the policy does not explain this. I also agree with the appellant that a search of the whole district may be too broad.
9. The appellant has not demonstrated that there is a sequentially preferable location and consequently, the location of the appeal site is not suitable for the proposed equine development having regard to the development plan. In particular, it would conflict with Local Plan (Part Two) Policy DM51.

Character and Appearance

10. As the stable and a shed are already in place I was able to see them in situ. The proposal would add another shed and a hardstanding area. This is a highly visible position close to the sharp bend in Birkland Barrow Road and the junction with Timpenny Lane. This position and the topography of the surrounding landscape

¹ A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adopted Version July 2020.

mean that the proposal would be very prominent in the landscape, the development insofar as it has already been implemented, is visually intrusive. The land drops in level when looking northwards from the sharp bend in Birkland Barrow Road which means that the location of the stables and sheds is especially prominent. The use of the land for keeping horses would not in itself be out of place in the rural setting but due to the location of this proposal, the associated development, including the stables, sheds and hardstanding would be. The proposal is unrelated to any development around and its isolated appearance within the countryside emphasise its visual intrusiveness.

11. Notwithstanding, my findings on my first issue, even if no sequentially preferable sites were available, criterion ii of Policy DM51 requires new stables and associated infrastructure to be well screened from the surrounding countryside. This development is not screened in any way but is highly visible with only a low stone wall separating the appeal site from the highway.
12. The proposal would conflict with Local Plan (Part Two) Policies DM29, DM46 and DM51 and Local Plan (Part One)² Policy EN3 which collectively seek to protect the open countryside and the surrounding landscape and require key design principles to be met, including contributing positively to the identity and character of the area. Furthermore, amongst other things, the Framework recognises the intrinsic beauty and character of the countryside which development should contribute to and enhance. The proposal would fail in this regard.

Other Matters

13. The appellant suggests a condition limiting the use of the development for the appellant's purposes only. The two ponies that the stables would accommodate have specific dietary and care needs (relating to conditions called laminitis and Cushings disease) and need to be kept together for social reasons and be relatively accessible from the appellant's home in Over Kellet. However, whilst I appreciate the appellant's personal requirements, these do not amount to compelling evidence to justify allowing an exception to the development plan policy in terms of sequentially preferable sites. Moreover, a personal permission would still result in development that was harmful to the character and appearance of the area and the personal circumstances do not carry sufficient weight to overcome this harm.

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

² A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adopted Version July 2020.