



Appeal Decision

Site visit made on 19 January 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Date of Decision: 09 February 2026

Appeal Ref: 6001629

Evesons Barn, Simonstone Lane, Simonstone, Burnley BB12 7NU

- 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 Ben Simmonds against the decision of Ribble Valley Borough Council.
 - The application ref. is 3/2025/0146.
 - The development proposed is: *Proposed change of use of land to residential with access track (60m long), gate (2m high) and boundary treatments (1.2m high fences and 1m high stone wall), bin store and parking area to the rear.*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposal in the heading above is taken from the Council's decision notice and the appeal form. Compared to the application form, this clarifies in the first instance that there would be a change in the use of land to residential.
3. It is apparent from the application form and a photograph on the statement submitted in support of it that the application was submitted retrospectively at least in part. Development is said to have commenced on 1 August 2024. The application form is dated 29 May 2025.
4. A widened access onto Simonstone Lane, a classified road, has been created at the point of a former field gate. An access track (60m long), formed at the present time of loose material, approaches, uphill across the field, the back garden area set aside for Evesons Barn, a dwelling created from the conversion of a disused barn (as approved under ref. 3/2023/0521). The origins of these operations seem to stem from the creation of a temporary access point and roadway for the construction work involved in that conversion.
5. The development the subject of the application has not been completed. In particular, there is no gate, fencing or walling and no macadam surface finish for the access track. For the avoidance of any doubt, I have assessed the proposed development on the basis of the plans submitted with the application.
6. The appellant is unhappy that the Council made the decision without any meaningful reference back to him or his agent. At the same time, he did not seek any pre-application advice from the Council. Whilst I can understand the frustrations expressed by the appellant, such matters do not relate to the planning merits of the scheme and there are other avenues where the Council's handling of the application can be addressed, should that prove to be necessary.

Main issues

7. The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area;
- Whether biodiversity net gain (BNG) objectives would be met; and
- If the development does amount to inappropriate development in the Green Belt, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development in the Green Belt

8. The Ribble Valley Core Strategy (RVCS) was adopted in 2014. RVCS Key Statement EN1 says that the overall extent of the Green Belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate apart from a few exceptions set out in a closed list. Engineering operations and material changes in the use of land are 2 such exceptions provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Green Belt serves 5 purposes (paragraph 143), one of which is to assist in safeguarding the countryside from encroachment.
9. Whilst the overall proposal can be defined as a material change of use, it has 2 distinct physical components. Firstly, the macadam access track, entrance onto Simonstone Lane and parking area can be considered as engineering operations.
10. The parking area would appear to be in the approved garden and have no obvious visibility. It would not be objectionable in Green Belt terms. However, the long macadam access track and the wide entrance onto the lane would represent a very visible and prominent expansion of domestic development onto agricultural land that is clearly part of the open countryside beyond the built-up area of Simonstone and the garden for Evesons Barn. These engineered features would be far more visually impactful than the modest field gate access and grassland that existed immediately prior to the development taking place. Those operations, and the presence of vehicles utilising the access and drive, would erode the openness of the Green Belt in spatial and visual terms, albeit this would be relatively localised, and would fail to safeguard the countryside from encroachment. So, they would constitute inappropriate development in the Green Belt.
11. I now turn to the second physical component. At section 336 of the 1990 Act as amended, “building” is defined as including any structure or erection, and any part of a building, as so defined. This definition would include any man-made, above ground structure, including walls, pillars, railings, gates and fencing, all of which would amount to building operations normally undertaken by a person carrying on

business as a builder. The solid timber boarded gate (up to 2.0m high by 4.4m wide) and the boundary treatments (fencing and stone walling) should be considered as buildings. Such buildings are not included in the closed list of exceptions in the Framework, so would constitute inappropriate development in the Green Belt.

12. Overall, the proposed development would be inappropriate development in the Green Belt having regard to the Framework and RVCS Key Statement EN1.

Effect on the openness of the Green Belt

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
14. The effect on openness has, in part, been explicitly considered already as it was integral to assessing whether the macadam access track, entrance onto Simonstone Lane and parking area would be inappropriate development or not.
15. The proposed gate, walling and fencing would not be well screened from public vantage points on the approach along Simonstone Lane from the south due to the elevated nature of the field and the largely unobstructed views of the site that are available on that approach. The solid timber gate would provide for a stronger and more emphatic physical feature close to the entrance. It would be far larger in scale and less visually porous than the previous field gate. The introduction of this feature along with the other man-made built features in the form of the fencing and walling would cause moderate harm to the openness of the Green Belt. This conflicts with the aims of RVCS Key Statement EN1 and the Framework.

Character and appearance of the area

16. The principle of residential use for Evesons Barn with an accompanying garden was accepted here as it involved the reuse of a building of permanent and substantial construction. This was not inappropriate development in the Green Belt or countryside. However, the surroundings of Evesons Barn are resolutely rural in character. In particular, the field where the development would take place occupies a prominent and sensitive location and forms part of a fine and attractive area of countryside between the curtilage of Evesons Barn and the next properties to the south grouped around Tunstead Avenue, including Revishaw which has direct access onto Simonstone Lane.
17. In the open public views of the appeal site from the south, the proposed macadam access track, along with its associated walling, fencing and gate, would appear as a prominent scar on the hillside below Evesons Barn. The wide gap in the roadside boundary to create the access would also be visually intrusive in this rural street scene. The expansion of obviously domestic development of notable scale, urban form and prominence across this hillside would not be in keeping with the character of the landscape. The adverse impact on the open and rural character of this area of countryside would run counter to the aims of RVCS Policies DMG1 and DMG2.

