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## Appeal Decision

Site visit made on 25 February 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

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**Appeal Ref: APP/T2350/W/24/3355513**

**Knott Farm, Chipping Road, Thornley, Lancashire PR3 2TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs Ena Tansley against Ribble Valley Borough Council.
- The application Ref is 3/2023/0367.
- The development proposed is change of use from former agricultural barn building to single dwelling house Class C3(a) following part demolition of recent steel frame extension to north end and erection of replacement pitched roof to north end.

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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal relates to the Council's failure to determine the planning application within the prescribed time period. In its evidence to the appeal, the Council states that had it been in a position to determine it, planning permission would have been refused on grounds relating to adverse impacts on the character and appearance of the building and the area and on protected species.

### Main Issues

3. Therefore, the main issues in the appeal are the effects of the proposal on:
  - i) The character and appearance of the appeal building and the area, including the Forest of Bowland National Landscape; and
  - ii) Protected species and their habitat.

### Reasons

#### *Character and appearance*

4. The appeal relates to a traditional agricultural 2-storey brick building with pitched slate roof. It has a single storey extension of similar construction to its southern end and a steel frame monopitch building with corrugated upper walls and roof to its north elevation. The building forms part of an isolated farmstead group, with an older and larger brick barn to the north east, a steel frame shed, several smaller ancillary buildings and Knott Farm Farmhouse. The farmstead is accessed from Chipping Road via a long unadopted farm track that passes through Lea House Farm and that also serves as a public right of way (the footpath). The rural vernacular farmstead, including the appeal building, makes a positive contribution to the traditional rural character and appearance of the surrounding open countryside and thereby the Forest of Bowland National Landscape.

5. The steel frame extension would be replaced with a single storey extension (the rebuilt extension) which would be finished in brick with a dual pitch slate roof. This would have domestic doors, including a tri-fold door, and windows to all elevations. The steel frame structure is of no architectural or historic merit, but it is typical and illustrative of the evolution of rural agricultural buildings. In contrast, while its external materials would match the 2-storey part, the rebuilt extension would be a domestic feature such as would not look out of place in a more urban setting.
6. The number and general arrangement of openings in the principal elevation would remain largely the same as existing. However, the upper parts of the doors would be glazed and there would be 2 new domestic windows instead of a cart door opening in the rebuilt extension. Consequently, there would be a significant increase in the number of glazed openings, from 3 to 9, the majority of which would be conspicuously linearly arranged at ground floor level. The part glazed/ part boarded doorway openings, without a boarded upper half, would not reflect stable doors. Moreover, the glazing of the first floor opening, with removal of the existing wooden door, would erode the appearance of the former hay loft opening.
7. The rear elevation is blank, except for 3 rooflights close to the 2-storey ridge. The south west elevations of the single storey extensions to either end would remain blank, but the 2-storey rear elevation would feature 2 bi-fold glazed doors and a new window at ground floor level, together with 2 new first floor windows. The overtly domestic scale, number, design and regular arrangement of new openings would not reflect or respect the historic functional agricultural use of the building.
8. The proposal would not require substantial rebuilding or extension. Even so, the new openings to the rear elevation, and bi-fold and tri-fold doors, would be a conspicuous visual change resulting in the appearance of an overtly domestic and more contemporary building. The cumulative changes to openings and fenestration to all elevations and the generic rebuilt extension would significantly domesticate the former barn and erode its historic agricultural and rural vernacular appearance. The proposal would diminish the local distinctiveness and sense of place of the farmstead group and the Forest of Bowland National Landscape.
9. The appeal site is in a relatively remote location, but the footpath passes through the yard in front of the appeal building. Therefore, the proposal would be readily visible. I accept that, by virtue of the building's orientation, the domestic rear elevation might not be publicly visible at close range. Even so, the extensively glazed domestic openings would be likely to catch the light and emit significant light spill such as would be conspicuous from further afield.
10. The redline boundary indicates that the residential plot would be a large and roughly L-shaped area of land extending north west and south west from the appeal building. No plans illustrating the proposed external areas have been provided. However, the site would be cleared and maintained, there would be an external seating area to the rear of the building and domestic parking for a 3 bed dwelling would be provided in the curtilage. Although not detailed, it seems likely that there would also be boundary treatments. Residential paraphernalia could be spread across a wide area. As such, and notwithstanding that the evidence states that the landscaping would remain largely unchanged, the large residential garden would contribute to domesticating and eroding the rural agricultural surroundings.

