



Appeal Decision

Site visit made on 5 March 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/A2335/W/24/3356333

Throstle Croft, Main Road, Thurnham, LA2 0DP

- 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 Slyne Consulting Ltd against the decision of Lancaster City Council.
 - The application Ref is 23/00800/FUL.
 - The development proposed is for the change of use of agricultural store/workshop to agricultural engineering (B2).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of agricultural store/workshop to agricultural engineering (B2) at Throstle Croft, Main Road, Thurnham, LA2 0DP in accordance with the terms of the application, Ref 23/00800/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Development Management (*Climate Emergency Review*) Development Plan Document (DPD) was adopted by the Council in January 2025 and forms part of the development plan for Lancaster District. The changes made to Policies DM29 and DM57 since the application was determined have no bearing on the appeal.
3. The appellant company is now operating as Throstle Building Consultants. An engineering use commenced in 2018 or 2019 and occupies the end bay within a modest lean-to building. It is adjacent to a large complex of agricultural buildings at Aspley Farm. The proposal is partly retrospective in that permission is sought for the use of this area together with the other three bays which are currently used for storage. The workshop use was not active at the time of my visit.

Main Issues

4. These are:
 - The effect of noise arising from the proposed use on the living conditions of neighbouring residential properties;
 - Whether the use is in a suitable location having regard to relevant policies regarding employment land and economic development in rural areas; and
 - The effect of the proposed noise barrier on the character and appearance of the surrounding area.

Reasons

Living conditions

5. The Acoustic Survey and Assessment refers to the activities at the site as metal fabrication and agricultural vehicle repair. The appellant confirms that agricultural machinery is also repaired. The Council mentions the production of components for agricultural buildings, the manufacture and repair of gates, barriers and signage. However, there is no breakdown of the type of work undertaken which could, in any event, change over time.
6. The equipment in use when the Assessment was undertaken in 2021 comprised a CNC machine, welding equipment and handheld grinder. According to it, machinery is brought onto site, repaired (which generally involves welding) and then taken away. The vast majority of welding is undertaken internally but occasionally large pieces do not fit into the building and are worked on outside. Welding operations do not usually take longer than 30 minutes to complete. The appellant's preferred hours of operation are 08:00 to 18.00 hours Monday to Friday. Deliveries of sheet metal are made during working hours and consist of an HGV arriving and being unloaded by telehandler towards the front of the site. This is then moved by the on-site low-loader.
7. The Assessment concludes that internal operations will not result in an adverse impact on the nearest noise sensitive property. This is Tall Cottage which is about 60m to the south. On the opposite side of Main Road, West View Cottages are about a similar distance away. An acoustic barrier is recommended to mitigate the adverse impacts of occasional external welding. The Council's Environmental Health Officer considers that due to the frequency and duration of likely events, the noise will amount to 'no observed effects levels' internally and also recommends that the acoustic barrier is not necessary. However, the Council objects on the basis that a Class B2 use is expected to be in an industrial area and because of concerns raised by neighbours about noise impacts.
8. The site is in a quiet rural location. Although Main Road is an A category road there is no evidence that it carries very high volumes of traffic and so causes disturbance. Agricultural activities can themselves generate noise and the previous owner used the site for agricultural contracting with "vast amounts" of machinery and vehicles and tractors coming and going regularly. Nevertheless, the operation of an industrial use has the potential to significantly detract from the environment of those living nearby.
9. The observations of one neighbour suggest that in recent times the use has not been problematic, even though the workshop has continued operating. However, there is no indication as to the frequency of this. Furthermore, neither what has occurred since the refusal of permission nor the findings of the Assessment reflect the proposal. This is to use the entire building for purposes within Class B2 rather than just under half of it as has been the case until now. It is reasonable to assume that an increased floor area would provide greater scope for work to be undertaken with a consequent increase in noise from welding, cutting and grinding.
10. The evidence therefore does not support accepting the proposal as applied for. One option would be to give a temporary permission for the use of the additional bays as a 'trial run' of, say, two years. But there is insufficient detail about the

implications of this which could damage living conditions for a fairly lengthy period. However, the technical evidence about the actual effect of the workshop use to date indicates that with suitable safeguards it could co-exist satisfactorily with nearby residential uses. Conditions should include a limitation on hours, restricting the use to that applied for rather than a general Class B2 use and precluding outside working as this has greater potential to be a nuisance.

11. Therefore, the proposed use of the entire building is not acceptable. However, the living conditions of neighbouring residential properties would not be prejudiced by the effect of noise arising from the use of the existing workshop area. This is provided that suitable conditions were imposed. Granting permission on this basis would accord with DPD Policies DM29 and DM57 which seek to minimise the impact of noise and ensure that it does not have an adverse impact.

