



Appeal Decision

Site visits made on 21 December 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/U2370/W/22/3305246

Braeden, Bleasdale Lane, Claughton-on-Brock PR3 1UR

- 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 Stephanie Davis against the decision of Wyre Council.
 - The application Ref 22/00074/FUL dated 24 January 2022 was refused by notice dated 6 June 2022.
 - The development proposed is described as 'retrospective application for the erection of equine buildings and change of use of land to form car parking area'
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Decision

1. The appeal is allowed and planning permission granted for the erection of equine buildings and change of use of land to form car parking area at Braeden, Bleasdale Lane, Claughton-on-Brock PR3 1UR in accordance with the terms of application Ref 22/00074/FUL dated 24 January 2022 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (the Local Plan) was adopted in January 2023. The parties have been given the opportunity to comment on the updated policy position. Such comments have been taken into account in my assessment.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, having regard to the site's location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and whether the proposal represents sustainable development, having regard to its location and accessibility.

Reasons

Character and Appearance

4. The site comprises the Braeden Pony Trekking Centre located on Bleasdale Lane, in the Forest of Bowland AONB. It consists of a central yard, surrounding which are various buildings associated with the use, a menage area and car park. The immediate surrounds largely comprise open fields and sparse development along Bleasdale Lane. As such, at this location the AONB has a rural appearance.
5. The proposal relates to the change of use of an area of the site to form a car park and the erection of additional stable buildings. The plans show that the

main extension of the proposal projects some distance beyond the pre-existing loose housing for horses at the same width of the original building, and that additional stables have been constructed adjacent to a pre-existing stable block. I observed these to have been carried out on my visit, but noted that the car parking area had not been completed.

6. The proposal buildings have been constructed from sympathetic materials to respect the overall character and design of built form within the site, with a maximum eaves height that reflects the other buildings present. Relative to the overall dimensions of the site, they do not appear as oversized or overbearing additions, but rather, assimilate with the other development at the centre. As such they do not read as out of place or unduly large scale elements of built form in context.
7. The extended loose housing and open fronted storage area have been constructed to the rear of the main built form at the site and the additional stables infill an area between pre-existing buildings. As such, there is limited visibility of the proposal from Bleasdale Lane, where further screening is provided by trees and planting along the boundary. I carried out my visit in December when, despite limited foliage on trees, I found there to remain an effective level of screening such that the proposal did not feature prominently in views from Bleasdale Lane.
8. The development of the proposed car park would introduce additional hardstanding to the site, and its use by centre visitors and staff members would further signal the presence of the proposal within the area. However, due to its position it would benefit from the boundary screening so as not to be unduly prominent from Bleasdale Lane. In addition, a landscape bund would abut the north-eastern and north-western sides of the car park, further reducing its visual presence within in the surrounds.
9. I acknowledge that views of the proposal are possible in the vicinity, including from the public footpath some 400m from the site and surrounding elevated areas. However, from the surroundings the proposal is seen to be contained within the site and positioned alongside similar development. As such, it does not appear incongruous or visually jarring, even acknowledging the wider nature of the surrounds and ensures that an overall rural feel remains in the vicinity.
10. As the site is within the AONB I attach great weight to conserving and enhancing the landscape and scenic beauty of the AONB in accordance with the National Planning Policy Framework. However, for the reasons given the changes to the appearance of the site do not detrimentally affect the views or the setting of the AONB. The proposal is not unexpected or incongruous within the immediate surrounds, where it is experienced among similar adjacent buildings and car parking areas. It reads as self-contained and, in the overall context of both the site and the wider AONB, is limited in scale. Given my findings, the proposal would not cause harm to the landscape and scenic beauty of the AONB.
11. For the reasons given, the proposed development would not cause harm to the character and appearance of the area, having regard to the site's location within the Forest of Bowland Area of Outstanding Natural Beauty. As such, it would comply with Policies CDMP3, SP4 and SP5 of the Local Plan, which seek to ensure that development respects or enhances the character of the area,

does not harm the open and rural nature of the countryside and conserves, enhances and makes a positive contribution to the natural beauty of the AONB.