11. The residential conversion would require the creation of new openings for doorways and to allow natural light into habitable rooms. However, there is little robust justification for the size and arrangement of rear fenestration, including the extent of glazed doorways opening onto the patio area, or the number of new doors or windows more widely. I acknowledge that the proposals have been amended since the earlier withdrawn scheme and during the processing of the application. Even so, there is little compelling evidence that there are no alternative designs such as could result in similar benefits without the harm that I found.
12. Therefore, I conclude that the proposal would harm the traditional agricultural character and appearance of the appeal building, the rural farmstead group and the Forest of Bowland Natural Landscape. It would conflict with key statement EN2 and policies DMG1, DMG2 and DMH4 of Ribble Valley Borough Council Core Strategy 2008-2028 Adopted December 2014 (the CS). These require, among other things, that proposals conserve and enhance the landscape and character of the Forest of Bowland, reflect local distinctiveness and vernacular style and features, and being sympathetic and appropriate to its surroundings.
13. Although not cited in the Council's putative reason for refusal, I am also mindful that the National Planning Policy Framework (the Framework) advises great weight should be given to conserving and enhancing the landscape and scenic beauty of National Landscapes.

*Protected species and their habitat*

14. A daytime inspection for protected and priority species was carried out by Ecology Services UK Ltd on 23 September 2022. This found evidence of nesting birds and roosting bats and the consultant therefore recommended further surveys for bats in accordance with good practice guidelines. Mitigation measures were also proposed for the avoidance of impacts on nesting birds and other protected and priority species for which the building and its environs provide suitable habitat.
15. As detailed in correspondence from Ecology Services UK Ltd dated 13 August 2023, the site was visited on 3 occasions in July and August of that year. Two bat emergence surveys were carried out in July and August and a remote Anabat detector was deployed on the first floor for 24 nights in July and August. A third emergence survey was not carried out because there were no new bat droppings to indicate building use during 2023 and, despite the presence of bats foraging in the area, no bats were seen to emerge from the building.
16. Notwithstanding the absence of roosting bats in 2023, the building has been used by bats in the past and it has features suitable to be used by roosting bats in future. According, the bat consultant cautions that the works would need to be carefully managed to avoid potential impacts on bats and bat roosts, as well as nesting swallows and other bird species. Taking into account the thorough survey and assessment of likely impacts, I see no reason why the proposed mitigation and compensation measures, which could be secured by the imposition of planning conditions, would not be adequate to avoid harm to protected and priority species.
17. With regard to nesting birds, the ecology report does not appear to recommend replacement nesting opportunities. However, Natural England's standing advice for wild birds, which is government guidance, advises that proposals should include measures to replace nesting sites and there should be a suitable amount of replacement habitat to compensate for the displacement, including no net loss of

habitat, like-for-like replacement near the original nest site to provide long-term home. Taking into account that there are other buildings within the appeal site, it seems reasonably likely that replacement nest sites for bird species including swallows could be provided to ensure no net loss of biodiversity.

18. Therefore, I conclude that the proposal would not adversely affect biodiversity, including legally protected and priority species, subject to the imposition of planning conditions to secure mitigation and compensation. The proposal would not conflict with the biodiversity protection aims of CS key statement EN4 or policy DME3. Moreover, it would not result in a breach of protected species legislation.

### **Other Matters**

19. I note the appellant's concerns in relation to the consideration of the application by the Council's planning committee. However, the scheme can be readily understood and there is little evidence that the Council failed to properly consider it. Where the committee agrees with the officer recommendation, it is not unreasonable for the Council's appeal statement to reflect the officer report. The appellant is frustrated with the delay in decision making and she exercised her right to appeal. However, her concerns in this regard do not weigh in favour of the appeal.
20. The appellant intends to occupy the proposal in order to live near her son in Knott Farmhouse. I note reference to her advancing age, but there is little evidence that she is elderly. The proposal would in any case be an independent residential unit with 3 double bedrooms suitable to be occupied by a family. It would not be ancillary accommodation and it would not apparently be elderly people's housing. The appellant's personal circumstances carry little weight in favour of the proposal.
21. The proposed new dwelling would contribute towards the supply of housing. Neither party has provided evidence in relation to the Council's 5 year housing land supply position. However, even if there was a shortfall, footnote 7 of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect National Landscapes provides a strong reason for refusing the development.

### **Conclusion**

22. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
23. Therefore, I conclude that the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR