LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 5 AUGUST 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

ALLERDALE BOROUGH COUNCIL (YELLOW SHEETS)
Application no: 7/2009/2038
Applicant: Mr McGurk
Date of Application: 1 April 2009
Type of Application: Full

Location: Lowfield Farm, Southwaite, Cockermouth, Cumbria, CA13 9TA
Grid Reference: 313119 528192 See Plan

Proposal: Erection of 2 steel framed storage buildings on hard standing previously used for haulage depot and storage

District Council:
Parish Council:
Highway Authority: No objection

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSALS

1.1 I am reporting this application to committee because of recent planning history. Committee inspected the site on my recommendation on 8 July.

1.2 Lowfield is a former farm close to the small hamlet of Southwaite in the far north west of the National Park and immediately adjacent to its boundary. In the late 1980s planning permission was granted to regularise the use of the site including the original farmhouse, ancillary workshop buildings, access track and large area of hard-standing as a haulage depot for heavy goods vehicles (7/1989/2324). This use ceased in 2007 and remains lawful and could be reinstated without the need for planning permission. Although the planning permission limited the amount of HGVs that could be stored at the site to 10 trucks and 14 trailers it did not limit the amount of traffic movements possible.

1.3 This application proposes the change of use of the site to a B8 storage use for rare, classic and expensive cars. The application also provides for the erection of two large steel frame buildings similar in appearance and finish to standard farm buildings on the area of hard-standing immediately adjacent to the existing buildings and approximately 70m from the bank of the River Cocker. Both buildings would be 15m in width, 22m in length and 3.8m high to the ridge of their pitched roofs. They would sit side by side a short distance from the existing buildings with roller shutter doors on their gables and a finish of “Plastisol” composite cladding. The buildings would
allow for the storage of 40 cars in a dehumidified environment. This storage would be on a medium and long term basis.

1.4 The previous application on the site was an identical proposal and was refused for the following reasons:

Development of a car storage business would be a material change of use from the last known use of the site as a haulage yard. As such this proposal involves development of both a new use and associated buildings in the open countryside. As the buildings themselves would be unrelated to any existing use and without an essential requirement for a rural location, there are none of the exceptional circumstances which would allow buildings of the scale and appearance proposed. By reason of this scale and appearance the buildings would appear large and incongruous and would cause considerable harm to the landscape character and visual amenities of the area. The proposals would therefore be contrary to Policy RDF2 of the North West of England Regional Spatial Strategy and Policy NE1 of the Lake District National Park Local Plan.

As a home-based business the principle of the use proposed is supported by Local Plan policy but only where the business is capable of being contained within existing premises which would not require significant alteration or extension. The proposed use can clearly not be contained within existing premises. Both the principle of the proposed buildings and their scale would therefore be contrary to Policy E6 of the Lake District National Park Local Plan.

1.5 Our assessment of the original application made an important conclusion – that there was little prospect of the existing and lawful haulage business restarting at the site. We therefore did not view the existing and lawful use as a weighty material consideration in the assessment of the original proposal. The applicant believes that this was an incorrect approach and this application has been submitted to demonstrate that the haulage yard use could and would restart and that it should be a material consideration in the assessment of the proposal.

1.6 This application has been supplemented with two additional pieces of information – the likely numbers of vehicles and traffic movements associated with the previous haulage yard use and a letter from a local haulier expressing interest in the site were it to become commercially available.

2 REPRESENTATIONS

2.1 Although Embleton Parish Council had no objection to the original application we have received no response from them as yet to this application.

2.2 The Local Highway Authority has no objection to the proposal given the existing haulage yard use.
2.3 The Environment Agency has no objection to the proposal.

3 POLICY AND ASSESSMENT

3.1 The following policies form the development plan framework against which this proposal will be assessed:

North West of England Regional Spatial Strategy:

- RDF2 (Rural Areas)
- EM1 Integrated Enhancement and Protection of the Region's Environmental Assets (A) Landscape (B) Natural Environment

Cumbria and Lake District Joint Structure Plan (extended policies):

- E37 (Landscape character)

Lake District National Park Local Plan (saved policies):

- NE1 (Development in the Open Countryside)
- NE5 (Development in Quieter Areas)

3.2 The original reasons for refusal remain valid as the proposal is contrary to development plan policy which restricts development in the open countryside. The aim of national, regional and local planning policy is to direct development of this type to urban areas and larger settlements where there is established infrastructure, sustainable communities and well developed transport networks. It will be the exception for new development to be located in the open countryside. Those exceptions for the National Park are outlined in Policy NE1 of the Local Plan and at a strategic level in Policy RDF2 of the Regional Spatial Strategy.

3.3 In this case there is an existing lawful haulage yard use – a fallback position. Is that fallback position a sufficient enough material consideration to outweigh the policy objection to this proposal?

How likely is it that the previous haulage yard use would restart?

3.4 This question is central to the following assessment of the proposal. If we are to give any weight to the potential for the haulage business then there would have to be a reasonable prospect of it being brought back into use. There are in effect two parts to the question – could the use lawfully restart and if so, would the lawful use restart?

3.5 The use is long established and although unauthorised at the time, the planning application in 1989 regularised the situation and other than a restriction on numbers did not restrict the operation of the site in any other way. The last known use of the haulage yard was in 2007. The site retains a large area of hard standing previously used for parking HGVs, a large workshop from which maintenance was carried out and a number of other ancillary buildings. There have been no other changes to the site since 2007. I conclude therefore the previous use as a haulage yard is a lawful
but dormant one and could restart without the need for planning permission at any time.

3.6 The likelihood of this happening is harder to gauge. The applicant has provided a letter from a local haulier which states that he would be interested in the site were it to become commercially available. There have been no changes to the site since its last use so it would seem entirely possible for the use to restart without any further work. Whether a local haulier would be genuinely interested in the site were it to become available will depend on many factors including the current economic climate. There is little doubt however that it would be the applicant's intention to market the site for these purposes were this application unsuccessful. On balance therefore I conclude that there is a reasonable prospect of the former haulage yard use restarting.

What are the impacts associated with the proposed use in light of the potential impacts of the fallback position?

3.7 As a fallback position has been established it is appropriate to compare the two uses in terms of their impact. I have summarised those impacts in the table below. The impacts of the haulage yard fallback position are based on those of the previous use. A similar new use could potentially have more impact or less impact depending on the way in which it was used.

**Associated Impacts**

<table>
<thead>
<tr>
<th>Landscape impacts</th>
<th>Haulage yard</th>
<th>Car storage business</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permanent parking, maintenance, refuelling and re-loading for up to 10 Heavy Goods Vehicles (10 trucks and 14 trailers) on existing yard area.</strong></td>
<td>Two permanent storage buildings – 4m in height covering of the existing hard standing area.</td>
<td></td>
</tr>
<tr>
<td><strong>Traffic impacts</strong></td>
<td><strong>Daily:</strong> 1 x 44 tonne truck depart 6am return 3pm Local wagon frequent return trips Long distance vehicles returning for fuel, re-loading etc. Service van – frequent return trips <strong>Weekly:</strong> Five 44 tonne truck depart for long distance work</td>
<td>An average of less then two vehicle movements per month mainly during summer months generated by delivery of cars for long term storage.</td>
</tr>
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</table>

**Landscape**

3.8 RSS Policy EM1(A) requires that all proposals maintain and enhance natural, historic and other distinctive features that contribute to the
character of landscapes and places in the North West. Policy E37 of the Structure Plan requires development and land use change to be compatible with the distinctive characteristics of the landscape, paying particular attention to visual intrusion, the character of the built environment and patterns of development. In addition the Local Plan designates the main part of the site as a Quieter Area where development which leads to increased traffic or visual intrusion will not be permitted.

3.9 The proposed buildings have low ridge heights of 3.8m, would be largely screened by existing landscaping and would contain most of the activity associated with the business inside the buildings. The car storage business would be a low key one, would receive only occasional deliveries of the cars in question and would not be open to members of the public. The landscape in this area of the National Park is characterised by its relatively low lying agricultural land to the south east of Cockermouth on the fringes of the National Park. Its distinctive features include large scattered farmsteads of which there are several in close proximity to the site. Therefore the buildings, if not the use, would be consistent with the characteristics of the landscape.

3.10 The haulage yard by comparison has an existing planning permission which would allow the parking of up to 10 trucks and 14 trailers at the site. The trailers are generally around 4 metres tall however some are over 5 metres tall. The landscape impact of 14 such trailers parked on the site is clear, creating obvious visual intrusion contrary to our landscape polices. A haulage yard can be a very busy place with several vehicles arriving or departing at once, maintenance and refuelling of vehicles going on across the site.

3.11 The visual intrusion caused by the activity associated with a haulage yard would be far greater than that caused by the proposed buildings. The buildings themselves would be consistent with the size, scale and siting of farm buildings in the area and so would integrate into the landscape in a way that HGVs and the activity associated with haulage yard would clearly not.

Traffic

3.12 The proposed car storage use would generate a limited number of vehicle movements. The applicant estimates this at an average of less than two vehicle movements per month, mainly during summer months generated by delivery of cars for long term storage.

3.13 The lawful haulage yard use could clearly be a significant traffic generator for the area. The local road network is characterised by narrow rural roads unsuitable for dealing with the size and frequency of the vehicles that would be associated with the haulage yard. The site is relatively close to the Lorton road into Cockermouth but this in itself is not a road often frequented by HGVs. The previous user of the site generated various daily traffic movements of different sizes of vehicle and although there is no guarantee that a subsequent user of the site would use it in the same way
any such use is likely to generate significantly more traffic movements than the proposed use.

3.14 The fallback position clearly has the potential for greater impact on the local road network and on the amount of traffic generated. I am recommending a condition which would limit the traffic movements associated with the new use. I am discussing the details of such a condition with the applicant and will be able to report further at the meeting.

Other issues

Would there be any impact on neighbouring properties?

3.15 There are no dwellings within 140m of the proposed buildings. It is clear that the use proposed for the buildings would be less harmful to amenity than the previous haulage yard use and other than an increase in traffic movements would have little impact on amenity in its own right.

Would there be any harm to nature conservation interests?

3.16 The site is approximately 70m from the River Cocker, part of the River Derwent and Tributaries Site of Special Scientific interest and the River Derwent and Bassenthwaite Lake Special Area of Conservation. Regional planning guidance encourages the conservation and expansion of the ecological fabric of the region Policy EM1(A).

3.17 Although some distance from the river there are two potential sources of pollution of the river - pollution arising from the use itself (eg petrol and oil spilling into the river) and arising from the construction process. All vehicles would be contained in the buildings and any activity outside the buildings would be in the area between the river and the buildings. Therefore any run-off into the river is extremely unlikely and in any case would be significantly less likely than was the case with the haulage yard. The buildings themselves would be constructed on the existing concrete hard-standing. The simple assembly of a metal frame is unlikely to cause any pollution of the river. A small amount of concrete may need to be used to set the frame of the buildings into the ground but this is unlikely to be on such a scale as to lead to pollution of the river.

4 CONCLUSION

4.1 This proposal is contrary to development plan policies. However there is a material consideration in the form of a fallback position. I have concluded that there is a reasonable likelihood of that fallback position being exercised.

4.2 The fallback position of the haulage yard use has the potential for landscape harm and impact on the local road network. The proposed use by comparison is a low key one with considerably fewer impacts. It does require the erection of two large steel framed buildings. However these can be well screened and in the context of the landscape impact of the
haulage yard would not appear prominent in the landscape and are consistent with the type and scale of buildings in the locality.

4.3 I am recommending conditions which will restrict the use to that which has been applied for and which will not allow changes within that Use Class using permitted development rights. With these safeguards I am confident that the impacts of the proposed use would be minimal and significantly less than those potential impacts of the fallback position. I will update Committee at the meeting on planning conditions.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. No development shall take place unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include any boundary features and any existing trees and hedgerows on the land, those to be retained together with measures for their protection during the course of development.

   Unless otherwise agreed in writing with the Local Planning Authority, all landscaping works shall be carried out not later than 12 months from the occupation of the building(s) or the substantial completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

   REASON: To safeguard the visual amenities of the area.

3. Unless otherwise approved in writing by the Local Planning Authority the development hereby permitted shall not be carried out otherwise than in complete conformity with the 'Method Statement showing how the River Cocker will be protected during construction' received on 16 April 2009.

   REASON: To prevent pollution of the nearby River Cocker part of the River Derwent and Bassenthwaite Special Area of Conservation.

Summary of Reasons for Approval

This proposal is contrary to development plan policies, in particular Policy RDF2 of the North West of England Regional Spatial Strategy and NE1 of the Lake District NPA Development Control Committee – Wednesday August 5 2009

7/2009/2038
District National Park Local Plan. However there is a material consideration in the form of a fallback position in that the site has an existing and lawful use as a haulage yard. There is a reasonable likelihood of that fallback position being exercised.

The fallback position of the haulage yard use has the potential for significant landscape harm and impact on the local road network. The proposed use by comparison is a low key one with considerably fewer impacts. It does require the erection of two large steel framed buildings. However these are can be well screened and in the context of the landscape impact of the haulage yard would not appear prominent in the landscape and are consistent with the type and scale of buildings in the locality.

Subject to the conditions imposed the impacts of the proposed use would be minimal and significantly less than those potential impacts of the fallback position. The proposal is therefore considered to be acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/2066
Applicant: Miss E. Rowley
Date of Application: 3 March 2009
Type of Application: Full

Location: Crosthwaite Meadow smallholding, Church Lane, Keswick, Cumbria
Grid Reference: 325787 524443 See Plan

Proposal: Agricultural shed for smallholding purposes to provide storage of feed, equipment, tools, rest and office area (retrospective)

District Council: 
Parish Council: Refuse
Highway Authority: No objection

**RECOMMENDATION:** REFUSE for the following reasons

**REPORT:**

1 **BACKGROUND**

1.1 I am reporting this application to Committee at the request of a Member.

1.2 Retrospective permission is being sought for a shed which has been located on the southern boundary of Crosthwaite Meadow which lies on the northern fringe of Keswick.

1.3 Crosthwaite Meadow is bordered on the south side by the wooded embankment of a former railway which is now a permitted footpath. The west side is bordered by a lane which lane which sits between the meadow and the grounds of St Kentigerns church which is a listed building. The lane exits onto the A66 which edges the north side of the meadow. The east side of the meadow abuts agricultural land.

1.4 The shed measures 7.2m long by 3.6m deep x 2.4 metres high. It has a shallow angled mono pitch roof shallow constructed from grey felt while the walls are made from horizontal timber boarding finished with a green stain. The land has been levelled and surfaced with stone chippings which extends as a small apron around the building and extends as a footpath to the gate onto the lane.

1.5 The applicant submitted a letter in support of her application in which she states that she purchased Crosthwaite Meadow (4.17 acres) in June/July 2008. It is her intention to operate a four year crop rotation, growing different vegetables, fruits and herbs. There would be 4 x 3.6m x 6m plots. She also
expresses an intention buy 6-8 hens, a few sheep, and pigs and possibly one or two goats.

1.6 The applicant advises that the shed is used for gardening tools including a lawn mower, strimmer, wheelbarrow, pots, seeds, compost, sawdust and hay. She states that the shed has a very small rest area to enable her to make a cup of tea and attend to any paperwork needed to run a smallholding. Photographs of the inside of the shed accompanied the application which show various gardening tools, a table, a bench for cooking and a soft chair.

2 REPRESENTATIONS

2.1 One letter of support has been received from a local resident. The correspondent states that small scale agricultural use of the land can only improve on this neglected area. He believes that a presence on the site has reduced anti-social activities in the area and points that out tree planting has been carried on the edge of the A66 to serve as a screen for the shed.

2.2 Ten letters of objection have been received. I have attached one letter as APPENDIX 1 which is representative of the other letters of objection and the Underskiddaw Parish Council’s response is also attached in full. In sum their objections are:

- The shed spoils the appearance of the area
- That the building is being used for residential accommodation in conjunction with the applicants camper van which is parked on the neighbouring lane, rather than an agricultural store and that the activities associated with the use of the building and the associated paraphernalia have a domestic character which is out of character with the area.

3 POLICY AND ASSESSMENT

3.1 Although a small scale development this application raises issues of policy principle.

3.2 Policy NE1 of the Local Plan seeks to protect the open countryside from harmful development while Policy DP7 of the North West of England Plan Regional Spatial Strategy 2021 seeks to promote environmental quality promoting good quality design and ensuring that development respects its setting. To conform to Policy NE1 development should, amongst things, be closely integrated with an existing use, respect the character of the area in which it is proposed and not cause demonstrable harm to landscape, or nature conservation interests.

3.3 Local Plan Policy A1 specifically applies to agricultural development. Policy A1 advises that favourable consideration will be given to proposals for agricultural buildings providing certain criteria are met. The impact of the development in relation to those criteria and the provisions of the other aforementioned policies is given below.

3.4 Local Plan Policy BE15 states that any proposals which would adversely affect the setting of a listed building will not normally be permitted.
3.5 Policy E37 of the Structure Plan is also concerned with landscape protection. This policy advises that development should be compatible with the distinctive characteristics and features of Cumbria's landscape and further advises that proposals will be assessed in relation to a range of landscape factors including visual intrusion or impact, scale in relation to landscape features, openness and tranquility.

3.6 Policy DP7 of the North West of England Plan Regional Spatial Strategy 2021 seeks to promote environmental quality advising that environmental quality should be protected and enhanced, especially by respecting the character and distinctiveness of places and landscapes, promoting good quality design and ensuring that development respects its setting.

**Is the building necessary for and designed for the purposes of agriculture?**

3.7 At the time of my site visit a number of small plots of land near to the shed had been dug to accommodate vegetables. The greater part of Crossthwaite Meadow was grassland and an area of land between the entrance gate at the lane and the shed and an area in front of the shed had been mown. Since that time the applicant has stated that she has been cutting the meadow, drying it to make hay and selling it.

3.8 The design of the building could be for the purposes of agriculture since, while it is not designed to house livestock or farm vehicles, it could be used to accommodate hand tools, materials used in agriculture such as fencing materials, bags of manure and seeds etc. There is an expressed intention to use Crossthwaite Meadow for agricultural purposes and the applicant has given some account of how the land would be put to use in the future but it has not been satisfactorily demonstrated why a building should be necessary.

3.9 The amount of agricultural use at present is very small I am not persuaded the building is necessary for this level of use. Furthermore the applicant describes the building as including a rest and office area and I am not persuaded that there is an agricultural need for a rest area and office. One aspect of the rest area use is that of overspill of such use onto the land outside the building where a sitting out area and drying area introduces a domestic activity which is one of the areas of concern identified by objectors and the Underskiddaw Parish Council.

**Would the scale and siting of the development be well related to existing farm buildings and landscape features?**

3.10 There are no farm buildings at Crossthwaite Meadow so it cannot be placed within or adjacent to a farm group. The field is open to view from the A66 and the land rises to the east. There is no site within the field where it could be said to be 'well related to landscape' features. The least harmful place would be in the south west corner of the field where the tree covered embankment meets the lane.
Is the shed of an appropriate standard of design and does it incorporate materials of suitable texture, colour and appearance?

3.11 Part of the reason why the building looks out of place is that it has the character of a large and utilitarian domestic shed which looks out of context in an otherwise undeveloped field and I find it difficult to say what type of design would be appropriate for this site given the absence of development to which it can be related. As far as the building's materials and finish are concerned a darker stained timber would be more recessive when viewed against the trees behind.

Would the proposed development result in pollution of any watercourse or ground water?

3.12 The application form refers to a composting toilet which I understand is one of the ancillary items in the field.

Would the proposal cause demonstrable harm to the landscape?

3.13 Looking east from the lane the field lies in the foreground of views of the distant fells while the aspect which is viewed from the A66 is of an open field with a backcloth of trees on the former railway line embankment. When travelling along the road this area forms part of a continuum of fields and copses which provide a belt of attractive countryside between the highway and the built up area of Keswick. This rural character gives way to the more formal, but no less attractive, landscaped graveyard of St Kentigerns Church (a Grade II listed Building). The graveyard occupies rising ground where the church itself is very largely screened by tall conifers.

3.14 In this context the shed is an incongruous feature and it imposes itself into these otherwise unspoilt views where, by reason of its isolation, character, form, design and materials it harms the appearance of the landscape.

3.15 In the light of the above assessment the proposed development does not meet the criteria of Local Plan Policy A1 and it would be contrary to Local Plan Policy NE1, Policy E37 of the Structure Plan and Policy DP7 of the Regional Spatial Strategy.

