Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2025

by E Heron MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/U2370/W/25/3361839
Mayfield House, New Lane, Eagland Hill, Pilling, Lancashire PR3 6BA

- 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 Ms M Woodburn against the decision of Wyre Council.
- The application Ref is 24/00525/FUL.
- The appeal proposal is described as: "Demolition of existing domestic storage building and erection of replacement domestic garage store."

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing domestic storage building and erection of replacement domestic garage store, at Mayfield House, New Lane, Eagland Hill, Pilling, Lancashire PR3 6BA in accordance with the terms of the application, Ref 24/00525/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the proposal differs from the application form to the decision notice. The above has been taken from the application form for the reason given in the next section of this decision.

Background and Main Issue

3. The Council has assessed the application on the basis that the proposal is for a mixed agricultural and domestic storage building following demolition of a storage building and amended the description of development on this basis. It has also assessed the application in terms that neither the land, nor existing building appear to have formal or established use for domestic purposes and has supplied aerial photographs in evidence. It is not my role to determine whether a use of land or buildings is lawful, this can only be determined by a lawful certificate application.

4. Even so, an application to demolish an existing domestic storage building and erect a replacement domestic garage store, has been made, rather than a mixed agricultural and domestic use as claimed by the Council. Indeed, the Council also accept that the proposal is for a replacement building, rather than to establish the extent of domestic curtilage, and that the proposal is more akin to a building for use as a domestic storage building associated with land maintenance.

5. I have determined the appeal on this basis, and I therefore consider the main issue to be the effect of the development on the character and appearance of the countryside.

Reasons

6. The appeal site is within a rural location characterised by flat, open fields and sporadic building groups, accessed via a narrow, hedgerow-lined lane. The existing building is positioned on the west side of the appeal site's driveway, with the dwelling, Mayfield House, on the opposite side, close by. Both buildings are set back from the lane and positioned at a lower ground level behind a border of hedgerows and established trees, and the site feels enclosed, rather than visually open. The appeal building in particular benefits from a sylvan backdrop, such that it is seen only fleetingly when passing the site. In winter, when trees are not in leaf, the building would be more apparent, but overall it would not be a conspicuous feature in the wider area.

7. The proposed replacement building would have a greater massing than the existing building, it would be slightly taller and would occupy a slightly different position within the site. However, I find that these differences are modest, and the Council notes in its officer report, that 'there is a similar sized building that would be removed from the site.' The Council finds that the external materials are typical of materials used on other buildings within the area, and I see no reason to disagree. The replacement building would also benefit from the sylvan backdrop, visually cohesive positioning near to the dwelling, and mature trees and hedging enclosing the site. The building would be a similar scale to Mayfield House, however, due to its siting, utilitarian appearance and use of muted materials, I consider that it would still be subservient to the dwelling.

8. Accordingly, I conclude that the proposed development would not have a harmful effect on the character and appearance of the countryside. As such, the development accords with Policies CDMP3 and SP4 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022). Amongst other things, these policies recognise the countryside for its intrinsic character and beaty, require new development to be of a high standard of design, appropriate to the end use, and seeks to protect the open and rural character of the countryside.

Other Matters

9. The Council's stance is that the building would be excessive for the needs of maintenance of the land size, and for domestic requirements, and as such the building is unjustified. A third party also queries the building's height, questioning whether there is an ulterior motive for the proposal. Nonetheless, the appellant has provided a list of equipment, machinery and storage requirements in order to maintain the land, which I am told by the Council, extends to 2.5 hectares. Such land requires maintenance such as the items listed by the appellant. Furthermore, the appellant advises that the existing building is in a poor state of repair, vulnerable to crime as it is not secure, and this was evident to me on my site visit. As such and with the absence of evidence to the contrary, I am not persuaded that the building would be excessive for these storage purposes. In any case, I consider that a condition requiring the building to be used only for purposes incidental to Mayfield House, would be sufficient.

10. I acknowledge the Council's comments in respect of procedural matters, including the process that led to the description of development being changed. However, this is not a matter I can consider under a Section 78 appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

11. My attention has also been drawn to a different planning application at the site. This was for a detached building for ancillary residential use (Council Reference, 19/01242/FUL). This application was withdrawn and has no bearing on my decision.

12. A report titled, Inspection and Assessment in relation to Bats and Breeding Birds (Tyrer Ecological Consultants Ltd), found that a pair of barn owls use the existing barn for breeding, and the site was also noted as a suitable habitat for other nesting birds. Accordingly, a mitigation strategy has been recommended. This can be secured through a suitably worded condition, alongside habitat enhancement measures.

Conditions

13. To ensure certainty and clarity, I have imposed the standard conditions relating to the commencement of development, and approved plans. I have imposed a condition relating to materials to ensure the development is harmonious within its context. I have imposed a condition requiring the use of the building to be incidental to the use of Mayfield House, to ensure it is used for its intended purpose.

14. I have imposed a condition requiring the submission of a method statement in relation to the protection of breeding birds. This will be required pre-commencement to ensure a strategy is in place prior to demolition of the existing building and the terms are agreed by the appellant. I have also imposed a condition requiring bat and bird boxes, for habitat enhancement.

15. The Council has suggested a further condition removing permitted development rights for buildings, structures or enclosures within the site. I have not imposed this condition as I do not consider that it passes the tests of reasonableness or necessity. The reason for the suggested condition is largely based on the lawful use of the land and I have made my comments in this respect at the outset. The Council's reasoning relates to a precautionary approach based on potential future development; however I have considered the proposed development before me.

Conclusion

16. For the reasons given above the appeal should be allowed.

E Heron

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than [three] years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with drawing no's: 'location plan' (dwg.no. GA3632-LP-01), 'Proposed Site Plan' (dwg.no. GA3632-PSP-01), 'Proposed Storage: Plans & Elevations' (dwg.no. GA3632PPE-01).

3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. GA3632-PPE-01 and application form unless other minor variations are submitted to and approved in writing by the local planning authority.

4) The replacement building hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling known as Mayfield House, and for no other purpose.

5) No development including demolition, shall take place until a breeding bird mitigation strategy has first been submitted to and approved in writing by the local planning authority. The strategy shall accord with the requirements set out in the 'Inspection & Assessment in relation to Bats and Breeding Birds' report, dated September 2024 (Project Reference: PR-0294-24). The development shall be carried out in accordance with the strategy.

6) Prior to first use of the replacement building, artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the features shall be submitted to and approved in writing by the local planning authority prior to their installation, and the boxes shall be erected in accordance with the approved details. The following as a minimum, shall be provided:

   a) one nest box for house martins.