



Appeal Decision

Site visit made on 20 May 2020

by **Paul Singleton BSc MA MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26 May 2020

Appeal Ref: APP/U2370/W/20/3244933

Willow Trees, Cart Gate, Preesall, Poulton-le-Fylde FY6 0NP

- 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 & Mrs John Bradley against the decision of Wyre Borough Council.
- The application Ref 19/00565/FUL, dated 10 June 2019, was refused by notice dated 23 August 2019.
- The development proposed is change of use from agricultural to caravan storage; planting of 50m of native species hedgerow and supplementary planting of fruit trees; and installation of electronic security gate.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following my review of the written statements I requested additional information concerning an earlier planning permission and a Certificate of Lawfulness of Existing Use that are referred to in those submissions. That information was provided on 30 April 2020 and I have had regard to this in reaching my decision.

Main Issues

3. The main issues are:
 - a) Whether the proposed use would be appropriate within the open countryside; and
 - b) The effect on the character and appearance of the site and its surroundings.

Reasons

Whether proposed use appropriate in the countryside

4. The appeal site comprises a small paddock which is located immediately to the south of, and shares an access with, a larger area of land and buildings within the appellants' ownership and control. It lies outside of the settlement limits of Preesall in an area designated as open countryside within the Wyre Borough Local Plan 2011-2031 (LP). LP Policy S4 states that the open and

rural character of the countryside will be recognised for its intrinsic character and beauty and imposes strict controls on new development within this area.

5. Part (2) of the policy states that, within countryside areas, permission will only be granted for new development for a strictly limited range of purposes including:
 - (a) agriculture ... and the diversification of agricultural businesses in line with Policies EP8 (Rural Economy) and EP10 (Equestrian Development); and
 - (h) the expansion of businesses in rural areas in accordance with Policy EP8.
6. The proposal derives no support from Part (2)(a) of Policy SP4 since there is no existing agricultural business either on the appeal site or the appellants' larger land holding. In November 2015 the Council issued a Certificate of Lawfulness (Ref:15/00571/LAWE) in respect of the agricultural use of the appeal site and a former pig rearing building immediately to the north. The certificate reflected the appellants' evidence that, over the previous 10 years, that land had been used for pig and sheep rearing and for the fattening of cattle. This evidence also showed that, in February/March 2015 the cattle had been replaced by two pigs for the appellant's own consumption. Note 1 to the Certificate expressly states that it does not certify that the appeal site and adjacent building form part of an agricultural unit for the purposes of the Town and Country Planning (General Permitted Development) (England) Order 2015.
7. I saw no evidence of grazing taking place on the appeal site at the time of my visit and I note that the appellant's Design and Access Statement describes this land site as "*semi-waste ground*". The appellants' statement confirms that other grazing land within their ownership is let to a tenant. Whilst the appellants may derive some income from this source the grazing use does not form part of their own business activities at the site. The larger site was previously used for intensive pig rearing but that use ceased in or around 2008. The very limited agricultural activities which the appellants now undertake themselves do not, in my view, constitute an agricultural business.
8. Alongside the pig rearing activities, the appellants built up an ancillary operation involving the collection and storage of food wastes (waste oils and fats) to be used as pigswill. The pig rearing operation subsequently became unviable and has ceased but the collection and storage of waste oils and fats has continued. The delegated officer report refers to this as a recycling business but, as the waste materials are taken elsewhere for recycling, the use might more accurately be described as a waste transfer operation.
9. The evidence shows that it is these commercial activities that form the principal land use of the larger area of land in the appellants' ownership (excluding the grazing land let to others). This was accepted by the Council in its decision, in December 2012, to grant permission (Ref:12/00696/FUL) for the subdivision of a workshop (located in the central part of the larger site) to form a smaller workshop and new residential accommodation within a 'live work' unit. Condition 3 of that permission restricts occupation of the dwelling to a person solely or mainly employed in managing or operating the '*commercial business*' at the site.

10. The appellants state that other minor operations, including small machinery repairs, vehicle repairs, and caravan repairs and maintenance have taken place alongside the waste oils and fats business and that 2 caravans have been stored over the winter period for the last 10 years. Their statement asserts that all of these activities form the commercial business referred to in Condition 3 of that permission. However, that does not appear to have been the Council's understanding. The officer report on the 2012 application refers only to the existence of the waste oils and fats business and "*some agricultural activity*" at the site. There is no express planning permission for these other activities and there may, therefore, be a question as to whether they form part of the lawful use of the other land owned by the appellants.
11. There is a trailer and one caravan stored on the appeal site but the lawful use of the site, as established by the Certificate issued in 2015, is for agricultural use only and does not include any commercial or storage use. The appeal proposal would have the effect of displacing that agricultural use and introducing a new storage use on the land.
12. Whether all the activities at the site are treated as one business for tax and accounting purposes is not relevant when assessing whether the proposal is an expansion of the existing commercial business. In land use planning terms, the key issue is whether there is any functional relationship between the proposed activities and the existing business. In this case the proposal is for a simple open storage use. It would not be dependent upon or make use of the workshop facilities within the live work unit and would have no functional relationship with the existing commercial operations. Accordingly, I agree with the Council that the proposal is for the establishment of a new, stand-alone business rather than the expansion of an existing rural business. The proposal does not, therefore, fall within the exception set out in part (2)(h) of Policy LP Policy SP4 and would conflict with that policy.
13. I do not agree that paragraph 83(b) of the National Planning Policy Framework (Framework) provides any support for the proposal as suggested by the appellants. As there is no existing agricultural business at the site the first part of sub-paragraph (b) is not relevant. In addition, I do not consider that the proposed use can sensibly be regarded as being one of the "*other land-based rural businesses*" referred to in paragraph 83(b). No definition of this term is given in the Framework but it is reasonable to regard this category as including land uses that have an operational need for or which derive a particular benefit from a rural location. This might, for example, include equine stabling and outdoor recreational uses, but does not, in my view, extend to include caravan storage which could equally well take place on an industrial or other urban site.
14. Accordingly, I find that the proposal conflicts with LP Policy SP4 which seeks to protect the countryside for its intrinsic character and beauty and to place strict controls on new development in the countryside.

Character and appearance

15. The appellants state that majority of caravans and campers using the 16 spaces would be taken out of storage during March to October, thereby suggesting that only a small number of caravans or vehicles would be present over the summer months. However, as suggested by a third party objector, the main reason that owners would be likely to pay for remote

storage would be because they are unable to store their caravan, camper or motorhome securely at home. Most of those stored at the site may not be moved over the winter period. However, over the summer months, the probability is that owners would collect their vehicles as and when they wish to go away and return them to the storage site when they come back from their trip. It is, therefore, reasonable to assume that many of the caravans and campers/motorhomes would be on the site for much of the year.

16. My assessment is that, while the ditch along its southern edge serves as a physical boundary to the site, it does not form a visual boundary, being entirely lost in views into or out of the site. With only a low post and rail fence between the ditch and the adjacent paddock to the south, the appeal site has a very open aspect with long views across gently rising agricultural land to a group of trees on the horizon and to some of the properties on Park Lane to the south west.
17. In combination with the visual screen provided by the rear wall of the former pig building, this open aspect results in the site having a stronger visual relationship with the open land to the rear of the appeal site than with the group of buildings to the north. The trees/shrubs that run in a line parallel to the southern boundary are of limited height and are sufficiently spaced so as not to enclose the site visually. These are not identified on either the existing or proposed site plan and it seems that the majority of these would be removed as part of the proposed development.
18. As most caravans and campers/motorhomes are white or of light colour, they would stand out against the darker background of the wall to the rear of the former pig building. Due to this light colouring, their height of say 2.5 to 3 metres (m), and the number of such vehicles proposed on the site they would be readily visible and prominent when seen from the south. As noted in the appellants' visual assessment a grouping of such vehicles would be likely to have a stark appearance in the landscape. I accept that no nearby visual receptors are likely to be adversely affected. However, the proposal would have a significant adverse effect on the character and appearance of the landscape and would introduce a strong urban element into the existing open aspect of this part of the designated countryside.
19. The site is well screened by existing vegetation along its eastern boundary and the appellants propose to plant a new, native species hedge along the southern boundary. An assessment of landscape and visual impacts has been provided but this does not adopt the standard approach of assessing those effects at Year 1, when new planting is likely to be immature, and at a much later date when that planting has matured. In my assessment the proposed hedge would need to reach a height of 3.5m or so in order to provide an effective screen and is likely to take some years to reach that height. In the intervening period the proposal would have a significant adverse effect on the landscape of the local area.
20. The proposal to use native species should be welcomed in terms of the potential biodiversity benefit. However, the resultant leaf loss during winter would be likely to reduce the effectiveness of the hedge as a visual screen to a material degree. As all of the storage spaces would be occupied over the winter period the effectiveness of the proposed mitigation is likely to be limited. Alternatively, a dominance of evergreen species in the proposed

hedge would not be in keeping with the surrounding natural landscape. I find that, on balance, the caravan storage use would have an adverse effect on the character and appearance of the site and its surroundings, notwithstanding the mitigation proposed. The proposal does, therefore, conflict with Local Plan Policy CDMP3, which requires that all development should respect and enhance the character of the area, and Policy SP4, which seeks to protect the open and rural character of the countryside.

Other Matters

21. I note the concerns raised in third party representations about the traffic generated by the proposed use and flood risk but agree that the proposal would not give rise to unacceptable effects in respect of these matters. I consider that the site access is suitable for the intended increased usage subject to the improvements recommended by the local highway authority.
22. The proposal would generate additional income for the appellants. However, this would be a wholly private benefit that does not outweigh the conflict with the development plan.

Conclusions

23. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR