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## Appeal Decision

Site visit made on 3 December 2024

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

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**Appeal Ref: APP/T2350/W/24/3348150**

**Moorcock House, Slaidburn Road, Waddington, Lancashire BB7 3AA**

- 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 Paul and Lilly Haworth against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2023/0946.
  - The development proposed is re-positioning of an access gate off Slaidburn Road.
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### Decision

1. The appeal is allowed and planning permission is granted for repositioning of an access gate off Slaidburn Road at Moorcock House, Slaidburn Road, Waddington, Lancashire BB7 3AA in accordance with the terms of the application, Ref 3/2023/0946, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Access scale 1:100 @A3; Wall reduction 1:100 @A3; Proposed Access scale 1:1250@A3.
  - 2) Within three months of the date of this permission, all off-site highway works required to be carried out within the visibility splay to the north of the site access, namely lowering the height of the stone wall to 0.9 meters and cutting back all vegetation within the sightline as indicated on Proposed Access scale 1:1250 @A3 and Wall reduction 1:100 @A3 shall be carried out. The visibility splay shall be maintained as such in perpetuity.
  - 3) Within three months of the date of this permission, the access drive shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
  - 4) Within two months of the date of this permission, a drainage strategy demonstrating how surface water from the access hereby permitted shall be collected within the site and drained to a suitable internal outfall, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented within three months of the date on which the submitted scheme is approved. The drainage shall be managed and maintained thereafter in accordance with the approved details.

### Preliminary Matters

2. I have taken the description of development from the application form as this accurately describes the development. I have removed the word retrospective as this is not a description of development.

3. Additional evidence has been provided by the appellant in relation to the agricultural enterprise at the site. Some of which was not provided at the time of the planning application. In addition, an additional plan showing the visibility splay has been submitted. I am satisfied that interested parties have had an opportunity to view and comment on the information and plan, therefore interested parties are not prejudiced by my taking it into account.

### **Main Issue**

4. The main issues are:
  - i) The effect of the repositioned gate and changes to the access on the character and appearance of the surrounding countryside, having particular regard to the location of the site within the Forest of Bowland National Landscape; and
  - ii) Whether there is an agricultural need for the repositioned access gate and changes to the access, having regard to the farming activities at the site.

### **Reasons**

#### *Character and appearance*

5. The site is a field gate entrance leading to Moorcock House, adjacent to large new build properties to the south. The area is a mainly agricultural moorland landscape with dwellings and farmsteads interspersed within it. The area has a quiet, rural character with long range views across the surrounding countryside and undulating topography. From my observations on site, Slaidburn Road is fast and straight with no pedestrian walkway.
6. The proposal is retrospective in part with the timber access gate to the property located approximately 15m from the highway edge, this has been repositioned as it was originally much closer to the main carriageway. The entrance has a stone surface which is level with the highway. The access has also been widened from the original access, which is shown in the images provided by the appellant. The repositioned gate allows for vehicles to access the site and pull off the main road before opening the gate. The proposal includes surfacing the access in a permeable tarmac surface, installing kerbstones and reducing the height of the drystone wall to the north to allow for a visibility splay.
7. The existing access has development to the south, comprising several large new build properties. Decorative domestic fencing separates the access from the garden of the property immediately adjacent. Due to the open character of the wider landscape and topography, the dwellings due to their height and materials are very prominent in their setting. The access to the dwellings runs to the south of them and is visible from the main highway. The access to the properties is engineered and surfaced in a bound material.
8. The proposed access when finished would have a more urban appearance in order for it to comply with highway authority recommendations. Whilst this appearance would ordinarily appear over engineered and formal in this very rural setting, it would have a similar appearance to the access road to the adjacent properties. Therefore, due to the location of the access within very close proximity to the adjacent properties, the proposed access would not appear alien in its immediate setting and would appear subservient to surrounding development. Furthermore, when looking directly towards the gate and from the north, the gate is

set back by some distance and the surrounding mature trees act as a backdrop to help the gate assimilate into the landscape. Whilst there would unfortunately be some loss of drystone walling, this relates to a reduction in height which would be minor and not removal of sections of wall, therefore the wall will remain in situ and still contribute as an important landscape feature.

