Appeal Decision
Site visit made on 22 July 2009

by J D S Gillis BA(Hons) MRTPi
an Inspector appointed by the Secretary of State
for Communities and Local Government

Appeal Ref: APP/Q9495/A/09/2103631
Glen-Dene, Crook Road, Burneside, Kendal, Cumbria. LA8 8LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990
- The appeal is made by Mr Tony Hurst against the decision of Lake District National Park
Authority.
- The application Ref 7/2008/5666, dated 8 December 2008, was refused by notice dated
6 April 2009.
- The development proposed is demolition of a bungalow to provide new dwelling.

Preliminary matters

1. The application for planning permission included the demolition of the existing
bungalow on the site and the erection of a two-storey house in replacement,
together with alterations to the vehicular access.

Decision

2. I dismiss the appeal.

Main issue

3. The main issue in this case is the effect of the proposed development on the
character, appearance and landscape of the area.

Reasoning

4. The appeal site is located very close to the crest of a hill with open countryside
on three sides. The existing bungalow forms the western end of a small group
of dwellings well beyond the main built area of Plumgarths and High
Plumgarths and in open countryside. The other dwellings in the immediate
vicinity are generally well screened from public views so that the overall open,
rural character and appearance of the area is largely undisturbed.

5. The existing single storey dwelling on the appeal site is clearly visible from the
B5284 road and public rights of way, especially the footpath across the field
immediately to the west. However, its scale, form and height ensure that it is
not significantly intrusive in the landscape or disturbs the overall open, rural
character and appearance of the area.

6. I note that the footprint of the proposed dwelling would be not much greater
than that of the existing dwelling, although its plan form and specific siting
would differ. Nevertheless, the scale, volume, mass and height of the
proposed dwelling would be significantly greater and in this prominent location
would be obtrusive and disruptive in the landscape and detract from the overall open, rural character and appearance of the area.

7. National planning policy guidance makes it clear that the landscape and scenic beauty of National Parks has the highest status of protection, and that the conservation of the natural beauty of the landscape and countryside should be given great weight in development control decisions [Planning Policy Statement 7, Sustainable Development in Rural Areas (PPS7)]. This is reinforced by policy DP7 of the North West of England Regional Spatial Strategy, adopted in 2008, and saved policy NE1 of the Lake District National Park Local Plan, adopted in 1998.

8. I note that the design of the proposed dwelling seeks to echo some of the architectural details traditional to the area, but nevertheless its form and bulk increase its obtrusiveness and detrimental impact. PPS1, Delivering Sustainable Development, and PPS3, Housing, emphasise the importance given by national policy advice to good design, which includes having appropriate regard to the setting of proposed development.

9. Indeed paragraph 34 of PPS1 states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Location within a National Park brings with it the increased importance of protecting the landscape and scenic beauty of the area. Saved policies NE1 and BE1 of the Local Plan reinforce this national advice.

10. I conclude, therefore, that the proposed development would result in demonstrable harm to the character, appearance and landscape of the area due to its siting, form, height, scale, bulk and mass in this prominent location. Thus it would conflict with policy DP7 of the Regional Spatial Strategy and saved polices NE1 and BE1 of the Local Plan. It would also fail to comply with national planning policy advice in relation to the protection of the landscape and scenic beauty of the National Park and the importance of good design.

11. I have had regard to all other matters raised including the advice provided by officers of the local planning authority and indeed the recommendation that planning permission be granted. However, unless subject to a specific delegation scheme, officers can only offer advice and express their views. Decisions on applications for planning permission are reserved for members of the local planning authority and they are not required to accept the advice of officers, provided their decisions are based on planning issues. The reasons given for the refusal of planning permission were clearly based upon such matters.

12. Accordingly, neither this nor any of the other matters raised is sufficient to outweigh those that have led to my decision. I consider that the proposed development is unacceptable and the appeal is dismissed.

JDS Gillis

Inspector
Appeal Decision

Hearing held on 28 July 2009
Site visit made on 28 July 2009

by N A C Holt TD BArch(hons) DipTP
DipCons RIBA MRPTI
An Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
4 August 2009

Appeal Ref: APP/Q9495/A/09/2101399/NWF

Bridge End House, Calbeck

- 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 the executors of Dr A G McKenzie against the decision of the Lake District National Park Authority.
- The development proposed is the subdivision of Bridge End House to its original form as two dwellings.

Decision

1. The appeal is dismissed

Main issue

2. From all that I have heard, read and seen, I consider that the main issue in this case is whether the proposal would be contrary to the objectives of Policy H20 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and if so, whether there are material considerations that would justify a decision other than in accordance with the development plan.

Reasons

3. Bridge End House is a Grade II listed building within the Calbeck Conservation Area. The conservation area has a spacious character with clusters of traditional buildings and significant areas of open space. Bridge End House forms part of a cluster along with the Old Brewery and other buildings to the south west of the village green. The two storey building, whose main frontage is white rendered under a slate roof, is probably of late 17th Century origins with later alterations and additions including a right angled projection at its northern end. The building makes a significant contribution to the character and appearance of the conservation area.

4. The listed building known as Bridge End House incorporates Bridge End Cottage which was formerly in separate ownership from the main house.

5. In 1979 the cottage was acquired by Dr and Mrs McKenzie to provide ancillary guest accommodation and was linked to the main house by a new doorway on the first floor and an old opening on the ground floor was re-instated. At the time of acquisition, in view of its poor physical condition, Bridge End Cottage was the subject of a statutory notice from the local authority but the necessary works to upgrade the property were carried out by the McKenzies; were it not
for their intervention, the part of the listed building that was occupied by Bridge End Cottage would probably have been lost.

6. Bridge End Cottage was partly contained in the northern projection with the remainder under the same roof as the main house. Internally the modest character of the former cottage contrasts with the somewhat grander rooms of the main house and the differentiation is marked on the rear elevation with the face of the former cottage in random stone rather than the rendered finish of the main house. On the front elevation the distinction is not so readily evident. Whilst the main building appeared to be basically sound there is evidence of water ingress and structural movement in parts of what was the separate cottage.

7. The appeal relates to the reinstatement of the Bridge End Cottage as a separate unit.

8. Policy H20 of the Cumbria and Lake District Joint Structure Plan indicates that within the National Park housing development will only be permitted where it is of a scale and type which is designed to contribute to the identified housing needs of the locality and there is a mechanism in place to ensure that it is occupied by local persons. Whilst there is no mention of the re-instatement of dwellings, it is made clear that for the purposes of the policy the term housing development includes dwellings formed from the sub-division of dwellings.

9. A Supplementary Planning Document on Demonstrating Housing Need indicates that unless supported by a housing needs survey, carried out to the methodology specified by the Cumbria Rural Housing Trust, proposals for housing development are unlikely to be acceptable. In the context of Caldbeck a housing needs survey carried out in 2007 identified a need for 20 dwellings of various sizes, the majority of which should be available for rent.

10. As there is no intention on the part of the appellants to enter into an agreement which would ensure that the additional dwelling contributed to local needs the proposal is contrary to the letter of Policy H20.

11. The popularity of the Lake District National for second or holiday homes and the constraints on development to protect the quality of the area has resulted in prices which make it very difficult for local people to access the housing market. I can appreciate the Authority’s reasons for a policy that effectively restricts new housing, including the subdivision of existing dwellings, to that which meets a local need. Whilst from time to time there may be circumstances that justify an exception to the normal rule, if the objective of securing housing for local people is to be achieved, it is important that there is consistency in the application of the policy.

12. Although I note for instance that government guidance in PPS3 on housing encourages the sub-division of existing properties where viable and practical in order to maintain and enhance sustainability, I do not consider that there is fundamental conflict between the approach of policy H20 and more recent national guidance. Similarly I do not consider there is fundamental conflict with regional policy.

13. Various reasons have been put forward as to why an exception to the normal policy should be made in this case.
14. Historically the cottage was in separate use from Bridge House and still maintains a separate electricity supply. However since 1979 it has been used as part of Bridge House and for Council Tax purposes the cottage and Bridge House are assessed as a single dwelling. As a matter of fact and degree I consider that the building is now one dwelling. I note that the appellants have chosen not to apply for a Certificate of Lawfulness in relation to the use of the buildings as two dwellings.

15. An open market valuation of around £245,000 has been placed on the cottage and the evidence suggests that around £60,000 would be required to refurbish the building and address defects. Whilst if offered on the open market the cottage may or may not be bought by someone with local connections it would clearly be outside the affordability level for Caldbeck which was recognised as £175,000 in a study carried out in 2004.

16. Supporters of the proposal highlight the point that the reinstatement of the cottage as a separate dwelling would provide an additional relatively modest dwelling, more likely to be locally affordable than the large 5 bedroomed house that would be available if the appellants are forced to sell Bridge End House as a single unit. It is also argued that the additional household would assist in supporting the various services and facilities of the village. Whilst I have sympathy with these arguments, particularly as there is currently no specific proposal to address the identified housing needs of the village, I am not convinced that they would justify the formation of an additional open market dwelling contrary to Policy H20 of the structure plan.

17. A housing association have indicated that accommodation of the type that would be provided in the cottage would be unsuitable for their purposes and suggest that it would more appropriately provide a smaller home on the open market. However, I do not consider that this should be taken as an indication that the principle of the sub-division of the larger house to provide an additional open market dwelling is acceptable in terms of planning policy.

18. National and local policy attaches considerable importance to the protection of listed buildings and the preservation of the character or appearance of conservation areas. No evidence was produced to suggest that the sub division of the property is necessary to secure the refurbishment and subsequent maintenance of the listed building and whilst I acknowledge that the character of the rooms in the main house reflect its somewhat grander status, I do not consider that the re-instatement of the cottage as a separate unit would make any material contribution to the special architectural or historic interest of the building.

19. In terms of the impact on the wider conservation area, no external change is proposed to the building and the effect would be neutral. The character or appearance of the conservation area would be preserved whether or not the separate use of the cottage was reintroduced.

20. I appreciate that the circumstances of the case are unusual and there is strong support for the proposal from the Parish Council and from local residents, the latter illustrated by the petition with 95 signatures that was submitted at the hearing. However, on balance, I am not convinced that an exception to the normal development plan policy would be justified in this case.
Conclusion

21. I have taken account of all the other matters that were raised at the hearing and in the material before me. These included reference to cases where market housing had been accepted as an exception to the normal policy, to the internal arrangement of the building and to the fact that Dr McKenzie’s daughter who has long term family ties with the area wishes to purchase the cottage. These other matters do not alter my overall conclusion that the appeal should be dismissed.

Neil A C Holt

Inspector

Documents (submitted at hearing)

Document A  Petition in support of proposal
Appeal Decision

Site visit made on 22 July 2009

by J D S Gillis BA(Hons) MRTPA

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

Appeal Ref: APP/Q9495/A/09/2100077
Shatton Hall Farm, Lorton, Cockermouth, CA13 9TL

- 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 IPS Ltd. (The Intellectual Property Shop Limited) against the decision of Lake District National Park Authority.
- The application Ref 7/2008/2184, dated 11 July 2008, was refused by notice dated 18 September 2008.
- The development proposed is replacement agricultural sheds and office/studio space for Shatton Hall Farm.

Preliminary matters

1. I note that there is an agricultural holding number for Shatton Hall Farm but that limited agricultural activity is currently undertaken. The application for planning permission indicated that, at least in part, the proposed replacement agricultural buildings could be available for use by other agricultural holdings in the area.

2. Agricultural buildings in the countryside are usually acceptable in principle. However, the Courts have held [e.g. Clarke v Secretary of State for the Environment and Another (Court of Appeal CO/30/91, 12 June 1992) and Secretary of State for the Environment, Transport and the Regions v Sparkes (High Court CD/4681/98, 3 February 2000)] that to qualify as agricultural buildings they must be reasonably necessary and appropriately designed for such purpose.

3. Planning Policy Statement 7, Sustainable Development in Rural Areas, [PPS7] sets out national planning policy advice including the statement that the landscape quality and scenic beauty of National Parks has the highest status of protection and conservation thereof should be given great weight in development control decisions. In addition, development in the open countryside should essentially be that which requires such a location while providing for the needs of the local population in sustainable locations.

Decision

5. I dismiss the appeal.

Main issues

6. The main issues in this case are whether the proposed development is reasonably necessary and appropriately designed for agricultural purposes, its the effect on the character, appearance and landscape of the area and whether it satisfies the principles and objectives of sustainable development.

Reasoning

7. It has been stated that the existing agricultural buildings suffer structural defects and that replacement is a more cost-effective option than refurbishment. However, from my site inspection I consider that the great majority of the existing agricultural buildings are capable of continued use. The structures appeared to be generally sound and although there was some superficial damage the buildings were weather-proof and in form, design and layout appropriate for their purpose. The only exception was a building to the rearmost part of the appeal site, which was in poor condition. I noted that some of the buildings were in use for storage of demolition rubble, etc., some of which was also piled against the sides of some of the buildings causing potential damage to them.

8. While it has been accepted that current agricultural activity and use of the existing buildings is somewhat limited it is contended that this results from the on-going conversion works to other buildings on the holding and the consequent need to ensure compliance with health and safety requirements. No detailed proposals for the future agricultural activities to be undertaken on the holding have been given. I accept that such activities could encompass the grazing of stock and/or production of fodder crops for the occupiers of other holdings. Also, non-traditional stock could be raised which might require more specialised accommodation than is currently available.

9. However, from the evidence available it appears unlikely that the intended future level of agricultural activity would be sufficient to require the retention of all of the existing buildings, or indeed the replacements proposed. Furthermore, the suggestion that the replacement buildings could supplement the accommodation on other agricultural holdings in the area has not been corroborated by independent evidence. Neither is there any indication that the existing buildings have generated any interest as temporary accommodation for agricultural purposes, even though they have remained available for some time and are in generally usable condition while there is a claimed increasing need for under-cover accommodation for livestock.

10. In the light of these circumstances I conclude that the proposed replacement buildings are not reasonably necessary for agricultural purposes, either directly related to the holding and/or the wider area.

11. I note that PPS7 indicates that the replacement of existing buildings in the open countryside will be supported. However, this pre-supposes that such buildings are necessary in that location. On the evidence available to me the proposed replacement agricultural buildings are not reasonably necessary and
so would fail to comply with national policy advice. Hence the erection of the proposed replacement agricultural buildings would be contrary to saved policy A1 of the Local Plan and the basis of national policy advice in PPS7.

12. In terms of design I note that the proposed buildings are intended to provide flexible layout opportunities in order to enable their use for a variety of agricultural activities. However, access to the upper floor of the buildings along the southern section of the site is somewhat constrained. For example, the submitted plans indicate an external spiral stairway at the eastern end of this section. I consider that this means of access would significantly limit use for the indicated agricultural storage purposes.

13. While it has been suggested that access to the upper section of this part of the development could be gained from the higher ground level immediately to the south this is not shown on the submitted plans. In addition the main indicated access to this part of the proposed development is from the northern side of the building. Hence the alternative access suggested would require significant alteration to the development as proposed.

14. Hence I conclude that although the proposed design may be capable of accommodating some agricultural uses it also displays significant limitations. Thus I do not consider that the proposed design is appropriate for agricultural purposes and again conflicts with saved policy A1 of the Local Plan and the basis of national policy advice in PPS7.

15. Turning to the effect on the character, appearance and landscape of the area, I accept that the existing buildings are quite large and are visible in the landscape. However, as standard agricultural buildings I do not consider that they are intrusive as such buildings are a common feature and acceptable in the National Park when shown to be necessary. Nor do they detract from the character and appearance of what is intended to be a working farm. In addition, public view is restricted to the lane that runs to the east of the site.

16. I accept that the proposal would produce buildings of greater aesthetic appearance and, by seeking to accommodate them largely below the level of the surrounding land, they would be less noticeable. However, as I have indicated public views of the site are limited and so any enhancement to the landscape would not be significant. Conversely, the proposed replacement buildings would encroach into the mature woodland and require the felling of part of it. It has been indicated that the proposal would enable better access to this woodland and its subsequent management for ecological purposes. However, I do not consider that this would compensate for the loss of part of this important landscape feature.

17. It has been asserted that the proposed development would improve the character, appearance and amenities of the area in relation to the residential accommodation that exists and is being provided on the holding and adjacent land. I accept that locating the proposed buildings further away from the residential accommodation, together with the better appearance of the proposed buildings, would bring improvement. However, the residential accommodation comprises existing dwellings together with conversions of other buildings. Thus all of it has been occupied or permitted in the context of its
location on an agricultural holding. Accordingly, the existence of the current agricultural buildings was accepted.

18. It may be that even greater improvements to the character, appearance and amenities of the area would result from the demolition of the existing agricultural buildings without replacement, except those shown to be reasonably necessary and appropriately designed for agricultural purposes.

19. I conclude on this issue, therefore, that any improvement to the character, appearance and landscape of the area resulting from the proposed development must be set against the harm that would result from the felling of part of the established woodland, which is an important feature in the landscape. On balance I consider that the loss of part of this feature due to the proposed development would result in demonstrable harm, contrary to saved policy NE1 of the Local Plan, policy E34 of the Structure Plan and national policy advice in PPS7, together with the National Park’s highest status of protection of landscape quality and scenic beauty.

20. Turning to the matter of sustainability the proposed development includes the creation of studio/office space for the appellant company. This is intended to be used in conjunction with occupation of the existing dwelling on the holding. I consider that the amount of space proposed, even as combined use for the appellant company and management of the agricultural holding, is greatly excessive and far beyond the scale of what might be considered for “live-work” accommodation. While the flexibility of use of the development has been emphasised I consider that the scale of the proposed studio/office is unacceptable in this open countryside location and could lead to work and traffic movements that would be contrary to the objectives of sustainable development.

21. In my view the scale of floorspace proposed requires a location more closely related to centres of population where local services and facilities, including public transport, would be available. Thus the proposal would conflict with saved Local Plan policy E6, policy ST3 of the Structure Plan and RDF2 of the Regional Spatial Strategy.

22. I have had regard to all other matters raised including the intended diversification of the agricultural holding and the potential support for the economic well-being of the surrounding rural area. While such matters are significant neither they nor any of the other matters raised are sufficient to outweigh those that have led to my decision.

23. I conclude, therefore, that the proposed development is unacceptable and the appeal is dismissed.

J D S Gillis

Inspector
Appeal Ref: APP/Q9495/A/09/2101584
Knotts Hill Caravan Park, Watermillock, Penrith, Cumbria, CA11 0JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr M Bell against the decision of Lake District National Park Authority.
- The application Ref 7/2008/3071, dated 28 July 2008, was refused by notice dated 2 December 2008.
- The application sought planning permission for proposed variation of condition(s) to allow and extended holiday period on the static holiday caravan element from 1 March in any one year to 14 January the following year without complying with a condition attached to planning permission Ref 7/2006/3050, dated 15 June 2006.
- The condition in dispute is No. 5 which states that: Not more than 51 caravans shall be on the site at any one time including the 6 holiday caravans granted consent by permission 7/2006/3015 and at least 15 pitches shall be for touring caravans, being caravans not staying on the site for more than 21 consecutive days in any one year.
- The reason given for the condition is: For the avoidance of doubt and to safeguard the visual amenities of the area.

Preliminary matters

1. I understand that the caravan park has been in existence for many years and a number of planning permissions have been granted in that time, including in 1976, 1982 and 2006. The permission in relation to application 7/2006/3050 re-stated the conditions imposed on a previous permission, including that providing for 51 caravans [36 static and 15 touring] on the site.

2. The application the subject of this appeal sought to vary this condition [No. 5] in order to permit a maximum overall number of caravans of 46 [all static] instead of 36 static and 15 touring. I shall consider the appeal on that basis.

Decision

3. I dismiss the appeal.

Main issues

4. The main issues in this case are whether condition No. 5 of the planning permission granted on 15 June 2006 is necessary and reasonable in order to protect the character, appearance and landscape of the area, the living conditions of occupiers of nearby property and the provision of a balance of tourism accommodation in the area.
Reasoning

5. The caravan park is backed to the south by rising ground that screens it from that direction but views are more open in other directions. However being an elongated site stretching eastwards from the roadway public views are fairly limited, apart from the section adjoining the road and to a lesser degree from the north. The northern boundary is largely formed by the access track to Leeming Cottage and Leeming Farm.

6. The application indicates that the proposal would involve the creation of 10 additional sites for static caravans and the submitted plans show indicative locations for them. The plans also show where it is considered that the permitted 15 touring caravans would locate. While such indicated locations may not be precise the current layout and occupation of the caravan park restrict available options and so I consider that the indicative locations are likely to be reasonably accurate.

7. At the time of my site visit there were no touring caravans in the park and it has been stated that none have been on site for the last 6 years or so, from when the current owners took possession. The indicated sites for the proposed additional static, or the permitted touring, caravans are generally in locations that would be more visible in the landscape – being essentially the only locations in the park not already occupied by static caravans.

8. Caravans in the proposed locations would be visible in the landscape from beyond the park, especially those to be sited adjacent to the access. It has been argued that, although larger, static caravans would be less conspicuous due to being fewer in number and with the ability to control their colour. It was contended that the touring caravans would have greater visual impact due to the greater number and the predominance of white as a standard colour.

9. However, it is likely that static caravans would be features of much greater permanence, whereas touring caravans would be in evidence for a much more restricted period of time and somewhat transitory and occasional features in the landscape. I accept that the greater total number and more prominent colour of the touring caravans are significant factors. Nevertheless, I consider that these aspects would be outweighed by the larger individual features and year-long siting of the proposed static caravans, notwithstanding the better visual assimilation resulting from the control of the colour.

10. Thus I conclude on this issue that the proposed additional static caravans would have a significantly greater visual impact amounting to demonstrable harm to the character, appearance and landscape of the area.

11. In this regard it is important to recognise that national planning policy advice states that the landscape and scenic beauty of National Parks has the highest status of protection, and conservation thereof should be given great weight in development control decisions [Planning Policy Statement 7, Sustainable Development in Rural Areas, (PPS7)]. This is reinforced in policy DP7 of the North West of England Regional Spatial Strategy, adopted in 2008, and saved policies NE1 and T9 of the Lake District National Park Local Plan, adopted in 1998.
12. Turning to the effect on living conditions, the submitted plans indicate that 4 of the proposed additional static caravans would be located close to Leeming Cottage. Conversely it is stated that 8 of the permitted touring caravans could be located there, and that this would result in greater noise, disturbance and loss of privacy for the occupiers of Leeming Cottage than the proposed static caravans.

13. I consider that the greater permanence of the static caravans is an important consideration, despite the smaller number. Furthermore, the confines of the space available would require static caravans to be sited with their long sides facing more directly towards Leeming Cottage - as indeed is shown on the submitted plans. Touring caravans could more readily be sited in echelon formation, thus with less direct overlooking of Leeming Cottage and its curtilage, again as indicated on the submitted plans.

14. It has also been argued that touring caravans would result in greater noise and disturbance due to more frequent comings and goings. However, touring sites would again be likely to be in less overall use throughout the opening period of the caravan park. I consider that the detrimental impact on the living conditions of occupiers of Leeming Cottage would be greater due to the more permanent occupation of static caravans in this location, resulting in demonstrable harm.

15. In relation to the provision of a balance of tourism accommodation, policy EM16 of the Cumbria and Lake District National Park Joint Structure Plan, adopted in 2006, seeks to protect the availability of touring caravan sites. This relates to one of the primary responsibilities of National Parks - namely to provide for its enjoyment by all members of the public. Thus it is important to make, and retain, provision for touring as well as static caravans.