Whether BNG objectives would be met

18. The Council's 3rd reason (not 4th as stated on the decision notice) for refusing planning permission was on the basis of a failure to demonstrate any BNG. This is said to be contrary to the requirements of Schedule 7A of the 1990 Act as

amended. If the appeal were to be allowed, the proposal would be subject to the statutory pre-commencement biodiversity gain condition, as set out in that Schedule, that applies to such a grant of planning permission. I note the appellant's willingness to agree a scheme of biodiversity enhancement and that the BNG Assessment by *Pennine ecological* concluded that an additional 0.12 habitat units and 0.01 hedgerow units would be required to achieve the relevant 10% BNG.

19. I consider that the 10% uplift could be readily achieved through a combination of biodiversity enhancements such as the suggested creation of a high-quality wildflower meadow and hedgerow reinforcement along Simonstone Lane to the south of the access point and possibly some tree/shrub planting if found necessary. All this would need to take place on the land marked blue on the plans. It would therefore be considered as off-site gains (in BNG terms) that would need to be subject to a planning obligation. Whilst it might be good practice to agree, at least, on the heads of terms of such an obligation during the course of the application, off-site BNG can be finalized and appropriately registered after planning permission is granted, as part of the statutory biodiversity gain plan approval process. The formal, signed legal agreement is not required for validation of the planning application, but it is necessary to secure the off-site gains before the biodiversity gain plan is approved and development begins.
20. On balance, I consider that the BNG objectives are therefore capable of being met.

Other considerations

21. An absence of harm with regard to BNG, highway safety, residential amenity and designated heritage assets is not a positive consideration in favour, rather it should be regarded as neutral in the balance. This also applies to the lack of objections from the Parish Council, local residents and the Highway Authority.
22. It is said that the scheme utilises the position of a former field gate and involves the reinstatement of an old farm track. The former field entrance was defined by a simple and typical metal field gate of limited width and visual impact. The previous existence of a hard surfaced farm track is less clear. The 1960s aerial site photograph on plan no. A1.5 shows a track from the field gate running towards the former barn but it is not clear whether this had a hard surface or whether it simply consisted of grass worn down by constant use. An undated photograph on the statement submitted in support of the application shows no sign of a hard surfaced track. It shows a wide verge overgrown with grass reaching up to the bottom half of the former field gate. Moreover, several Street View images going back to March 2009 do not show any hard surfaced farm track. Even if there was once a hard surface, any remains of it have blended into the landscape over a considerable period of time. The application was therefore properly considered by the Council as a proposal involving new operations in association with residential development, rather than one for the reuse of previously developed land for residential purposes.
23. The existing shared access lane which the conversion scheme relies upon is substandard in terms of its width, physical condition, drainage, gradient and visibility splays at its junction with Simonstone Lane. This lane, which appears to be unadopted, runs between Whalley Road and Simonstone Lane and also serves various other dwellings and fields to the east and north-east of Evesons Barn. The proposed alternative vehicular access, which would comply with the requirements of the Highway Authority, would be a safer access for Evesons Barn.

24. However, there are likely to be many dwellings served by substandard accesses in the Green Belt. In practice, the scheme would take the domestic traffic of only one dwelling away from the shared access lane. Any clear public benefits would be limited in extent, especially bearing in mind the conversion scheme would not materially intensify the use of this unadopted lane and would extinguish the prospect of slow-moving agricultural vehicles associated with the former barn and the surrounding field now owned by the appellant using the junction between the shared access lane and Simonstone Lane. Moreover, I have not been given any personal injury statistics relating to that junction or to Simonstone Lane in the near vicinity of it. Even if this appeal scheme was implemented, the shared access lane would continue to be used by traffic relating to the other dwellings and fields. The highway safety benefits would mount up if the shared lane as a whole was rerouted along the proposed access road and its existing junction with Simonstone Lane was closed off to vehicles but that is not what is before me. Overall, I attach moderate weight to the highway safety benefits of the appeal scheme.
25. The appellant is willing to look at amendments to the details of the proposal (for instance, to the roadway surfacing, fencing styles and gate design). He acknowledges that this would now need to be done through a fresh planning application which would be determined by the Council in the first instance.

Whether very special circumstances exist

26. The proposal would amount to inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt, including harm to its openness, as I found above. There is additional harm to the rural character and appearance of the locality. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
27. I judge that the other considerations here do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harms that would result from the proposal. The very special circumstances required to justify the development are not therefore present.

Final balance

28. The appeal scheme would be contrary to the development plan when read as a whole alongside the Framework and there are no other material considerations to outweigh that finding. Therefore, the development proposal the subject of the appeal should not be permitted.

Conclusion

29. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should not succeed.

Andrew Dale

INSPECTOR