3.16 While the building causes landscape harm the specific impact on the setting of the listed building is less obvious. It is not read in conjunction with the building itself and any conflict between the proposal and Policy BE15 of the Local Plan is small.

How is the building being used?

3.17 With regard to concerns that the building is being occupied domestically a Compliance Planner who visited the site in January was satisfied that at that time the shed was not being used as a dwelling. The applicant denies that it is not being used for residential purposes.

3.18 However, the shed is equipped with fittings and furniture which are not essential for the agricultural use of land, including a wood burning stove and
domestic furniture. The land outside the building has been used for drying clothes and as a sitting out area. These 'overspill' activities and uses are more characteristic of a leisure use than an agricultural store and such activities, whether incidental to the agricultural use or not, are harmful to the character of the area given the site's undeveloped rural character.

4 CONCLUSION

4.1 I am not persuaded that this shed is necessary for and designed for the purposes of agriculture. It is not well related to existing farm buildings and is an incongruous feature in an otherwise open and undeveloped countryside location. The retention of the shed would be contrary to policy and harmful to the character and appearance of the landscape. Because it is an easily repeatable form of development I also have concerns over the precedent that could be set. In my view there are no material considerations of sufficient weight to outweigh these important planning considerations.

4.2 If committee accepts my recommendation and refuses planning permission I propose to exercise my delegated authority in respect of enforcement action to secure the removal of this building and the cessation of any unauthorised use.

Committee is recommended to:

REFUSE for the following reasons

1. The shed is harmful to the character and appearance of the area by reason of its isolated and prominent location where it is neither well related to existing development or landscape features and because its size, form and character and materials are not in harmony with the special landscape qualities of the area. In consequence the proposed development would be contrary to Policies NE1 and A1 of the Lake District National Park Local Plan, Policy E37 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policy DP7 of the North West of England Plan Regional Spatial Strategy 2021.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
14 June 2009

Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
LA9 7RL

Dear Sirs

7/2009/2066 – agricultural shed for small holding purposes

I write to express concern regarding the subject of the above planning application on the grounds that the quoted agricultural purpose would appear to be questionable. This statement is made on the basis that the present use seems very much more of a domestic nature.

This primary purpose is suggested by such factors as the display of drying washing, grass cutting to provide a formal lawn, the planting of garden trees, the presence of a chemical toilet and the existence of a mail box. - the domestic scene being completed by the prominent ‘Crosthwaite Meadow’ notice on the gate to the site.

The key point, however, is that, for many months, whilst the shed has been in regular personal use, there would seem to have been no evidence of any agricultural activity or the holding of any livestock.

Apart from other issues, the rather unattractive aspect of the present site is quite out of character with regard to the rest of the area and within the easy vision of those many motorists who pass regularly on the main A66 road.

There appears to be a very weak case for agricultural consideration and it is recommended that, both for the reasons given and the fear in creating a precedent, you do not approve this application.

I look forward to receiving a reply to this letter with your comments.

Yours faithfully,

A K Gibbs

Elm Close
Applethwaite
Keswick
CA12 4PN
☎ 017687 71166
The Chief Planning Officer  
Lake District National Park Authority  
Murley Moss  
Oxenholme Road  
KENDAL  
LA9 7RL

Your Ref : DMST/7/2009/2066  

Date : 11 June 2009

Dear Sir

APPLICATION NO : 7/2009/2066
LOCATION : Crosthwaite Meadow Smallholding, Church Lane Keswick
PROPOSAL : Agricultural Shed for smallholding purposes to provide storage of
feed, equipment, tools, rest and office area.

Dear Sir

Crosthwaite Meadow Church Lane Keswick

The Parish Council instructs to me to say that it objects in the strongest terms to this application being approved.

The grounds for the objection are of two main kinds : the first ground for the objection relates to the use of this particular field, and the second relates to wider considerations of the landscape of the National Park.

First – use of this site. The Parish council has been monitoring the use of this site for the last two years, at first on a fairly casual basis and for the last six months with close interest. The field is next to the A66 and therefore what is happening on the field is immediately obvious to passers-by. The field is also highly visible to a number of properties in the Parish. (I should mention that I have received more adverse comment on this structure than on any other issue in the past eight years, and this has been both from residents in this parish, and also from people living in Above Derwent.)

In the Spring and Summer of 2008 a small tent appeared frequently in the field, and it was obvious that this was being used for overnight camping on a fairly intermittent basis. In November or
December 2008 a large hut was built on the field, first of a bright yellow colour, which was then softened by being painted green. Ancillary structures were placed round the hut, and have now been moved behind it. There is a toilet hut, another small hut believed to house a generator, a wood store, an area of hard standing and a blue van has for the last two months been parked regularly on the field.

Occupation of the hut has been increasing – in the late Winter and early Spring the signs of occupation were present for an estimated 25% of the time, more recently the occupation is approaching 100%. The signs of occupation are lighted windows in the hut at night, smoke coming from the chimney, a couple walking round the field or sitting in deck chairs, mowing of the grass with a lawn mower, planting of ornamental trees, sawing wood, hanging out washing, including sheets, cooking and washing up. A post box has appeared on the gate, and the Council understands a post code has been allocated, and the field has been given the name “Crosthwaite Meadow”.

This Council raised concerns with the Planning Officer about the use of this field in January 2009. Since then a number of letters has been exchanged, first with Kevin Richards, then with Duncan Mackay and most recently with Bill Murray. The general inclination of the officers seems to be give the owners of the field the benefit of the doubt as they were asserting an agricultural use. Copies of previous correspondence are attached.

The Council’s view is that none of the activities observed on the land have related to agriculture. They are domestic activities. There has been no stock on the field at any time over the last 18 months or more, nor any cultivation of an agricultural nature. The Council does not believe that an office is necessary to administer mowing the grass or planting a few trees, nor indeed for domestic washing and cooking. The Council believes therefore that whilst there may be an aspiration to lead a pastoral life on this plot, the reality is that this is not happening and also that it is not feasible. Since the owners of the field do not live locally any longer, the only way they can carry on farming operations is by living on the field. If they live on the field then eventually they will want a house to live in, and if their occupation has been tolerated it become difficult for the Planning Authority to deny them this. There are therefore significant implications for the National Park’s housing policies if the current situation on this field is given official tolerance. The current use of the land is agricultural, but the development which has been going on is not agricultural, and therefore is not in conformity with Policy NE1 which requires development in the open countryside to be integrated with existing uses (farming not residential), to respect the character of the area in which it is situated, and not to cause harm to the landscape. The Council does not believe the development conforms to any of these requirements. The Council believes that there is a danger of “planning creep” in relation to this site, and believes that the National Park Authority should be similarly concerned, if it is to fulfil its mission of protecting the countryside.

Even if it were considered that the current use is agricultural it should not cause demonstrable harm to the landscape. This leads to the council’s second ground for objection. This field was originally part of a larger agricultural unit, and the whole unit therefore benefited from the permitted development rules for agricultural land. There are many other fields like this being sold throughout the country, and particularly in the National Parks. These are advertised through Estate Agents, such as Woodlands, and also sold privately. There is indeed a field immediately opposite this for sale by that company just across the A66. If each time a field is sold off it is permitted to develop into a pretend farm, with huts and lawns and pretty trees, or even with the usual accoutrements of a small –holding – hen huts, pig sties and various huts, then the landscape character of the area will be changed. This field used to be occupied by a flock of Herdwick Sheep when the farming routine required it. It contributed to the sheep farming appearance of this part of the National Park. The field is no longer doing this. The use of individual fields that were once agricultural should be a matter of serious concern to the NPA.
Particular questions the council considers should be looked into are:

1. Does this plot have an Agricultural Holdings number?
2. What arrangements are there for the disposal of human sewage on this site – particularly given that this is in the Bassenthwaite catchment area and very close to the Lake.
3. Given requirements for chickens to be protected at night, and for pig manure to be kept under cover, what implications for further structures on the land does this proposal raise?

The Parish Council would urge the National Park to look ahead, to see the points of principle, and the precedents which could be set and make sure that the decision of to-day does not undermine the Authority’s own plans for tomorrow.

Because of the implications of this case the Council would urge that this matter should be considered by the Development Committee and that there should be a site visit.

Yours faithfully

Pauline Soulsby
Parish Clerk