



Appeal Decision

Hearing held on 29 May 2012

Site visit made on 29 May 2012

by R E Watson BA (Hons)

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

Decision date: 15 June 2012

Appeal Ref: APP/M0933/C/12/2170352

Land at Baycliff Farm, Baycliff, Ulverston, Cumbria, LA12 9RN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr B C Dawson against an enforcement notice issued by South Lakeland District Council.
 - The Council's reference is SL/2011/0994.
 - The notice was issued on 5th January 2012.
 - The breach of planning control as alleged in the notice is operational development consisting of the construction of agricultural buildings ("the Buildings") within the Land shown for identification purposes only hatched in blue on the plan and numbered 1-4 and the laying of hardcore, builders waste and road planings within the Land shown for identification purposes hatched in brown on the plan ("the Brown Land").
 - The requirements of the notice are to demolish the Buildings and remove any fixtures and fittings associated with the Buildings from the land; and remove the demolition materials associated with compliance with the above requirement from the Land; and re-instate the part of the Land previously occupied by the Buildings to a grassed area in appearance; and remove all hard core, builders waste and road planings from the Brown Land; and re-instate the Brown Land to a grassed area in appearance.
 - The period for compliance with the requirements is 3 months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the construction of agricultural buildings, together with the laying of a hard-standing area, at Baycliff Farm, Baycliff, Ulverston, Cumbria, LA12 9RN as shown on the plan attached to the notice, subject to the following condition:

"Within 6 months of this decision a scheme specifying materials to be used in the external cladding of buildings identified on the Notice as nos. 3 and 4 and the external cladding of four new external walls for the structure identified on the Notice as building no. 2 must be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented strictly in accordance with the approved details within 3 months from the date of this approval".

Procedural Matter

2. At the outset of the Hearing, the Council drew attention to Building No.1, as shown on the notice. Although no ground (c) appeal had been made, the Appellant had argued in the grounds of appeal that this building had been constructed some 8-10 years ago and was, therefore, immune from enforcement action. Whilst the Council disputed the time-scale, they conceded that their evidence on this matter was inconclusive and they accepted that the building may have been in position for more than 4 years. As the building was an integral part of the compact group based on the main farm-yard at the lower level, they had no objection to this structure remaining. They wished to remove all reference to this in the notice. I have taken this into account in my deliberations.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the site and its surroundings, taking account of the needs of the farming enterprise.

Reasons

4. The South Lakeland Local Plan 2006 and Alterations was adopted in 2007 and policies saved in 2008/2009. Policy S23 relates to the construction of agricultural buildings. It states that such developments will only be permitted where they do not have a significant adverse impact upon the visual amenity of the local area in terms of siting and design. Policy CS8.2 of the recently adopted South Lakeland Core Strategy sets out in general terms the Council's approach to the protection and enhancement of landscape and settlement character. I note that this area does not carry any special landscape designation. In accordance with the advice in the recently published National Planning Policy Framework, I give these local policies full weight.
5. Baycliff Farm was originally located on a site embedded within the village which has now been redeveloped for residential purposes. The farm buildings were relocated to a site further north on Sunbrick Lane, immediately beyond the point where residential development terminates and Sunbrick Lane changes from a surfaced highway to a track. From this point on the track climbs northwards as a popular public footpath. The compact group of agricultural buildings remains the focus of the farming operations. More recently, the farming enterprise has expanded with the construction of additional buildings on more elevated land to the north alongside Sunbrick Lane. Some of these structures are the subject of the Notice.
6. The enterprise consists of a modern day cattle and sheep rearing unit, together with meadow, pasture and arable land, totalling some 137ha. The farm carries approximately 216 Continental cross beef cattle and some 500 mule cross breeding ewes with 7 Suffolk and Texel Tups. Fodder is grown on the holding with silage and hay, together with arable crops of predominantly spring barley being grown for feeding to the cattle, with straw for bedding.
7. At the Hearing the Appellant explained that the construction of these further buildings has been necessitated by changes in farming practice and, particularly by the introduction of new rules and regulations relating to animal husbandry and soil protection. In addition, changes to the size and scale of farm machinery have led to an increase in the range of equipment used. As I saw on

my visit, all the buildings were in use, some quite intensively, for storage of equipment, feed for stock and as covered accommodation for the stock. I am satisfied, therefore, that the provision of further buildings has been necessary.

8. The key question is whether the solution of locating those buildings, for which permission or consent has not been sought, on the more elevated plateau to the north is appropriate. This development has extended the farm complex in an elongated form on to higher ground. It is now in a more prominent position, particularly when viewed from the higher route of the footpath to the north. I agree with the Council that the compact form of the main buildings lower down Sunbrick Lane has been lost. A fully coherent pattern of development has not been achieved and the structures, to a degree, do not sit happily together as a group. The Appellant agreed that the use of a variety of materials had resulted in an eclectic mix of structures which visually was not successful.
9. However, I consider it significant that this recent development follows a pattern of development established when planning permission was granted on the higher plateau for a large storage building in 2009. This building was not built in accordance with the permission, but subsequent discussions led to certain amendments which the Council accepted. However, to my mind it remains a dominant visual presence alongside Sunbrick Lane linking with a substantial Nissan hut style structure, which has been in position at a higher level for a long number of years. These buildings have firmly established a further base for the farming operations which the recent developments the subject of the notice have further expanded.
10. Buildings shown as nos. 2, 3 and 4 on the Notice largely reflect this new development focus. Nos. 3 and 4 have been tacked on to the eastern face of this storage building visually forming a relatively modest extension, although improvements could be made to the choice and design of the cladding materials. I accept that the building shown as no. 2 stands slightly apart and, although close to building no. 1, its more elevated location gives it a more prominent appearance. Its relatively small size minimises the impact but, as it is open-sided, the equipment stored under its roof is clearly seen from the Lane to the visual detriment of the new complex. Again, however, changes to its design could resolve these problems.
11. As this more elevated extension to the farm yard has progressed, the area shown as no. 5 on the Notice has been in use as a hard-standing. It was originally much more extensive, but as further buildings have been constructed within it, its area has reduced to the point where now it functions largely as a secondary access from Sunbrick Lane. I consider that its impact is minimal and acceptable for its purpose. Overall, I conclude that the location of the development, having followed the permitted more recent expansion on to the higher plateau, is acceptable.

Conditions

12. I have given serious consideration to the suggestions made at the Hearing relating to possible conditions. I am not convinced that the provision of landscaping would provide effective screening from more elevated viewpoints to the north on Sunbrick Lane. The suggestion of possibly strengthening the existing boundary which runs N-S slightly to the east of the building complex, separating it from the open pasture beyond, may have some merit, but it is already in place and clearly marks a firm boundary line.

13. However, I have residual concerns about the use of the cladding materials in terms of buildings nos. 3 and 4. Careful thought needs to be given to their detailed design to ensure a more visually coherent external appearance to the farm complex on this higher plateau. In addition, I am convinced that the design of the visually prominent building no. 2 could be improved. The cladding of the side elevations would give the building a more solid appearance, reflecting the design of the majority of the other buildings, thereby helping to enclose this new farm yard area and visually present a more tidy presence when viewed from the Lane.

Conclusions

14. Accordingly, I am satisfied that the development does not have a significantly adverse effect on this rural area and that, provided improvements were made to the use of the cladding materials and changes to the design of building no. 2, the development would be acceptably assimilated in the local landscape. These requirements can be made the subject of a condition. I conclude, therefore, that the appeal made under ground (a) succeeds and that the deemed planning permission ought to be granted, subject to the appropriate condition.

RE Watson

Inspector

APPEARANCES

FOR THE APPELLANT:

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Mr C Whittaker

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FOR THE LOCAL PLANNING AUTHORITY:

Mrs K Lawson
Ms B Fettis

Planning Officer – South Lakeland District Council
Enforcement Officer – South Lakeland District
Council