Location

12. Policies DM14, DM15, DM47 and DM48 of the DPD contains various provisions relating to the location of employment uses, including those in the rural area.
13. In particular, Policy DM14 expects proposals for Class B2 uses that utilise existing premises outside of allocated employment areas to include a robust sequential test. This should demonstrate that consideration has been given to alternative suitable sites. In this regard, the Council highlights the nearby Glasson Dock Industrial Area. Whilst there is no certainty that a satisfactory unit could be found, there is equally no evidence that any attempt has been made to look elsewhere. There is also nothing to show that the rental cost would be prohibitive or that the service provided to the local agricultural community would no longer be taken up. This policy requirement is therefore not met.
14. Nevertheless, in general terms, the other policies support small businesses and proposals for economic development in rural areas. As the proposal is for the re-use of an existing building it broadly accords with Policy DM15. The workshop provides a service to the local community, especially to local farmers who use it for the repair and production of bespoke farm equipment. There is also evidence of the value of the business in undertaking emergency repairs. These benefits cross the threshold required in this respect by Policy DM47 which gives preference to the conversion and re-use of existing rural buildings.
15. Policy DM47 also refers to the diversification of an agricultural holding. Policy DM48 provides more detail as to the expectations in this respect. However, there is no objection in relation to any of the detailed criteria of Policy DM48 and neither is there any definition of “diversification”. In that the use presumably adds to the income derived from the small holding it can be seen as assisting its economic stability. Moreover, none of the relevant policies require that business development in the countryside must only comprise diversification. Rather it is given as an example of the type of proposal that will be supported. Therefore, whether or not the proposed use constitutes agricultural diversification is not decisive.
16. The policies do, however, contain certain caveats. The building has to be “suitable” for re-use (DM15) and should be of an “appropriate scale and nature” (DM47). As the objection regarding noise can be resolved by limiting the floor area of the use and attaching conditions then these expectations would also be met.

17. There is therefore no conflict with Policies DM15, DM47 or DM48. Policy DM14 sets out an additional requirement for rural businesses but this is at odds with the positive approach in the other policies. Furthermore, the National Planning Policy Framework supports a prosperous rural economy and indicates that planning decisions should enable the growth of all types of business in rural areas. Although such development should be sensitive to its surroundings, there is no expectation in national policy that a search for premises elsewhere should be undertaken first.
18. Therefore, although there is a strict conflict with Policy DM14, the proposed use would be in a suitable location having regard to relevant policies regarding employment land and economic development in rural areas.

Character and appearance

19. The proposed fence would be 2.5m high and about 27m long. As an isolated, solid section of enclosure, it would appear incongruous in its context. It would not make a positive contribution to the surrounding landscape or be appropriate to its surroundings as expected by Policies DM29 and DM46 of the DPD. As the fence is unnecessary for sound attenuation purposes given that outside working is to be precluded, it should therefore be excluded from the grant of permission.

Other Matter

20. There is no evidence that the proposal would have an unacceptable impact on highway safety.

Conditions

21. The approved drawings should be specified in the interests of certainty. The conditions necessary to maintain residential living conditions and to exclude the fence shown on the submitted drawings have already been referred to. In addition, the use should be linked to the dwelling at Throstle Croft which is in the same ownership but which could be adversely affected if the use were operated by another party. The flood proofing measures put forward should also be implemented as the site is within Flood Zone 3.

Conclusion

22. There is no locational objection to the commercial re-use of this existing building. However, the proposed use of the entire building for specific purposes within Class B2 would be harmful to residential living conditions and contrary to relevant policies concerned with amenity. However, that objection is overcome if the extent of the industrial use is limited to the area currently in use for that purpose and is subject to conditions. The proposed fence would harm the character and appearance of the surrounding area and so should not be permitted.
23. Although there is a conflict with Policy DM14 of the DPD the continuation of the current engineering use accords with the development plan as a whole. There are no material considerations to outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos SLYNE-WS-LP and SLYNE-WS-00.
- 2) The development hereby permitted does not include the noise barrier shown on drawing no SLYNE-WS-SP that accompanied the application.
- 3) The use hereby permitted is metal fabrication and agricultural vehicle and machinery repair and no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The use hereby permitted shall only be undertaken within the area marked Workshop on drawing no SLYNE-WS-00 and not within any other area of the building.
- 5) The use hereby permitted shall only take place between 0800 and 1800 hours from Monday to Friday (excluding public holidays) and not at all at any other times or on any other days.
- 6) The use hereby permitted shall only take place within the building in accordance with Condition 4) and no working shall be undertaken externally.
- 7) The use hereby permitted shall only be undertaken in association with Throstle Croft and the area of the building hereby permitted for metal fabrication and agricultural vehicle and machinery repair shall not be occupied, sold, let or otherwise disposed of separately to Throstle Croft.
- 8) The flood proofing measures specified in the flood risk assessment dated 17 September 2021 (Ref: DWH/AS/LCC01/A021/267) shall be undertaken in accordance with a timetable previously agreed in writing by the local planning authority. A proposed timetable for implementing those measures shall be submitted to the local planning authority within one month of the date of this decision.