9. Therefore, due to the location, small scale of the development and the materials and design of the gate, which are appropriate for a rural setting, the proposed access works and gate would not have a detrimental impact on the character and appearance of the area.
10. For the reasons mentioned the proposed development of the widened access and repositioned gate would not cause undue harm to the character or appearance of the surrounding countryside. Therefore, would be in accordance with policy DMG1 of the Local Plan for Ribble Valley Core Strategy (Dec 2014) (CS) which requires development to be sympathetic to existing and proposed land use in terms of size, intensity, style and building materials and development to take account of visual appearance and relationship to surroundings, including landscape character.
11. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing scenic beauty in National Landscapes and that the scale and extent of development within these areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. This is reflected in Key Statement EN2 of the CS. For the reasons mentioned whilst the development does not enhance the scenic beauty in the Forest of Bowland National Landscape, it would conserve the scenic beauty due to the scale, design and location of the development, and I therefore find that it would not cause harm to the protected landscape.

#### *Agricultural need*

12. The access leads to Moorcock House which is a farmstead consisting of 16.2ha with 14.2ha of pasture and 2ha of meadow providing a grass crop. The appellant's evidence states that the enterprise has 4 beef cows, 30 sheep, 30 hens and 10 pigs. Further, the appellants intend to regenerate the moorland within the holding.
13. The intention to regenerate the land has been demonstrated through details from the Forest of Bowland's Farming in Protected Landscapes team, in the form of a Farming in Protected Landscapes Programme agreement. Where funding has been provided to carry out certain improvements across the land to allow for the regeneration to take place, with a particular emphasis on pig grazing for bracken control, hedgerow planting and livestock fencing. The agreement sets out conditions to which the appellant must adhere, to ensure that the moorland regeneration is successful.
14. The evidence provided states that the access track is required for four-wheel drive vehicles, livestock trailer, pasture topper, mower, trailer and equipment for animal husbandry. The appellant has provided examples of some of the vehicles that may be used to carry out the agricultural activities on the land, in the form of tractors and trailers. The access will allow agricultural vehicles for general farm maintenance, fencing and bracken cutting including by agricultural contractors. Together with the transport of livestock to and from the site. The access would allow for the vehicles to pull off the highway to open the gate safely.

15. The Council has stated that the site was previously a quarry, and accordingly would have experienced heavy vehicles using the access, therefore the access was adequate for this use. Whilst this may have been the case, I have no detailed information before me relating to the quarry operation, the scale of the operation, timescales of this operation or what vehicles were used, and indeed if this was the main access used for the quarry.
16. Therefore, based on the information provided, I am satisfied that the site is an agricultural enterprise with a size and level of agricultural activity to require a robust access onto the site, which allows for larger and heavier vehicles to use the access. This will allow for the agricultural business to be maintained at the site and for the regeneration of the moorland to be carried out. The gate being set back allows for vehicles to pull off the main road to open the gate providing a safe refuge on what is a national speed limit road with no pavement.
17. For the reasons mentioned I am satisfied that there is an agricultural need for the widened access and repositioned gate and therefore development accords with policy DMG2 of the CS which requires developments to be needed for the purposes of forestry or agriculture.

#### **Other Matters**

18. An interested party has raised concerns that several businesses are being run from the site, and that a new building has been erected or extended on the site. Concerns have also been raised to damage that has been caused to the moorland. These matters are outside of the scope of this appeal and are matters for the Council to whom the representation was made during the planning application process. Therefore, these matters do not affect the conclusion I have reached.
19. Concerns have been raised relating to potential damage to a land drain caused by the works. Therefore, the Council has suggested a condition relating to drainage, I consider that this deals with the matter adequately, and the matter does not affect the conclusion I have reached.
20. Concerns have been raised relating to rubble discarded on public footpath. I did not observe any sharp rubble on my site visit at the access point and based on the evidence before me I am satisfied that the proposal does not affect a public right of way. Therefore, this matter does not affect the conclusion I have reached.

#### **Conditions**

21. For the avoidance of doubt, I have imposed a condition setting out the approved plans, which includes the detailed 'wall reduction' plan which was submitted with the appeal only and not as part of the original planning application. For clarity, I have not used the Council's suggested wording as this included existing plans.
22. In the interests of highway safety three conditions are necessary as suggested by the Council. These conditions require the visibility splay to be provided, the access to be surfaced in a bound material and a condition to ensure that the access is adequately drained, I have amended the Council's wording of the conditions relating to the visibility splay and drainage for preciseness and enforceability. A time limit for these conditions to be implemented is necessary as the development has already begun.

**Conclusion**

23. For the reasons given above the appeal should be allowed.

*N Duff*

INSPECTOR