Sustainability

12. Policy SP2 of the Local Plan states, among other things, that all development in the area should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. This includes ensuring accessible places and minimising the need to travel by car. The Council alleges that the proposal would lead to an intensification of the use at the site, which would not represent sustainable development given its remote location.
13. Even taking account of the nearby public footpath, I acknowledge that the centre is in a rural and remote location such that it is likely that a private motor vehicle would be required by most centre users to access the site. However, the appellant is clear in its evidence that there would be no increase in the number of horses at the centre but that the proposal is required to improve the accommodation and conditions for horses already kept at the site.
14. The Council alleges that an intensification of use had already taken place. However, based on both the information submitted and my observations on site, I have no substantive evidence to conclusively determine that this is the case. The evidence before me indicates that the proposal has not and would not result in additional horses being kept at the centre. On this basis, it would not in itself be likely to lead to an increase in the number of visitors attending the centre beyond the current situation or, as a result, the number of trips by private motor vehicle.
15. For the reasons given, I find that the proposal would represent sustainable development having regard to its location and accessibility. As such, it would comply with Policy SP2 of the Local Plan, which seeks to ensure development is sustainable and contributes to the continuation or creation of sustainable communities in terms of its location and accessibility.

Other Matters

16. With regard to equestrian development, Policy EP10 of the Local Plan states, among other things, that development shall comply with relevant standards published by DEFRA or its successor and best practice. In this regard, the Council refers to British Horse Society guidance, which states that the amount of acreage per horse should be between 1 and 1.5 acres.
17. No copy of this guidance has been provided which, despite the provisions of Policy EP10, remains in itself guidance, rather than policy. Nevertheless, on the basis of the submitted evidence the proposal would not result in a change to the amount of acreage per horse at the site. In the event that the site represents unsuitable living conditions for the kept number horses as a result of its size or the quality of its accommodation, this would be subject to a separate regime outside of the planning system.
18. I have had regard to the comments of interested parties regarding the potential effect of the proposal on ecology. I note that the Council did not raise issues in this regard, stating the site to have very limited habitat and ecological value. Based on my observations I have no reason to disagree. In

any event, the proposal would not result in the loss of any planting, and soft landscaping is to be provided which has the potential to have a positive effect in terms of ecology given the likely habitat value of such planting.

19. Reference has been made to the planning history of the site, including enforcement action and application for a doggy day care centre. While this information is noted, I must determine the current scheme as it is before me.
20. The Council has referred to an appeal decision¹, which concluded that the retrospective nature of an application is a material consideration that weighs against a proposal. I have limited information on the specifics of that scheme and all cases are assessed on their own site specific circumstances. In any event, even acknowledging the retrospective nature of the decision, I have found that it would not result in harm in respect of the main issues.

Conditions

21. I have had regard to conditions suggested by the Council, which the appellant has had the opportunity to comment on. A condition relating to approved plans is necessary in the interests of certainty, and given that the car parking area is yet to be completed. A condition relating to materials is not necessary as these are noted on the plans.
22. Conditions 2, 3, 4 and 6 are imposed to ensure that the car parking area is laid out in accordance with the approved plan, and that details of the drainage, landscaping and electric vehicle charging schemes are approved and implemented to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matter before the development takes place. I have imposed timescales which I deem to be reasonable, and have sought the appellants views on these.
23. Conditions 2, 3, 4 and 6 will ensure the development can be enforced against if the requirements are not met. With regards to the electric vehicle charging points, given the rural location I have stated such provision is not required if it is demonstrated this is not practical due to site constraints. This corresponds with the Council's suggested condition.
24. Condition 5 is imposed in the interests of the character and appearance of the area, to ensure any planting carried out as part of the landscaping scheme is replaced in the event of it dying or being uprooted, destroyed or removed.

Conclusion

25. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions in the attached schedule.

C Rafferty

INSPECTOR

¹ APP/U2370/W/21/3278791

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing No. ML/SD/6120 dated 20 January 2022.
2. Unless within 6 months of the date of this decision the car parking and turning area is laid out in accordance with Drawing No. ML/SD/6120 dated 20 January 2022 and thereafter retained for those purposes, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed.

In the event of a legal challenge to this decision the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. Unless within 6 months of the date of this decision a scheme detailing measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4. Unless within 6 months of the date of this decision a scheme for landscaping works is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. The scheme shall include a timetable for its implementation and details of areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use

shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

5. If, within a period of 7 years from the date of planting, any tree or shrub planted as part of the approved landscaping scheme (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
6. Unless within 6 months of the date of this decision a scheme for electric vehicle recharging points is submitted in writing to the local planning authority for approval, unless it is demonstrated to the satisfaction of the local planning authority that provision of electric vehicle recharging points is not practical due to identified site constraints. If a scheme for electric vehicle recharging points is submitted, unless the approved scheme is implemented within 6 months of the local planning authority's approval, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF SCHEDULE