



Appeal Decision

Site visit made on 11 March 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/U2370/W/24/3354277

Land off - Lancaster Road, Scronkey, Pilling, Preston PR3 6SR

- 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 Miss Sarah Whiteside against the decision of Wyre Council.
 - The application Ref is 23/01012/FUL.
 - Erection of building for use as private stables and feed storage, with associated parking area and alterations to existing vehicular gated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development provided on the planning application form reads 'Proposed erection of new building for hay and feed storage and stables to replace the current storage unit and supplement the existing field shelter for winter stabling. The proposal will also adapt the current gate access to provide a space to pull off the highway to open the gate and space for 2no. parking spaces to prevent parking on the road side'. The Council changed the description to that in the banner heading above. This description is more precise and was used by the appellant for the purposes of the appeal. Consequently, and omitting wording that is not an act of development, I am satisfied that no party will be prejudiced by my use of it.
3. Since the planning application was determined, the Council have published an updated Strategic Flood Risk Assessment (SRFA) which suggests the site falls within Flood Zone 3b rather than the previously assessed Flood Zone 3a. However, the Council found the site to fall within Flood Zone 3a, having had regard to modelled flood levels provided by the Environment Agency and are satisfied that the vulnerability of the proposed development would not conflict with Table 2: Flood risk vulnerability and flood zone 'incompatibility' set out in Planning Policy Guidance. I have no reason to find otherwise. The updated SRFA was provided with the Council's statement and the appellant and interested parties have therefore had the opportunity to address the matter should they have so wished. I am satisfied that no prejudice would occur to any party as a result of my consideration of its content in this appeal.
4. The National Planning Policy Framework (the Framework) has been updated since the appeal was lodged. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged, other than paragraph numbering. I am therefore satisfied that there is

no requirement to seek further submissions on the revised Framework from the main parties, and that no party would be disadvantaged by determining the appeal accordingly.

Preliminary Matter

5. Planning permission has previously been granted for the change of use of the field within which the proposed stables would be located from 'agricultural to private equine use (keeping of horses)'¹. The Council advise that a condition on that permission prevents the siting of any fixed or moveable building or caravan on the field.
6. Notwithstanding the above, I saw at my site visit that a timber shelter is located on the field. The shelter is located outside the red edge boundary of the appeal site and as such does not form part of the proposed development. Although concern has been expressed by the Council and other interested parties that the field shelter is not lawful, it is not for me, under a section 78 appeal, to determine whether or not an existing development is lawful. It is open for the Council to address potential unauthorised development elsewhere in legislation, or for the appellants to apply for a determination under sections 191/192 of the Town and Country Planning Act 1990 to determine this matter, and any such action or application would be unaffected by my determination of this appeal.

Main Issues

7. The main issues are:
 - whether the proposal would accord with local development plan policies, with particular regard to location;
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on soils, with particular regard to peat.

Reasons

Location

8. Policy SP1 of the Wyre Local plan (2011-2031) (incorporating partial update of 2022), adopted January 2023 (WLP) sets out the development strategy for the Borough. It states that outside settlements with defined boundaries, the amount of new build development will be strictly limited. The appeal site is not located within a defined settlement and therefore lies within open countryside for planning purposes.
9. Policy SP4 of the WLP seeks to recognise the intrinsic quality of the countryside. Part 2 of the policy sets out that planning permission will only be granted for new development that meets the requirements of the Core Development Management Policies and is for a number of specific purposes. One such purpose (a) is for equine related activities that are in line with Policy EP10 (equestrian development).
10. The supporting text to Policy EP10 suggests that equestrian development can have an impact on the character of the countryside. With this in mind, Part 1 of Policy EP10 adopts a sequential approach to site selection for equestrian facilities.

¹ LPA Ref: 23/01175/FULMAJ

The policy establishes that equestrian facilities located on an open field outside settlement boundaries will only be permitted if it has been demonstrated that (a) the conversion of an existing building or (b) location adjacent to an existing building or group of existing buildings, are not available with regards to the land holding.

11. In the absence of a definition of 'land holding' within the policy nor any information regarding any other land forming part of the appellant's land, I understand the land holding to be the field upon which the proposal would be located, and which is used for the keeping of horses.
12. The appellant has sought to justify the location of the proposal on the basis that no alternative land or buildings are suitable or available in the local area to accommodate the appellant's horses. Little evidence has been submitted to substantiate this claim. Even if I were to consider it to be the case, no sequential information has been provided to demonstrate the location of the proposal within the land holding itself – i.e. the field, is the most sequentially preferable, as required by Policy EP10.
13. Notwithstanding the absence of such information, as there are no other buildings on the land holding, none would be suitable for conversion and therefore criterion (a) of Policy EP10 would be met. In terms of criterion (b), whilst the proposed location of the stables and hardstanding would be adjacent to a tree line and hedgerow and would be reasonably close to a detached bungalow (Bankfield), this property is somewhat isolated and positioned on the opposite side of Lancaster Road to the appeal site. The proposal would be visually prominent in public views.
14. In contrast, the Council's assertion that the group of buildings to the south-east of the land holding provides a sequentially preferable alternative to the proposed location of an equestrian facility in visual terms holds weight in my view. This is because, although these buildings are not on the land holding itself, were an equestrian facility to be located close to the south-east corner of the field, it would be seen against the backdrop of the nearby glasshouses, particularly to the east, beyond Rigby Pool. It would also be located directly adjacent to the collection of properties and associated outbuildings to the south and therefore would be apparent within a larger group of built form.
15. As the proposal is not supported by an appropriate sequential approach as set out in Policy EP10, I am unable to conclude that there are no other reasonably preferable locations on the land holding to accommodate the equestrian facility. The proposal therefore conflicts with Policy SP1, Policy SP4 2 (a) and Policy EP10 1 (b) of the WLP which together, amongst other things, seek to limit the location of new development in the countryside to, along with other types, equestrian development where the sequential approach to site selection has been acceptably demonstrated.

