



# Appeal Decision

Site visit made on 30 April 2024

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

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**Appeal Ref: APP/T2350/W/23/3329656**

**Mill House, Chipping Road, Chaigley, Bashall Eaves, Lancashire  
BB7 3LS**

- 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 David Pennington against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2022/0650.
  - The development proposed is demolition of existing building, removal of steel feed silo, steel portacabin, portaloo and blockwork boundary walls. Erection of stone building with Welsh slate roof to provide 4 bedroom holiday cottage with paved amenity area, farm office with staff welfare facilities, secure store workshops, covered disabled parking space. New stone boundary walls and paved area.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building, removal of steel feed silo, steel portacabin, portaloo and blockwork boundary walls. Erection of stone building with Welsh slate roof to provide 4 bedroom holiday cottage with paved amenity area, farm office with staff welfare facilities, secure store workshops, covered disabled parking space. New stone boundary walls and paved area at Mill House, Chipping Road, Chaigley, Bashall Eaves, Lancashire BB7 3LS in accordance with the terms of the application, Ref 3/2022/0650 subject to the conditions in the attached schedule.

## Preliminary Matters

2. The appellant provided amended plans at the appeal stage which show a slight reduction in the number of roof lights and windows. I have carefully considered the implications of accepting these amendments in the light of the Procedural Guide, Planning Appeals, England and the Holborn judgement.<sup>1</sup>
3. The Procedural Guide advises that the appeal process should not be used to evolve a scheme. With regards to the Holborn judgement, it must be considered whether the proposed amendment involves a substantial difference or fundamental change to the application, and if any proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
4. I consider that the changes are minor amendments that would not prejudice any interested party including occupants of nearby properties. Therefore, I have taken these amended plans into account as part of my decision.

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<sup>1</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823

5. In November 2023, the National Landscapes Association reported that all designated Areas of Outstanding Natural Beauty (AONBs) had become National Landscapes. However, the Framework continues to refer to them as AONBs. In this decision I have used the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

### **Main Issue**

6. The Council raises no objection to the principle of development, and based on the evidence before me I have no reason to disagree. The main issue in dispute, and for consideration in this appeal, is the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Forest of Bowland AONB.

### **Reasons**

7. The appeal site comprises an agricultural building sited in an existing agricultural complex. The site is accessed via an existing track leading off Chipping Road. Immediately to the south of the agricultural building sits a barn which has been converted into a dwelling, and a two-storey house. A large neighbouring agricultural complex, Old Dairy Farm, lies to the north. There is a small cluster of dwellings at Chaigley Court, approximately 200m away. The fields surrounding the site are grazed by the appellant's sheep.
8. The site lies within the Forest of Bowland AONB. The key characteristics of the AONB include well-wooded and picturesque stone farms and villages, criss-crossed by drystone walls and hedges creating field patterns. Sheep and cattle graze in open fields. Individual farmsteads are located at the end of farm tracks, with buildings tightly grouped around the farmhouse. Traditional stone field barns are a recognisable landscape feature. There is a sense of remoteness and tranquillity with groups of buildings dotted in the landscape.
9. Key Statement EN2 of the Ribble Valley Brough Council Core Strategy 2008-2028 (2014) (CS) requires the landscape and character of the AONB to be protected, conserved and enhanced. Development will be expected to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and materials. In addition, Para 182 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing landscape and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.
10. The existing agricultural building is constructed of rendered brick, with a steel frame, an asbestos roof and large areas of patent glazing. The proposed building would be constructed from stone and Welsh slate to respect and reflect the overall character, palette of materials and design of the existing built form within the site. The proposed materials would not be uncharacteristic in the AONB and would ensure that an overall rural feel would be retained.
11. The proposed building would be narrower and would have an approximately 30% smaller footprint than the agricultural building that it would replace. As such it would not encroach into the AONB or compromise the open aspect of the AONB. The new building would not be visually or physically separate from the existing built form and would not appear as anomalous or incongruous in the landscape. Rather, the scale, design and sympathetic materials would

- ensure that the proposal would assimilate with the other built development at the site. As such, it would not appear as discordant or out of place, but would relate well to the existing buildings, forming a cohesive, homogenous group.
12. Due to the surrounding topography and the layout of the existing built development at the appeal site, there would be limited visibility of the proposal within the AONB. From the south the existing built development would largely screen the proposal. The buildings at the appeal site are set on a yard which is cut into the hillside, which rises steeply uphill to a commercial plantation. Views of the rear elevation of the proposal would therefore be limited. The neighbouring existing agricultural complex with large cattle sheds further helps to screen the appeal site.
  13. Whilst some views of the development would be possible, largely from Chipping Road, these views would be limited by screening provided by an established hedgerow which runs along the access track. From the surroundings the proposal would be seen to be contained and positioned alongside similar development. The proposal would therefore not appear as visually jarring, and when viewed from the outside the site would be read as a traditional farm within the mature landscape.
  14. The proposal would retain an agricultural use in the form of the farm office and secure storage facilities. The farm office would allow for a dedicated area to complete administrative work and the secure store would house agricultural machinery associated with the agricultural operation.
  15. The proposal would, however, have domestic features, such as glazed windows and roof lights. However, due to the site being well screened within the landscape, the visual and suburbanising effect of the proposal would be limited. The scheme would not have a typical suburban garden, but rather a small paved amenity area which would be located at the rear of the building where views are limited due to the nearby commercial plantation. The proposal would use the existing access track, and the surrounding fields would remain as grazing land for the appellant's livestock, ensuring that the appeal site would retain an agricultural character. Furthermore, as the proposed development would be constructed from stone, this would reflect one of the traditional building materials which are a characteristic feature of agricultural buildings within the AONB.
  16. As the site is within the AONB, I attach great weight to conserving and enhancing the landscape and scenic beauty. However, for the reasons given above I do not consider that the proposal would cause harm to the character and appearance of the area, having regard to the site's location within the AONB.
  17. Consequently, the proposal would comply with Key Statement EN2 of the CS, which expects development to be in keeping with the character of the landscape. It would also accord with Policy DMG1 of the CS which seeks to ensure that development relates well to its surroundings and considers its impact on landscape character. It would also comply with Policy DMB3 of the CS which seeks to ensure that tourism development within the AONB displays a high standard of design, is in keeping with the character of the landscape area and reflects the local vernacular scale, style, features and building materials.

## **Conditions**

18. The Council did not provide any suggested conditions in relation to this appeal. In drafting conditions, I have had regard to the Planning Practice Guidance on conditions. The appellant has confirmed their agreement to the pre-commencement condition. In addition to the standard commencement condition (condition 1) I have attached a condition specifying the approved plans in the interest of certainty (condition 2).
19. In order to protect the character of the area, I have attached a condition requiring the materials to be used to match those on the approved plans (condition 3).
20. Condition 4 is a pre-commencement condition which is necessary to require a construction management scheme prior to the commencement of development, to maintain highway safety. Condition 5 relates to parking spaces and a turning area and is necessary in the interests of highway safety.
21. I have attached a condition relating to roof lights to protect the character and appearance of the area (condition 6). Condition 7 is necessary to ensure that satisfactory drainage can be achieved.
22. I have attached a condition requiring the submission and approval by the council of bat and bird boxes and a condition relating to external lighting so that the habitats of wildlife species are maintained and enhanced (conditions 8 and 9).
23. In order to ensure that the holiday accommodation is not used for permanent residency, which would not accord with the Council's development strategy within the Core Strategy, condition 10 is attached.
24. To ensure that the farm office and store are used solely for agricultural purposes in connection with the working of the holding, I have attached condition number 11.

## **Conclusion**

25. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:-  
Block Plan - Drawing no 446/3  
Proposed elevations and section - Drawing no 446/7C  
Floor plans - Drawing no 446/8  
Proposed ground plan – Drawing 446/6C.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials indicated on the Proposed elevations and section Drawing no 446/7C.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors and a timetable for their provision;
  - ii) the routing of construction traffic;
  - iii) wheel washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 446/6C. Thereafter the onsite parking provision shall be so maintained in perpetuity.
- 6) Details of the roof lights shall be submitted to and approved in writing by the local planning authority prior to installation. The proposed roof lights shall be of the Conservation Type and recessed with a flush fitting. The development shall be carried out in strict accordance with the approved details and retained hereafter for the life of the development.
- 7) No development hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged

- from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 8) Prior to the first use of any part of the building hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site in accordance with full details of their types and positions, that have previously been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations or wall and roof elevations into which the above provisions shall be incorporated.

These shall be retained thereafter for the lifetime of the development.

- 9) Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall first be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. The lighting scheme shall be implemented in accordance with the approved details.

- 10) The holiday accommodation hereby approved shall be restricted to short-term holiday purposes only and shall not be occupied by any persons for a continuous period exceeding 28 days in any calendar year or as permanent residential accommodation or as a person's main place of residence.

The owners of the accommodation shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any Order that replaces or re-enacts that Order) (with or without modification) as they relate to the changes of use of agricultural buildings, the farm office and store hereby permitted shall only be used for agricultural purposes as defined by Section 336(1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

**\*\*\*END OF SCHEDULE\*\***