

Appeal Decision

Site visit made on 16 December 2025

by John Whalley

An Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal ref: APP/A2335/C/24/3354866

Land at Back Lane, Borwick, Lancashire LA6 1JT

- The appeal is made by Mrs Victoria Wilson under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Lancaster City Council.
- The enforcement notice was issued on 16 September 2024.
- The breach of planning control was: Without planning permission on the Land:
 - the erection of agricultural buildings, the approximate location as shown marked green on the plan, and labelled A on photographs, at Appendix B;
 - the creation of an area of hardstanding, the approximate location as shown marked blue on the plan at Appendix B); and
 - the creation of a silo, the approximate location as shown marked red on the plan, and labelled B on photographs, at Appendix B.
- The requirements of the notice are:
 - To remove the agricultural buildings from the Land;
 - To remove the hardstanding from the Land; and
 - To remove the silo from the Land, including the concrete base and foundations, and
 - To remove all resultant materials and debris from the land following the steps taken above; and
 - Restore the Land to its previous condition as it appeared immediately prior to the Development taking place, and finish by reseeding/grassing the area.
- The period for compliance with the requirements is 26 weeks.
- The appeal was made on ground (f) – s.174(2) of the Act.

Summary of decision: The enforcement notice is varied and upheld

Appeal ref: APP/A2335/W/24/3355204

Land at Back Lane, Borwick, LA6 1JT

- The appeal is made by Mrs Victoria Wilson under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made against the decision of Lancaster City Council.
- The application ref. is 24/00687/FUL, dated 21 June 2024.
- The development proposed is: Retrospective application for the erection of agricultural buildings and associated hardstanding.

Summary of decision: Planning permission is not granted

Appeal site

1. The appeals deal with an area of open agricultural countryside about 1km east of the small village of Borwick, north east of the town of Carnforth.

2. The Council described Mrs Wilson's development as forming part of a small-scale agricultural smallholding consisting, according to her agent, of just over one hectare of land with limited numbers of livestock. Mrs Wilson said the 200m² site where works have been undertaken are close to the entrance to fields co-owned with her sister-in-law.
3. The appeal site is bounded by a drystone wall and hedgerow to the south and by hedgerows and established trees to the west. To the north and east land extends to open fields, bounded by drystone walls, hedgerows and fencing.
4. Site works include an area of about 4m x 8m of concrete hardstanding base to a field shelter with areas of gravel/hardcore and which house a smaller animal shelter and a feed shed. A small off-road parking area is accessed directly from an opening from the north side of Back Lane.

Consideration of the 2 appeals

5. Although the enforcement notice appeal is the lead case, I deal with the s.78 planning application appeal first. That is because, as the appeal against the enforcement notice was made on ground (f) only, it is logical to first consider the merits of the case for granting planning permission and where success would render the ground (f) appeal otiose.

s.78 planning appeal – applic. 24/00687/FUL - Appeal ref: APP/A2335/W/24/3355204

6. Planning application 24/00687/FUL was a retrospective application for the erection of agricultural buildings and associated hardstanding on the previously open field small holding adjacent to Back Lane, Borwick. The animal shelter buildings, stores and hardcore surfacing had been built by the Applicant, Mrs Victoria Wilson to help her care for her group of animals, currently including a donkey, 2 horses and a few sheep, described as being too old for breeding stock, effectively retired in old age.
7. The Council's view was that the unauthorised development resulted in unacceptable and unjust harm to the prevailing landscape character and beauty of this location; harm that was not outweighed nor justified by the benefits resulting from the scheme.
8. The matter at issue is consideration of the balance between what is needed to properly care for the animals on Mrs Wilson's holding and the effect of the animal accommodation buildings on the appearance of the surrounding landscape, when examined against relevant planning policy.
9. The National Planning Policy Framework at 15. - Conserving and enhancing the natural environment at para. 187. says Planning policies and decisions should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land,...
10. Policy DM47 of the Review of the Development Management DPD to the Local Plan, Lancaster District 2020 – 2031 Part 2, adopted 22 January 2025, deals with economic development in rural areas. It says proposals should be located in sustainable locations and represent sustainable development. A preference should be given to the re-use of Previously Developed Land (PDL) and the conversion and re-use of existing rural buildings. Development proposals on greenfield sites within the open countryside will only be supported where it is clearly demonstrated through a robust assessment that no alternative suitable locations exist within local settlement areas and that the benefits of the proposal outweigh the impacts on local amenity. Policy DM47 says that other development proposals in rural areas will be supported in

principle for purposes that are essential operations for agriculture, horticulture, equine related activities, ... where there is a proven and justified need.

11. The Council said Mrs Wilson's agricultural activities were small scale. It would be more fittingly considered as a hobby. I agree. Whilst some sheep fleeces might be sold, the activities on the appeal land could not reasonably be described as an agricultural business. It does not provide employment. Although the kind care of a number of older farm animals has more benefit than just the enjoyment of individuals' hobbies, it does not meet the DM47 requirement for there to be a proven and justified need in order for agricultural development to be supported.
12. My conclusion in relation to Policy DM47 is that it offers no support for Mrs Wilson's project. It fails to meet exhortations, for instance, to use previously used land, or to reuse or convert existing buildings, nor was an assessment to show no suitable alternative sites available provided.
13. Local Policy DM29 says new development should be as sustainable as possible and make a positive contribution to the surrounding landscape and/or townscape. Policy DM46 further heightens the need for good design in the open countryside.
14. The appeal site sits within the Low Coastal Drumlins landscape character type, site 12b Warton-Borwick, said to feature large pastures divided by low clipped hedgerows or stone walls. Before the unauthorised development took place, the site was an open agricultural field with no structures or areas of hardstanding. The field had no driveway from the road. The submitted 2010 Google Street view showed a pleasant undeveloped pasture field that fitted well into surrounding agricultural land.
15. Whilst, as the Appellant pointed out, the new buildings are small compared with many agricultural structures, they are somewhat utilitarian, a new ill-fitting intrusion into this area of attractive open countryside, clearly seen from the fronting road.
16. I consider the provision of shelter and care for all animals a most worthy cause. It is an unarguable requirement that animals are properly looked after. The need for built shelters for animals was recognised in Schedule 1, paragraph 17 of the Welfare of Farmed Animals (England) Regulations 2000 (S.I. 2000 No.1870) which states that: - *Animals not kept in buildings shall, where necessary and possible, be given protection from adverse weather conditions, predators and risks to their health and shall, at all times, have access to a well drained lying area. But where new shelter buildings are needed, they should be in appropriate locations.*
17. Whilst not fully applicable, local Policy DM 51 relating to equestrian development has some relevance. Such facilities require rural locations. Even on a small scale, proposals should be subject to local landscape character assessments where applicants are expected to follow a sequential approach towards the siting of equine facilities. The policy says such uses should preferably be sited within existing farmsteads, reusing existing buildings where possible, to reduce any impact on the landscape.
18. Mrs Wilson said there may come a time when she would no longer require shelter for her animals. The works were reversible. That is tantamount to asking for the grant of a temporary personal planning permission. In my view that would be too indeterminate. It would be open ended, dependent upon Mrs Wilson ambitions to continue the use of the appeal land and its unlawful buildings, rather than seeking a longer period for compliance with the enforcement notice while looking for suitable alternative premises.
19. I conclude that unacceptable harm has been caused to the otherwise pleasant open agricultural countryside character that existed along Back Lane prior to the

unauthorised developments taking place, contrary to national and local planning policy to safeguard the character and appearance of this part of the rural landscape. I know this decision will be of considerable disappointment to Mrs Wilson and her sister-in-law. But having considered the possibility of a temporary personal planning permission and the offer to remove the on-site built developments when no longer needed, on balance, I consider it more appropriate to refuse to allow the planning application appeal.

FORMAL DECISION - Appeal ref: APP/A2335/W/24/3355204

20. The appeal is dismissed.
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The s.174 enforcement notice – Appeal ref: APP/A2335/C/24/3354866

The appeal on ground (f)

21. An appeal on ground (f) asserts that the steps required by the enforcement notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
22. The Appellant, Mrs Wilson, as in the case of the s.78 appeal, offered to accept a condition requiring the removal of the shelters when and if not required by the livestock. More specific to the subsequent ground (f) appeal, Mrs Wilson had earlier suggested the possibility of removing the least necessary areas of hardstanding and putting shelters on skids to remove any degree of permanence. That could have included discussing any necessary access works with the Council. But they had not engaged.
23. In my view, whilst Mrs Wilson's suggestions were a positive attempt to resolve the matter, I am not persuaded that they could have produced any significant remedy to the adverse effects of the buildings and works enforced against on the immediate local landscape. The requirements of the enforcement notice are relevant, reasonable and not excessive. The appeal on ground (f) fails.
24. Although there was no appeal on ground (g), that the period allowed for compliance with the requirements of the notice was insufficient, the question of an implied temporary planning permission was aired in the consideration of the s.78 appeal. As I indicated above in that appeal, such an open-ended arrangement would be inappropriate. I will, however, allow more time to allow Mrs Wilson to possibly make other arrangements with her animal welfare pursuits. I will increase the period for compliance from 28 weeks to 10 months. The enforcement notice will be so varied, but upheld.

FORMAL DECISION - Appeal ref: APP/A2335/C/24/3354866

25. The enforcement notice is varied by the deletion of the words: "26 Weeks" in the first line of para. 6.1 on page 2 of the notice and the substitution therefor of the words "10 months". Subject to that, the appeal is dismissed and the varied enforcement notice upheld.

John Whalley

INSPECTOR