Character and appearance

16. The appeal site is located in the north-west corner of a field used for the grazing of horses. It is close to Lancaster Road and the existing access into the field. A trailer and storage container were positioned on the appeal site at the time of my site visit. The majority of the field is bound by interspersed hedgerows and trees. Lancaster Road, an unlit rural lane, wraps around two sides of the field and a watercourse known as Ridgy Pool forms the east boundary of the field. There is a

cluster of two or three dwellings and several large glasshouses to the south-east of the field. Bankfield and several associated outbuildings are located to the west with open agricultural land located to the north.

17. The wider area includes sporadic clusters of residential properties and agricultural buildings located within predominantly flat agricultural land. The appeal site is part of a field used for grazing which contributes positively to the relatively open rural character of the area.
18. It is proposed to erect a portal-framed building for the stabling of horses for private use. The building would include three horse stalls, a hay store and circulation space. The lower part of the building would be constructed of concrete panels with timber cladding above and a fibre cement roof. The plans indicate an area for the installation of photovoltaic panels on the southern-facing roof slope which could provide renewable energy for lighting at the site. An enclosed area of stone hardstanding for the parking of vehicles would be located adjacent to the building, close to the gated access off Lancaster Road. The existing access gates would be re-positioned further into the site in order to provide an area for vehicles to pull clear of Lancaster Road.
19. Part 2 of Policy EP10 supports private equestrian facilities provided the requirements of the Core Development Management Policies are met; and, (b) the landholding is of sufficient size to support the number of stables or other facilities proposed; (c) relevant DEFRA standards are met; and (d) the development is well screened. Policy SP4 also requires compliance with Core Development Management Policies. In this case, the relevant policies are CDMP3 and CDMP4 of the WLP which, together, amongst other things, seek development that respects or enhances the character, including landscape character, of the area.
20. There is no dispute between the parties that the land holding would be of sufficient size to support the number of stables proposed and that relevant DEFRA standards would be met. From the evidence before me and my own observations, I have no reasons to disagree. Therefore criteria (b) and (c) of Policy EP10 would be met. In the absence of any other building on the landholding, I consider it reasonable, in the interests of animal welfare, to provide covered shelter for grazing horses on the land holding, particularly during winter months
21. In relation to criterion (d) and the other relevant policies regarding character and appearance referred to above, it is important to note the size of the equestrian facility proposed in this case. The proposed building would accommodate stalls for three horses and a hay store. Two of the proposed stalls would be only slightly larger than the minimum size set out by the British Horse Society for large horses (above 17 hands high). However, one stall would be twice the size. I acknowledge these standards are not a maximum, and that sufficient space would be provided in each stall to allow a large horse to lie down, readily rise, manoeuvre and receive medical treatment in comfort. Be that as it may, the proposed building would also include additional floorspace in front of the hay store and stalls. This would result in a large building, the overall scale of which would be significant in the context of the size of the land holding.
22. The proposed building would be located on part of the land holding that is readily visible in views when travelling along Lancaster Road from the south. Due to the alignment of the road, the building would be visible for a relatively long distance. It

would also be clearly apparent in views taken from the public footpath to the west. Due to the generally flat and open surrounding landscape, the proposed building would appear as a prominent and intrusive structure, unrelated to any other nearby building. Whilst public views of the proposal would be diminished during summer months when leaves would be on the trees and hedgerows bordering the field, there would be a significant period of time throughout the year when the building, due to its height and scale, would be readily apparent and conspicuous above the hedge. It would appear visibly harmful to the intrinsic value and character of the rural landscape and countryside.

23. I recognise a characteristic of the surrounding countryside includes clusters of built development, including a sizeable collection of glasshouses and other stable buildings nearby. Nonetheless, in the context of this site, the proposed scale and position of the appeal building would erode the open character of the field and have an increased urbanising effect on the area.
24. The formation of the hardstanding would allow for the possibility that two vehicles and a horse box would be able to turn round and exit the site in forward gear, and I consider this aspect of the proposal would be of an acceptable functional size. However, its use would further exacerbate the intrusive presence of the building. Furthermore, even though new tree planting is proposed, this would take time to establish and would not constitute permanent screening, particularly in the winter months when the trees would not be in leaf.
25. The external materials proposed for the building would reflect those found on other agricultural and stable buildings in the area. However, this does not overcome the harm I find to the overall scale of the building in this location.
26. For the reasons given above, I conclude the proposal would have a harmful effect on the landscape qualities and the character and appearance of the area. It would be contrary to Policies SP4, EP10 2 (d), CDMP3 and CDMP4 of the WLP. Together these policies, amongst other matters, seek to protect the intrinsic landscape qualities and character and beauty of the countryside. The proposal would also conflict with guidance at paragraphs 135 and 187 of the Framework which requires that development is sympathetic to local character and landscape setting and planning decisions contribute to and enhance the natural local environment by, among other things, recognising the intrinsic character and beauty of the countryside.