16. I accept that the current owners of the caravan park may decide not to accept touring caravans on to the site. However planning permissions relate to the land not individual owners or applicants. It may well be that subsequent owners would wish to accommodate touring caravans. Hence I consider that the proposal would result in significant conflict with Structure Plan policy EM16 and the objectives of National Parks.

17. I conclude, therefore, that the condition No. 5 of the planning permission granted on 15 June 2006 is necessary and reasonable in order to protect the character, appearance and landscape of the area, the living conditions of occupiers of nearby property and to enable the provision of a balance of tourism accommodation in the area.

18. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I consider that the proposed variation of condition No. 5 would result in demonstrable harm, conflict with the quoted development plan policies and fail to comply with national planning policy advice. Accordingly the proposal is unacceptable and the appeal is dismissed.

J D S Gillis
Inspector
Appeal Decision
Site visit made on 22 July 2009
by J D S Gillis BA(Hons) MRTPI
an Inspector appointed by the Secretary of State
for Communities and Local Government

Appeal Ref: APP/Q9495/A/09/2102923
Cloagar, Seldom Seen Lane, Silecroft, Millom, Cumbria, LA18 4NX

- 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 Mrs Bren Preston against the decision of Lake District National
  Park Authority.
- The application Ref 7/2008/4061, dated 21 July 2008, was refused by notice dated 10
  November 2008.
- The development proposed is new build of detached garage.

Preliminary matters

1. Planning Policy Statement 7, Sustainable Development in Rural Areas, provides
   national policy advice and states that the landscape and scenic beauty of
   National Parks has the highest status of protection and should be given great
   weight in development control decisions. This is supplemented by saved policy
   NE1 of the Lake District National Park Local Plan, adopted in 1998, and also
   policy E37 of the Cumbria and Lake District Joint Structure Plan, adopted in
   2006.

Decision

2. I allow the appeal, and grant planning permission for new build of detached
   garage at Cloagar, Seldom Seen Lane, Silecroft, Millom, Cumbria, LA18 4NX in
   accordance with the terms of the application, Ref 7/2008/4061, dated 21 July
   2008, and the plans submitted with it, subject to the condition that the
   development hereby permitted shall begin not later than three years from the
   date of this decision.

Main issue

3. The main issue in this case is the effect of the proposed development on the
   character, appearance and landscape of the area.

Reasoning

4. The appeal site is located in a fairly remote part of the coast with access from
   an unmade track via an established caravan park. Other development in the
   immediate vicinity includes a number of holiday chalets of relatively temporary
   construction and materials together with some permanent dwellings – in
   particular a fairly substantial 2-3 storey building and a bungalow to the north
   and a dwelling immediately to the south which is single storey on the landward
   side but multi-storey on the seaward, resulting from significant approved
   extensions. Beyond this dwelling are the single storey buildings of a golf club.
5. Further to the south, and beyond the National Park boundary, are a number of wind turbines and a prison. I understand that land in this area is also being investigated as a potential site for a nuclear power station.

6. The existing dwelling on the appeal site is small and therefore the proposed garage would increase the amount of built development fairly significantly. However, the site is relatively large and is capable of accommodating the proposed garage while maintaining the generally fairly open character and appearance of the area.

7. Similarly, while the upper part of the proposed garage would be visible from the beach and the coastal footpath it would be significantly less intrusive than many of the existing buildings in the area, and would not result in demonstrable harm to the character, appearance and landscape of the locality. In addition I note that other garages [and extensions] have been approved in relation to other dwellings in the vicinity, some of which are larger than that proposed.

8. In these circumstances I consider that the proposed garage would not conflict with development plan policies NE1 or E37 nor national policy advice in PPS7 and would not result in demonstrable harm to the character, appearance and landscape of the area.

9. Accordingly I shall allow the appeal, subject to the standard condition relating to the timescale for the commencement of development, as suggested by the local planning authority.

J D S Gillis
Inspector