



Appeal Decision

Site visit made on 20 September 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/T2350/W/22/3294050

Scriddles Croft, Smalden Lane, Grindleton, CLITHEROE, BB7 4RX

- 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 David Towler against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2021/0648, dated 17 June 2021, was refused by notice dated 2 September 2021.
 - The development proposed is change of use of land to tourism, including the siting of a shepherd's hut for use as holiday accommodation with associated outdoor space, car parking and alteration of vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to tourism, including the siting of a shepherd's hut for use as holiday accommodation with associated outdoor space, car parking and alteration of vehicle access at Scriddles Croft, Smalden Lane, Clitheroe, BB7 4RX in accordance with the terms of the application, Ref 3/2021/0648, dated 17 June 2021, subject to the attached schedule of conditions.

Procedural Matters

2. At the time of my visit, the submitted plans had not been fully implemented but the shepherd's hut and outdoor space were already in place, along with the access track and car parking area. I have therefore treated the proposal as being partly retrospective.
3. The site is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). In accordance with paragraph 176 of the National Planning Policy Framework (the Framework), I have given great weight to conserving and enhancing landscape and scenic beauty of the AONB.

Main Issue

4. The main issue is the effect of the development on the character and appearance area.

Reasons

5. The appeal site is located within an attractive upland area with wide open views towards Pendle Hill and the Bowland Fells. The landscape is one of pasture and open moorland, with scattered individual and small groups of trees. Field boundaries are formed of dry stone walls with hedges in places. Built

- development in the area is generally sparse, and limited to isolated farms and small clusters of rural buildings.
6. The area is identified within the AONB Character Assessment as Rolling Upland Farmland, which is described as displaying a strong sense of remoteness, isolation and tranquillity across much of the area, with limited capacity to accommodate change.
 7. The appeal site is located at the edge of a modest sized, roughly rectangular field used for grazing, which forms part of Scriddles Farm. The field, which is on the other side of Smalden Lane from the main group of farm buildings, slopes downhill as far as a narrow lane and a small group of rural buildings. Whilst the wider area displays the characteristics described within the Character Assessment, the position of the appeal site itself, between the barns of Scriddles Farm above and the group of dwellings below, means that it does not feel remote or isolated.
 8. The shepherd's hut is a one bed unit designed to provide holiday accommodation for one or two people. Policy DMB3 of the Ribble Valley Core Strategy 2004 supports proposals that extend the range of tourism and visitor facilities, subject to a number of criteria. Within the AONB, the policy states that proposals should not introduce development into an area largely devoid of structures. However, owing to the presence of the nearby buildings, that is not the case here.
 9. Policy DMB3 also requires that development is physically well related to an existing group of buildings. The appellant has explained that siting the accommodation too close to the farm buildings would introduce conflict with the farm operations, so the shepherd's hut is sited on the other side of the lane, some 60m from the existing group of buildings at Scriddles Farm. Despite this distance, the position of the development close to the existing field gate and immediately opposite the main entrance to Scriddles Farm, reduces the impression of visual separation between the shepherd's hut and the main farm buildings.
 10. The development is accessed via the pre-existing field gate, immediately opposite the access to the main farm buildings. The access track has already been improved to facilitate the use, with stone chippings laid on the track and parking area. Whilst the pale colour of the hardcore can appear somewhat stark when initially laid, I could see at my visit that it was already starting to soften, with grass growing through the track, and the visual impact will continue to reduce over time.
 11. The shepherd's hut itself is of a very modest size, and the associated area of decking is also small. Whilst the concept of a timber shepherd's hut may be somewhat contrived, it is of a simple design which does not appear out of place in this rural setting. The use of timber is not unusual on buildings in this location, and the grey colour of the cladding and corrugated roof blend in well with the surrounding stone walls, buildings and fences. As a result, the structure appears innocuous and does not stand out in the landscape.
 12. The visual impact of the development is further reduced through its siting close to the edge of the field, the boundary of which is defined by a strip of mature trees and shrubs. This vegetation provides effective screening, so when approaching from the north along Smalden Lane, the development is not

- readily visible. When approaching along Smalden Lane from the south, the landform and vegetation along the hedgerow means that the development can only be seen in very near views. Even then, the modest scale of the hut, together with its position, set back from the road and at a lower level, means that the development appears unobtrusive.
13. I acknowledge that the development is clearly visible from the footpath which runs immediately adjacent. However, it is not unattractive and its small scale means that the impact is short lived and limited in extent. Proposed tree and hedgerow planting would provide increased screening which would further reduce this impact.
 14. At the top of the field, the tree-lined boundary curves away from the field gate, and as part of the scheme, additional tree planting is proposed in this area. This would augment the existing area of woodland along the field boundary and would further help in assimilating the development into the landscape. As a result of this proposed tree planting, the proposed hedgerow in front of the access and hut would appear closer to the field edge. This would reduce the extent to which the hedgerow planting would appear as an unnatural incursion into the field, a concern expressed by the Council.
 15. In order to provide acceptable visibility splays, the submitted plans show that entrance would be widened and the initial 5m section tarmacked. Whilst there would be a visual impact associated with this, it would be a modest change to the existing access, which would be viewed in the context of the access to the farm opposite.
 16. Overall, I find that the visual impact of the development is very limited in extent, and would be further reduced by the proposed planting. The development represents a change to the appeal site, but it is not harmful to the character and appearance of the area.
 17. In coming to this view, I am also mindful of the wider benefits that the proposal brings, particularly in supporting the existing farm business. As a large working upland farm of some 350 acres, Scridbles Farm has an important role to play in maintaining the landscape, through the upkeep and repair of dry stone walls and traditional buildings, as well as the management of grazed fields and moors. The AONB is a managed landscape, and these tasks form a critical aspect conserving and protecting the AONB. However, the cost to a large farm such as this is not inconsiderable.
 18. The appellant has explained the challenges facing the farm in some detail, in particular the uncertainty over future subsidies and grants. The farm relies on additional income to supplement the core business, and the loss of direct subsidies means that it needs to diversify in order to remain profitable. The shepherd's hut provides a reliable source of additional income which helps sustain the farm, allowing it to continue to manage the wider landscape of this part of the AONB. In this regard, I find the appellant's case compelling.
 19. I conclude that the development does not cause undue harm to the character and appearance of the area. Furthermore, the revenue from the use sustains the existing farm business, which plays an important role in protecting and conserving the qualities for which the AONB has been designed. As such, the proposal is consistent with Core Strategy Key Statement EN2 and Framework paragraph 176. It complies with the design and access requirements contained

in Policy DMG1, and provides for small scale tourism appropriate for a rural area, as allowed for by Policy DMG2. The specific requirements for recreation and tourism development contained in Policy DMB3 are met.

Conditions

20. As the development is largely completed, it is not necessary to impose a condition requiring implementation within a specific timescale. However, in the interests of certainty, a condition specifying plans is required.
21. A condition requiring details of proposed planting is needed in the interests of visual amenity. I have used the Council's suggested wording, but removed references to hard landscaping, as these elements are already in place. Because the development has already been largely completed, I have inserted a clause to ensure compliance with the required landscaping scheme. To protect the rural character of the area, a condition restricting floodlighting is also required.
22. I have imposed a condition restricting the use to holiday accommodation. This is needed to ensure that the proposed huts are not used as a permanent residence, which would be unacceptable in this location. In order to monitor the proposed use, a register detailing all occupiers is necessary, and I have imposed a suitable condition.
23. Should the approved use cease, a condition requiring removal of all structures and equipment is necessary to safeguard the character and appearance of the area.
24. In the interests of highway safety, a condition is necessary which requires implementation of the approved access arrangements prior to occupation of the shepherd's hut. As the hut has already been in use, I have altered the Council's wording slightly to reflect this. For similar reasons, a condition is needed which restricts the installation of any gates or bollard which might cause an obstruction to the access.

Conclusion

25. Subject to the conditions, the proposal complies with the development plan. For the reasons set out, the appeal is therefore allowed.

R Morgan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan: 21-047 PL/01 rev A
 - Proposed site plan: 21-047 PL/03 rev C
 - Proposed floor plan: 21-047 PL/04 rev C
 - Proposed elevations: 21-047 PL/05 rev A

- 2) Notwithstanding the submitted details, details of the soft landscaping of the site shall be submitted to the local planning authority no later than three months from the date of this decision. The scheme shall include details of the types and numbers of trees and shrubs and their distribution on site.

Unless the approved landscaping scheme shown is implemented by the end of the first planting season following the agreement of such details, the use of the shepherd's hut shall cease and all equipment and materials brought onto the land for the purposes of the use shall be removed until such time as the approved landscaping scheme has been implemented.

The approved landscaping scheme shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

- 3) Notwithstanding the provisions of Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no floodlighting or any other external lighting shall be installed at the site.
- 4) The shepherd's hut hereby approved shall be occupied for holiday purposes only. The accommodation shall not be occupied by any persons for a continuous period exceeding 28 days in any calendar year or as permanent residential accommodation or as a person's main place of residence.

A register of occupancy of the shepherd's hut, to include the names and addresses of all occupiers and their arrival and departure dates, shall be kept by the owners/operators of the site and shall be made available at all reasonable times for inspection by officers of the local planning authority.

- 5) Should the approved hut at any time cease to be used for holiday purposes as defined within the submitted details and condition 4, then all structures shall be removed and the site reinstated to its original condition in accordance with a methodology and timings to be agreed with the local planning authority.
- 6) Further occupation of the shepherd's hut shall not take place until such time as the access arrangements shown on drawing PL03 rev C have been implemented in full.
- 7) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.