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## Appeal Decision

Site visit made on 16 April 2026

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday 4 June 2026

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**Appeal Ref: APP/A2335/W/25/3376224**

**Burton House, Aughton Brow, Aughton, Lancashire LA2 8LU**

- 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 Mr Tim Keeler against the decision of Lancaster City Council.
  - The application reference is 25/00503/FUL.
  - The development proposed is change of use of land adjacent to the property boundary from agricultural land to private residential garden land.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) now refers to designated Areas of Outstanding Natural Beauty (AONBs) as National Landscapes. I have used this terminology of the Framework except when referring to other documents which retain the reference to AONBs.

### Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area, which includes the Forest of Bowland National Landscape.

### Reasons

4. The appeal site comprises an area of fenced land that sits within a wider field. It adjoins the existing garden of Burton House, a large, detached dwelling on the edge of the small hamlet of Aughton. The appeal site is comprised mainly of grass, a pond, a greenhouse, a chicken coup, small areas of flowers and fruit, and a bench. The appeal site is sloping because of its position on the valley side of the river Lune. It provides panoramic views across the pastoral fields and hedgerows that surround the site and which characterise the valley sides, along with pockets of woodland. Consequently, the area is distinctly rural in terms of its character and appearance.
5. The appeal site is designated as open countryside and lies within the Forest of Bowland National Landscape (FoBNL). The open and rolling pastoral landscape within which the appeal site is positioned, and the hedgerows, woodland and river valley therein, are key features of the landscape, which add to its distinctive character and natural beauty. The appeal site itself does not presently share the pastoral character and appearance of these surrounding fields. Due to the fencing

installed and the uses therein, its appearance is more akin to a smallholding. Yet it remains open and largely undeveloped, and so it continues to make a positive contribution to the rural character and natural beauty of the FoBNL.

6. Given the site's location within the FoBNL, there is a duty upon me to seek to further the purposes of this protected landscape. National Landscapes are designated for the purpose of conserving and enhancing natural beauty. DPD<sup>1</sup> Policy DM29 requires that new development contributes positively to the identity and character of the area through good design, having regard to local distinctiveness, while DPD policy DM46 attaches great weight to the protection of designated landscapes and requires that proposals are consistent with the primary purpose of the AONB designation to conserve and enhance natural beauty, and support the special qualities of the AONB. The Framework advises that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection.
7. While the appeal site is contiguous with the existing garden of Burton House, this is in relation to its northwest boundary only. Otherwise, fields rather than residential gardens surround the site. The appeal site extends approximately 32m in length and 28m in width, and so it is not small. It would more than double the size of the existing garden serving the host dwelling, which is not in itself small. While a gate has been provided between the appeal site and Burton House and there is presently a functional link between the two, residential use of the appeal site would be a notable domestic incursion into the open countryside.
8. I note that no physical structures or engineering works are proposed as part of the change of use, and a condition could be imposed to remove permitted development rights afforded to dwellinghouses by the GPDO<sup>2</sup> for development such as hardsurfaces or outbuildings. However, such a condition cannot control the introduction of domestic paraphernalia on the site, which is not in itself development. Domestic paraphernalia would be harmful to the openness of the site and the character and integrity of this open countryside location, eroding the distinct rural character of the rolling pastoral landscape. Consequently, residential use of the site would fail to have regard to local distinctiveness, fail to conserve and enhance natural beauty, and it would not support the special qualities of this national landscape.
9. I have considered the appellant's personal intentions in terms of how the appeal site would be used and managed, retaining the present uses as set out above, and managing and enhancing the site as a wildlife habitat. The appellant suggests that the proposal would formalise these existing uses. However, many of these uses appear to be compatible with the existing use of the land for agriculture. Planning permission is sought for a change to residential use and that is the basis on which I must consider the appeal. As planning permission runs with the land and not with the applicant, I cannot be certain that future occupiers would use the site in the same manner as the appellant intends, and so I must consider all implications of the proposed change to residential use that has been applied for.
10. I have also considered whether the other conditions suggested by the appellant, could overcome my concerns, one of which is that a Landscape and Ecological

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<sup>1</sup> A Local Plan for Lancaster District 2020 – 2031, Part Two: Development Management Development Plan Document (climate emergency review) Adopted 22 January 2025.

<sup>2</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Management Plan could be conditioned to secure management of the land as a wildlife led meadow/pond habitat. However, as planning permission is sought for a change to residential use, I am not convinced that a condition which required the site to be laid out and managed as meadow would meet the test of reasonableness. While conditions to control boundary treatment and lighting could mitigate some potential harm, they would not be sufficient to overcome the harm identified above, particularly that of domestic paraphernalia.

11. The appellant considers that further landscaping could help to conserve local landscape character. However, depending on its form and arrangement, it also has the potential to harm the openness of the site, or be at odds with the traditional field patterns formed by established hedgerows, which contribute to the rural character of the area. As no details are before me, I cannot be certain that additional landscaping would be beneficial in mitigating the adverse effects of the proposal.
12. Given the size of the proposal, the harmful effects would be localised. Existing hedgerows, along with the landform in relation to Aughton Brow, would help to screen or filter views into the appeal site from the nearby road, particularly in the summer months when the hedgerows are in leaf. I have not been directed to any other public vantage points that provide views of the appeal site. Additionally, the proposal would be seen against the backdrop of the existing house and garden.
13. However, even if the development would not be highly perceptible visually, it would nonetheless represent a sizeable residential encroachment into the open countryside, which would adversely affect the rural character and the natural beauty of the area. While these harmful effects would be localised, I am mindful that the Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes.
14. Reference has been made to a precedent case permitted by the Council<sup>3</sup>, however the full details of that case are not provided and so I cannot be certain it is comparable to the appeal scheme, which needs to be considered with regards to its specific physical context in any event. Reference has also been made to a proposal considered by Dacorum Borough Council and a number of other appeal decisions. Again, no details of these other proposals are provided and only one of the appeal references is complete. That decision<sup>4</sup> related to a lawful development certificate for an allotment that fell within the definition of agriculture, and so it is not directly comparable to the appeal scheme which seeks a change to residential use. These other cases do not alter my findings in relation to the appeal scheme.
15. To conclude on this main issue, the proposal would harm the character and appearance of the area, and it would fail to further the purpose of the FoBNL to conserve and enhance natural beauty. Consequently, the proposal would conflict with DPD policies DM29 and DM46, the purposes of which have been set out above.

## Other Matters

16. The appellant indicates that the appeal site hosts protected species and habitats and states that the proposal would maintain and improve these habitats. I have

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<sup>3</sup> 24/01344/FUL

<sup>4</sup> Appeal Ref: APP/C3430/X/22/3297848

had regard to the information provided relating to the biodiversity value of residential gardens in comparison to intensively farmed agricultural land, as well as to the biodiversity value of meadows and ponds. It is suggested that the appeal scheme would be a means by which to secure the biodiversity value of the appeal site, through a condition requiring the submission of a management and monitoring plan.

17. While the imposition of such a condition could be a means to formally secure the biodiversity value of the appeal site and its enhancement, I am not convinced from the evidence before me that without this, the biodiversity value of the appeal site would be at risk, given that many of the existing uses at the appeal site do not appear to be incompatible with the lawful use of the land for agriculture. Even if I were to give weight to this as a benefit of the proposal, as the Framework requires that great weight be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection, the biodiversity benefits would not outweigh the harm I have identified resulting from this residential incursion into the open countryside.

### **Conclusion**

18. The proposal conflicts with the development plan when taken as a whole and there are no material considerations that indicate a decision should be made other than in accordance with it. For the reasons given above the appeal should be dismissed.

*S Brook*

INSPECTOR