



Appeal Decision

Site visit made on 26 March 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/T2350/W/23/3329669

Mayfield, Slaidburn Road, Waddington BB7 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Mitton against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2022/0722.
 - The development proposed is described as 'new modern/commercial steel frame building for the storage of forestry equipment and building machinery in connection with 2 rural based businesses, including an access track'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal reference the Forest of Bowland Area of Outstanding Natural Beauty (AONB). In November 2023, Areas of Outstanding Natural Beauty were redesignated as National Landscapes. This decision therefore refers to the Forest of Bowland National Landscape in place of the Forest of Bowland AONB.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would accord with relevant local policies with regard to location; and,
 - The effect of the proposal on the character and appearance of the Forest of Bowland National Landscape (FBNL).

Reasons

Location

4. The site lies outside the defined settlement areas set out in Key Statement DS1 of the Council's Core Strategy 2008-2028: A Local Plan for Ribble Valley (2014) (CS). Policy DMG2 of the CS requires development outside the defined settlement areas to meet at least one of its six criteria.
5. From the evidence presented, both parties agree the proposal would not meet five of the criteria. The appellant argues that the proposal would meet one criterion as it would constitute small scale uses appropriate to a rural area

- where a local need or benefit can be demonstrated, as set out in criterion No.5.
6. The proposed building would be used by the appellant and his brother who are currently engaged in separate businesses. The appellant is self-employed in the building trade and half of the building would be used to store building materials and associated machinery used in that trade. The other half would be used by his brother who is a self-employed tree surgeon and would be used to store wood, a tractor chipper and log splitter. Each brother would collect the required equipment and materials from the proposed building each morning, except Sundays and some Saturdays, and return the items at the end of each day.
 7. No definition of what constitutes small-scale or a use appropriate to a rural area has been provided either within the policy or elsewhere. As such, it is a matter of planning judgement. While forestry activities would be an appropriate use in a rural area, the storage of building material would not, in my view, be an appropriate use in the countryside. Nor is there any compelling evidence before me to demonstrate that there is a local need or local benefit of locating the building storage element of the proposal in a rural area. Paragraph 87 of the National Planning Policy Framework (the Framework) advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors. However, it has not been robustly evidenced that there would be a locational requirement to site the proposed building outside a settlement.
 8. Although there are currently no other employees that would use the building, the evidence suggests that the proposal would allow the brothers to consolidate their existing businesses closer to home, on land owned by other family members, which would reduce travel time and cost and thus offer the potential to expand their businesses. Even if the number of employees were limited, in view of the size of the proposed building and area of hardstanding, the space required for the uses would not be small-scale.
 9. For the reasons given above, the proposal would not meet any of the criteria listed in Policy DMG2 of the CS. The proposal would therefore conflict with Policy DMG2 of the CS which seeks, amongst other things, that development supports the spatial vision of the Council in relation to a settlement hierarchy and requires development in the open countryside to be in keeping with the character of the landscape.

Character and Appearance

10. Key Statement EN2 of the CS requires the landscape and character of the FBNL (formerly AONB) to be protected, conserved and enhanced. In addition, Paragraph 182 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. It also advises that the scale and extent of development within these designated areas should be limited.
11. The appeal site is located within an area of undulating open fields and pasture land and is close to a small wooded valley created by the adjacent watercourse, known as Hospital Wood. The key landscape characteristics of the area include a mix of broadleaved wooded valleys, large and open areas of pastureland, hedgerows, stone boundary walls and scattered farmsteads. The site is visible

from numerous public viewpoints, including Slaidburn Road and a Public Right of Way (PROW) to the south of the site. Because of its elevated position on the valley side, there are views from the site across to Clitheroe to the south and Pendle Hill beyond. The vista is vast and includes fields, fells and woodland.

12. The proposed building would be of considerable scale. In addition, an area of hardstanding would be included between the building and a stone boundary wall. Access would be taken from an existing private farm track which I observed at my site visit is also a public right of way. This would be some distance away from the appeal site and would result in a lengthy new gravel access track to serve the proposed building and hardstanding.
13. The appeal site would be physically and visually separate from the dispersed low height timber buildings within the adjacent field to the west used for pheasant rearing. Therefore, the proposal would poorly relate to the existing built form. The proposed building, hardstanding and access track would encroach into the undeveloped field and compromise the open aspect of the landscape that defines the inherent character of the area.
14. The proposed building would be partly screened to the west by the wooded valley. However, given the rising land level, together with the significant works required for the creation of a new and lengthy access track, the proposal would have an urbanising visual effect on the landscape that would be visible from public viewpoints. Although the boundary wall to the west would screen the access track when viewed from this direction, the track would still be visible when glimpsed from the lower slopes of the hillside and the PROW. Landscaping of the appeal site would do little to mitigate the visual effect of the proposal. Consequently, the development would not be sensitively located or in keeping with the character of this National Landscape.
15. For the reasons given above, the proposed development would cause harm to the character and appearance of the area and would neither conserve nor enhance the landscape and scenic beauty of the FBNL. Consequently, it would conflict with Key Statement EN2 and Policy DMG1 of the CS. Together, these policies, amongst other things, seek to protect, conserve and enhance the landscape and character of the FBNL. The proposal would also conflict with paragraph 182 of the Framework in this regard.

Other Matters

16. Key Statement EC1 and Policy DMB1 of the CS support business growth and the local economy. Furthermore, paragraphs 88 and 89 of the Framework supports a prosperous rural economy, and sustainable growth and expansion of all types of businesses in rural areas through well-designed new buildings which are sensitive to their surroundings. Given my conclusions above, the proposal would not be in keeping with, or sensitive to the special characteristics of the FBNL.
17. The proposed mixed-use development would facilitate employment in this rural area. Whilst the development may provide some economic benefit, I have not been presented with any information in this regard.
18. The proposal would provide a convenient site for the appellant and his brother from which to base their respective businesses. However, on the basis of the evidence in this case, I am not persuaded that this is the only option available

to them or that the need outweighs the significant, wider public harm that would be caused by this proposal. Furthermore, the appellant's claim that the proposal would reduce travel time has not been substantiated. It is not clear to me where the storage for each business presently takes place, how far it is from the appeal site or from the sites that would be visited when carrying out the respective trades.

19. I have noted the appellant's comments highlighting absence of identified harm in relation to highway matters. Even if I were to agree that there would be no unacceptable effects on this issue, this is a neutral factor which would not outweigh the harm identified and conflict with the development plan as a whole.
20. It has been suggested that if it was appropriate for the building to be used for forestry purposes only then the appellant would consider that option. I also acknowledge the appellant's willingness to move the proposal closer to existing buildings, limit the length of an access track and to reduce the size of the building and hardstanding. Nevertheless, these options would result in a different form of development to that applied for and there are no plans or details to this effect before me. The purpose of an appeal is not to amend a scheme which has been the subject of public consultation. This would be prejudicial to interested parties that would not have had the opportunity to comment on any amended plans. I also consider that the imposition of conditions relating to the working practices of the proposal would not overcome the harm I have found to the character and appearance of the FBNL as a result of the location and scale of the proposal.
21. The appellant has drawn my attention to both PPS7 and PPG7 in their evidence. However, both have been revoked. In any event, I have found harm in respect of the character and appearance of the area and to the AONB, therefore any policy support for employment use is outweighed by that harm.
22. I find the location and scale of the proposal, along with its use for the storage of building materials would conflict with the spatial objectives of the Borough and would diminish the character and scenic beauty of the FBNL. As a result, it would be contrary to the development plan and to the Framework, as described above. I consider that such an adverse impact would significantly and demonstrably outweigh the benefits of this scheme, as assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

23. For the above reasons, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict.
24. I conclude that the appeal is dismissed.

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INSPECTOR