



Appeal Decision

Site visit made on 27 October 2025

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/A2335/W/25/3370166

Throstle Croft, Main Road, Thurnham, Lancashire 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 Ms and Mr Hazel and Chris Ronson and Dickson against the decision of Lancaster City Council.
 - The application Ref is 23/01385/FUL.
 - The development proposed is a cattle/pig shed and general purpose livestock building.
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Decision

1. The appeal is allowed, and planning permission is granted for a cattle/pig shed and general purpose livestock building at Throstle Croft, Main Road, Thurnham, Lancashire LA2 0DP in accordance with the terms of the application, Ref 23/01385/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) Within one month of this decision, a scheme of appropriate biodiversity enhancements and climate change response measures including a timetable for delivery shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable.
 - 2) The approved surface water drainage scheme (Drainage Strategy Rev A including A025/160/BR/10 Rev B and A025/160/BR/11; Surface Water Management & Maintenance Plan Rev A) shall be implemented and fully operational within 3 months of this decision and shall be maintained in accordance with the approved details at all times thereafter.

Preliminary Matter

2. The development as applied for has been erected and is in use for the purpose applied for. The development reflects that shown on the submitted plans. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of nearby residents, with regard to noise, odour and disturbance; and whether the proposal has demonstrated that it would be safe from flooding and not increase the risk of flooding elsewhere.

Reasons

Living conditions

4. Throstle Croft is in the open countryside off the A588 which links it with Lancaster

City Centre to the north. The appeal site comprises of a residential dwelling with an office, a workshop/store, agricultural buildings, and land which is in agricultural use. A public bridleway passes to the north of the site. Open fields lie to the west.

5. To the north are a series of buildings which form Ayrton's and Throstle Croft. To the east of the site are the residential dwellings of Tall Cottage, Cruck Cottage/The Bungalow, Aspley Farm and Aspley Barn. West View Cottages are to the north east on the opposite side of the A588. Aspley Farm, Aspley Barn and Throstle Croft were all formerly part of Aspley Farm, an active farm prior to their split around 12 years ago. Now, Aspley Farm and Aspley Barn are used as dwellings.
6. The site's rural location, which is populated by farmsteads, is characterised by agricultural activities and movements. These, together with the presence of livestock, will bring a varying degree of noise, disturbance and odour. The effects of that are experienced by residents living in the area given their proximity to several farmsteads, the nature of farm buildings, and the relative tranquillity.
7. The appeal buildings are around 87 metres to the nearest residential properties at Cruck Cottage, Aspley Farm and Aspley Barn. That distance is, however, comparable to the agricultural buildings at Ayrton's. While this distance is considerably short of the 400-metre benchmark set out in The Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), the GPDO does not apply here. Instead, the development plan holds primacy. Policy DM29 of the A Local Plan for Lancaster District 2020 -2031 Part Two: Development Management Development Plan Document (climate emergency review) (DPD) explains that development should ensure that there is no significant detrimental impact to amenity in relation to pollution, and to minimise impacts on odour and noise. Given the absence of a specific distance in the DPD, the proposal's effect is therefore a matter of judgement.
8. The Council's Environmental Protection Team have not raised objection to the proposal. That said, there is a difference between a harm to residents living conditions and a statutory nuisance. I am concerned with the first one of those.
9. I note that around 40 sheep are kept outside most of the year, except during lambing. There are also around six calves, two pigs, a boar, around eleven piglets and roughly 40 free range chickens that are housed overnight for their safety.
10. The livestock and activities have the potential to cause noise, disturbance and odour throughout the day. However, bearing in mind the agricultural activities already taking place in the area, the proposal does not create any greater potential than any other farmstead in the area. While the effects of these will vary from time to time, the quantum of livestock is not substantial and there is sufficient space within the buildings to accommodate them.
11. Despite the potential for noise, disturbance and odour issues, and as the use has reportedly been taking place since 2015, there is not a detailed record of complaints and issues experienced. I would expect this if there was substance to the concern, especially as the Council has not followed the advice of its Environmental Protection Team. Within those details, there would typically be details of when the issue arose, details of an investigation or outcome, and notes from any site visits. There is no such evidence before me despite the concerns raised by some residents and the Council whose officers have visited the site. As such, any potential harm has not translated into actual harm. Thus, the proposal

does not cause a significant detrimental impact to amenity. Further, given the proximity of nearby dwellings, it is also possible that issues experienced by residents may not always be attributable to the appeal site given the proximity of the buildings at Aryton's which are said to house around 100 cattle and 500 sheep.

12. I conclude on this issue that the proposal accords with DPD Policies DM29 and DM47 as well as sections 12 and 15 of the National Planning Policy Framework (the Framework) as a significant detrimental impact to amenity is not caused. Section 6 of the Framework together with sections U1 and C1 of the National Design Code are not relevant to this main issue.

Flooding

13. The appeal site lies within Flood Zones 2, 3 and 3B, and adjacent to a main river. In response to the Council's decision, the appellant submitted a site-specific Flood Risk Assessment (FRA), Drainage Strategy, and Surface Water Management and Maintenance Plan, all dated July 2025 with their appeal.
14. The Environment Agency (EA) has considered these documents and no longer has an objection to the proposal subject to the imposition of a planning condition to ensure that the development is acceptable in terms of drainage and flood risk. The EA has also determined that the development would not preclude future maintenance access to the designated main river. This led the Council to conclude that it no longer wished to pursue the part of the reason for refusal relating to maintenance and geomorphology of the main river channel. I agree with that assessment based on the evidence now available.
15. The Council did, however, maintain its point about that it had not been demonstrated that the development could be made safe from flooding for its lifetime, and not affect flood risk on or off the appeal site. They also noted that the proposed drainage scheme only related to one building not two.
16. Subsequent amendments to the Drainage Strategy, the FRA, and the Surface Water Management and Maintenance Plan were made and submitted by the appellant in response to the Council's position. After being provided time to consider those changes, the Council confirmed that the development would be acceptable in terms of drainage and flood risk, subject to the imposition of a planning condition.
17. Having regard to the submitted material, I agree with the party's assessment, and I conclude, on this issue, that it has been demonstrated that the proposal would be safe from flooding and not increase the risk of flooding elsewhere in accordance with DPD Policies DM29, DM33 and DM34 and the Framework. These policies, among other things, seek proposals to minimise the risk of flooding having regard to all sources of flood risk, have safe, suitable, and appropriate flood prevention, resilience and adaptation mitigation, and reduce surface water run-off.

Conditions

18. To reduce the risk of surface water flooding and pollution to the environment, I have imposed a condition requiring the implementation and maintenance of the surface water drainage scheme shortly after this decision. A condition is also necessary in the interests of the natural environment for a scheme of appropriate biodiversity enhancements and climate change response measures. I have not imposed an approved plans condition as the development has been carried out.

Conclusion

19. The proposed development accords with the development plan and there are no material considerations indicate that a decision should be made other than in accordance with it.
20. For the reasons given above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR