



# Appeal Decision

Site visit made on 1 March 2022

**by K A Taylor MSC URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 March 2022**

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**Appeal Ref: APP/U2370/W/21/3287478**

**Kelbrick Farm, Strickens Lane, Barnacre-With-Bonds, Preston PR3 1UE**

- 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 Derek Clarke against the decision of Wyre Borough Council.
  - The application Ref 21/00394/FUL, dated 17 March 2021, was refused by notice dated 13 July 2021.
  - The development proposed is change of use of an existing agricultural building to form pet crematorium (*sui generis*).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether, the appeal proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development.

## Reasons

3. The appeal site relates to an existing agricultural open framed building within a larger farm complex. It is located outside any identified settlement boundary and is within the Forest of Bowland Area of Natural Beauty (AONB). Therefore, by definition it would be within the countryside.
4. Policy SP1 of the Wyre Local Plan (2011-2031), 2019 (WLP), sets out the Council's overall planning strategy for the Borough and directs new built development to take place within settlement boundaries, unless it is specifically supported by another policy. Policy SP2 requires all development to positively contribute to the overall physical, social environmental and economic character of the area it is located. All developments should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility and ensure accessible places and minimise the need to travel by car.
5. This policy is further supported by WLP Policy CDMP6, accessibility and transport which requires it has been demonstrated that, where appropriate, access by public transport is catered for. Measures are included to encourage access on foot, by bicycle and public transport and reduce car reliance.
6. WLP Policy SP4 aims to protect and manage the countryside, including supporting rural communities and the rural economy. It sets out that development within countryside areas will only be granted if it is for certain

- purposes. Amongst others, this includes at 2a) the diversification of agricultural businesses, and 2h) the expansion of business in rural areas.
7. The criterion at 4) allows the conversion of existing buildings where it meets core development management policies and employment (use class B) uses appropriate to the rural area, or other non-retail commercial uses. Criterion 5) only permits conversion of existing buildings that comply with the sustainability requirements of Policy SP2, or it is demonstrated that it will secure the long-term future significant to its heritage value.
  8. The proposal would be for a pet crematorium including alterations to enclose the existing building with timber cladding and natural stone. Internally the layout of the building would consist of an office, a receiving area and an incinerator room. The appellant sets out that it would be an agricultural diversification project of the existing farm to attract an additional revenue stream. It would therefore meet the purposes of 2a) and 2h) and fall within a other non-retail commercial use in WLP Policy SP4. Nevertheless, the existing building is not of heritage value, therefore the proposal would need to comply with the sustainability requirements of SP2.
  9. In regard to the location, the proposed development would be a considerable distance away from Calder Vale and the key service centre of Garstang. Although, it is within an existing farm complex, its location is physically separated by the vast amounts of open countryside which surround it. Its location means it would be remote from any local services, facilities and any private household customers for the transportation of domestic pets to and from the facility.
  10. The appellant contends that the facility would not be open to the public and that it would offer a pet collection and delivery service to minimise traffic entering the site, whilst trips would be tied into the usual domestic/agricultural journeys from the farm. Nonetheless, this would not significantly reduce the number of trips made to and from the site as this would still be carried out by employees rather than customers.
  11. The appellant's business plan estimates that cremation services would be approx.987 a year / 19 per week of people wanting the service, with a further 20 per week from veterinary practices within a 15-mile radius. This would result in a considerable amount of trip generations throughout the week / yearly, with the proposal being largely reliant on motor vehicles to access those collections / drop offs from both veterinary facilities and private households. I am not satisfied from the evidence that these would all be done through other journeys associated with existing domestic or agricultural activities. There is limited evidence on the actual type / size of vehicle required against the size / number of pets per collection.
  12. Furthermore, the site is not served by public transport, and as I observed at the time of the site visit, roads are narrow, largely unlit and devoid of any footways. There would be no opportunities to access customers within the immediate locality or nearby settlements with sustainable travel modes due to the nature of the proposed use.
  13. Particularly as this would not be a realistic option of employees or even if there were customers coming to the business, having to navigate roads by foot, cycling or public transport for the transportation of deceased pets and any

additional services following the cremation. On this basis, the proposal would lead to the use of unsustainable travel modes and likely to heavily rely on private motor vehicles.

14. Moreover, from the evidence before me, I cannot be certain on the balance of probability that private households/ individuals would not want to drop off / collect remains of pets. This would be a sensitive personal service for many in the disposing of a family pet. Therefore, any condition limiting such trips / use would not meet the tests of being enforceable or reasonable in all other respects in accordance with the National Planning Policy Framework (the Framework) and Planning Practice Guidance<sup>1</sup>.
15. I also have no substantive evidence of what happens after the initial service and to what extent this could necessitate additional journeys. Neither have I been provided with any evidence on the number of employees, given that the business plan sets out that there would be a small parking area at the site for staff vehicles.
16. The Framework, at paragraph 84 supports the sustainable growth and expansion of all types of business in rural areas, including the conversion of existing buildings and diversification of agricultural and other land-based rural business. Paragraph 85 recognises that sites to meet local business and community needs in rural areas many have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
17. Nevertheless, in this case, I have no substantive evidence that it would meet local business and community needs and that such a business has to be located within a countryside location. The additional journeys would likely have an unacceptable impact on local roads, and the proposal fails to exploit any opportunities to make the location more sustainable. I acknowledge there would be some benefits, including the re-use of the building, economic benefits with the purchase of supplies and services to run the facility. However, these would be minimal as the proposal would result in additional commercial vehicle movements to and from the site for the business, largely reliant on the private motor vehicle to access customers.
18. For the reasons given above, I conclude the proposal would not constitute an acceptable form of development within the countryside location. Consequently, the proposal would not accord with the aims of Policies SP1, SP2, SP4 and CDMP6 of the WLP. Taken together, these policies seek to deliver sustainable communities, including ensuring accessible places and minimise the need to travel by car. It would also be at odds with the guidance in the Framework, in regard to achieving sustainable development and Chapter 9, promoting sustainable transport.

### **Other Matters**

19. The appeal site is within the Forest of Bowland AONB, accordingly referring to paragraph 176 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONB. The Council have set out the proposal would involve the conversion of an existing building within a farm complex and owing to the scale, context and design it would not result in

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<sup>1</sup> Paragraph: 003 Reference ID: 21a-003-20190723

significant visual harm. On this matter, I share their conclusions and the building would not adversely affect the landscape or scenic beauty of the AONB.

20. Although, there are no concerns raised in regard to biodiversity, landscaping, noise, highway safety and residential amenity. These do not outweigh the issues I have raised.

**Conclusion**

21. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
22. For the reasons given above, I conclude that the appeal should be dismissed.

*K A Taylor*

INSPECTOR