Soils

27. Natural England has been consulted on the proposal and confirm that the appeal site is located in an area of deep peaty soils which has the potential to be restored. The construction of the proposed building and hardstanding has the potential to affect water levels within peat, which is sensitive to modification and which could have an adverse effect upon a wide area of peat mass. Peat is an irreplaceable carbon store and natural provider of water regulation that once gone can never be restored.
28. Policy CDMP4 of the WLP concerns the effect of development on environmental assets. It states that development should, where possible, seek to minimise or eliminate net environmental impact. Development will be required to be accompanied by proposals to mitigate an environmental impact, including on soils, and maximise opportunities to improve environmental outcomes. The England

Peat Action Plan², although guidance and not policy, identifies that carbon loss from damaged or unmanaged peat as well as the opportunity costs of not restoring peat would be harmful to the country's climate objectives, natural flood management and biodiversity.

29. No information regarding soils has been provided by the appellant. Therefore, I cannot be certain no deep peat is present on the site, or that it is not restorable. Essentially, I have insufficient information to assess the impacts of the proposed development on deep peat. Consequently, I cannot conclude that the proposal would not have an adverse effect on deep peat. I am not satisfied that this matter could be adequately addressed by planning conditions to guarantee that there would be no adverse effect on soils.
30. I recognise the area of the appeal site would be small in relation to the wider land holding. Nonetheless, in the absence of information to the contrary, the works and disturbances associated with the construction of the building and hardstanding would have the potential to negatively affect deep peat.
31. For the above reasons, from the information before me, the proposed development would have an unacceptable effect on soils, with particular regard to peat. The proposal would therefore conflict with Policy CDMP4 of the WLP which seeks the aims set out above. It would also conflict with guidance at paragraph 187 (a) of the Framework which is concerned with conserving and enhancing the natural environment and advises, amongst other things, that soils identified by their quality in the development plan should be protected.

Other Matters

32. The set-back of the field gate would allow vehicles associated with the care of horses to pull clear of the road and would provide a public benefit in terms of highway safety. However, due to the limited size of the land holding, I attribute this little positive weight in favour of the proposal.
33. Energy efficiency technologies would be incorporated, such as photovoltaic panels and rainwater harvesting. These measures would contribute to climate change adaptation, but there is little to suggest the development would be particularly innovative or that it would go beyond the requirements of the development plan in this regard.
34. Even if I were to agree that there would be no adverse effects in relation to flood risk, drainage, highways or neighbour's living conditions, these are neutral factors rather than ones that carry positive weight in favour of the development.
35. The appellant draws my attention to several other equestrian developments approved by the Council in the local area as well as developments where no reference to soils has been made. However, the full details of these developments or their background is not before me to enable a robust comparison between them and the appeal proposal to be made. In any event, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm in this case, a case I have considered on its own merits.

² England Peat Action Plan, May 2021, Department of Environment, Food and Rural Affairs (DEFRA),

36. I note that the proposal is a revised scheme which seeks to overcome the Council's concerns in relation to previous planning applications³. I also recognise covered shelter would be beneficial for horse welfare. However, the appeal proposal would not be the only way to provide such shelter. For the reasons stated above, I consider the revised scheme to be harmful.
37. Although not a reason for refusal, I note that the appeal site is located within the Zone of Influence of the following European Designated Sites (EDS): Morecambe Bay and Duddon Estuary Special Protection Area; Morecambe Bay Special Area of Conservation and Ramsar site; and Lune Estuary Site of Special Scientific Interest. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the EDS. Had I found the proposal to be otherwise acceptable, I would need to consider further the effect of development on the integrity of the EDS and the potential for mitigation within the framework of an Appropriate Assessment. However, given the harm that I identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter any further as it could not alter my decision.
38. I have considered all other matters raised by interested people. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Planning Balance and Conclusion

39. Policy SP4 of the WLP states that development which will adversely impact on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to its character is necessary to achieve substantial public benefits that outweigh the harm. It is clear that the limited public benefit I have identified would not outweigh the significant and permanent harm to the character and appearance of the area that would arise from a development that would not be sited in a suitable location. It has also not been demonstrated that there would be no adverse effect from the proposal on peaty soils.
40. The proposals conflict with the development plan when considered as a whole, and there are no material considerations, either individually or in combination that outweigh the identified harm.
41. The appeal is therefore dismissed.

A Veevers

INSPECTOR

³ LAP Refs: 14/00394/FULMAJ and 23/00669/FUL