Appeal A: Ref: APP/Q9495/A/08/2077272
Land at Blindcrake (site 1), Cockermouth, CA13 0QP

- 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 G L Hutton against the decision of the Lake District National Park Authority (LDNPA).
- The application Ref 7/2007/2260, dated 28 September 2007, was refused by notice dated 20 February 2008.
- The development proposed is an agricultural building.

Formal Decision: I dismiss the appeal.

Appeal B: Ref: APP/Q9495/A/08/2079867
Land at Blindcrake (site 2), Cockermouth, CA13 0QP

- 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 G L Hutton against the decision of the Lake District National Park Authority (LDNPA).
- The application Ref 7/2007/2261, dated 28 September 2007, was refused by notice dated 20 February 2008.
- The development proposed is an agricultural building.

Formal Decision: I dismiss the appeal.

1. The appeals relate to 2 separate agricultural buildings to be sited in a corner of a field, conjoined in ‘L’ shaped form and served by a single yard area accessed off an existing track to the east. The appeals are, nevertheless, independent one of the other. Site 2 involves a frame building of 27 metres x 12.2 metres area sited parallel with the road between Redmain and Blindcrake and positioned immediately inside the line of the roadside hedge. For Site 1 the proposal is for a building of 22.8 metres x 12.2 metres to be sited at 90° to the axis of the larger building, and behind it, as seen from the road. Each submitted plan shows both buildings. The intention appears to be that the smaller building at Site 2 would be set to a lower floor level (by a metre as scaled from the drawing), reflecting the general fall in ground levels across the field away from the road.

2. The Appellant indicated that LDNPA’s assessment that both buildings would be 7 metres to ridge height was wrong. Both would be frame structures of 4.3 metres to eaves and 5.3 metres to ridge height. Discrepancies had arisen from the manner in which the plans had been prepared to show they would be constructed to different ground levels. This stated reason would not explain the discrepancies in the plans where the scaled drawings for the various elevations gave quite different figures. The majority of drawn representations showed buildings with a maximum height of 7 metres, with 1.7 metres difference between eaves and ridge levels. Gable elevations of the building at the higher ground level (ie nearer the road) portrayed ridge heights of 9 metres. No part of the drawings identified a ridge height of 5.3 metres. Additional to the difficulties arising from this situation, the drawings provided no basis on which to assess the ground level for either building in relation to the nearby highway, having regard to the progressive fall of ground levels away from the road. The only indication was of the floor level change of 1 metre between the 2 structures.

3. I was invited by the Appellant, nevertheless, to attach a condition limiting the ridge height in both cases to 5.3 metres and requiring final elevational details to be submitted before construction.

The main issues are
- the impact upon the landscape of the national park;
- the extent of risk of harm to the nearby River Derwent and Bassenthwaite Lake SAC; and
whether these matters are outweighed by a need for the proposals for agricultural purposes.

**Appraisal**

**Landscape effect**

4. The site lies in open countryside a short way beyond the edge of village development at Blindcrake in an area of valley landscape of the River Derwent in the north-western corner of the national park. The surroundings are highly attractive agricultural landscape of improved grassland and hedgerows with few building groups or isolated development beyond the settlement. The current proposals would both involve in design terms structures typical of modern agricultural buildings combining blockwork and weatherboarding walling with cemfil sheet roofing. This would follow no traditional building forms of the national park, but would nevertheless be the style of functional frame buildings widely found within it as a reflection of the area's continuing working nature. The buildings would be on a bare site remote from any development associated with the farming business, whose base is currently some 17 miles distant at Setmabanning in Threlkeld. Although relatively close to the edge of village development in Blindcrake, the buildings would be perceived as freestanding elements of the rural landscape rather than as modern, functional 'add-ons' to a working farmstead.

5. The buildings would be unsympathetic intrusions into the local landscape. Their relative proximity to the developed area of Blindcrake would do little to my mind to mitigate this. Siting in the field corner where there is a small copse of trees would offer some limited shielding to longer distance views from the east, but the buildings, whether assessed jointly as a linked structure or singly, would be very prominent features of the surrounding landscape. Their position immediately alongside the road means that they would be large, dominant and unattractive features in the immediate foreground of views for all users of the Redmain to Blindcrake road. In these terms the development in both appeals would conflict with elements of 'Saved' Policies NE1 and A1 of the LDNP Local Plan requiring development not to cause landscape harm and for the scale and siting of agricultural buildings to be well related to existing farm buildings and to landscape features.

6. The building on Site 1, if considered in isolation, would be somewhat further from the road, and at a slightly lower level. The visual harm that it would cause would remain substantial. Additionally, the submitted details for the building on Site 2 provide little basis to judge the potential impact upon the roadside hedgerow. The plan defines the boundary in relation to the road, but not the relationship between this and the hedge. The 1/500 layout plan shows the building reaching to little more than 2 metres from the road. The potential for damage to the hedge, particularly if the floor level of this unit were to be set below road level, adds further to my concerns at the impact of the development on the national park landscape.

**Nature conservation implications**

7. Although a refusal reason in both cases referred to the inadequacy of available information to determine any impact of the development on the River Derwent and Bassenthwaite Lake SAC [Special Area of Conservation] by way of pollution of the adjacent watercourse upstream of the European site, English Nature were consulted only in relation to the appeals. In a letter dated 30 September 2008 English Nature objected to the proposed development as there was insufficient information with the application to enable them to advise as to whether the proposal was likely to have a significant effect on the European site. They recommended the preparation of an Assessment of Likely Significant Effect relating to a number of specific issues. If a conclusion was then drawn of "likely significant effect" or if insufficient information was available, then an appropriate assessment would be required under the 'Habitats Regulations'.

8. These various steps have not been followed in relation to the proposed development. Bearing in mind the precautionary basis on which a risk of "significant effects" should be broached in decision making, as advised at para 13 of Circular 06/2005, the absence of specific consideration of the issues raised by English Nature weighs clearly against a grant of planning permission at this stage. The 'Method Statement' which accompanied the planning applications only dealt with issues directly related to the construction process, and the information provided was relatively limited. Natural England sought substantially more information on implementation of the development. The potential for pollution of the watercourse during operation of the site thereafter was not the subject of explanation other than that the site would be operated on a "bedded court system" with straw bedding removed in spring and the manure spread on the
land. Bearing in mind the proximity of the watercourse, the lack of information on floor levels in relation to it, and the unsealed nature of the yard area being proposed, I consider that the risk of unacceptable effects cannot so readily be discounted. The potential for pollution therefore weighs at this stage heavily against the appeals as a matter of conflict with Policy A1(d), particularly where other options for siting any buildings further from a watercourse have not been examined.

**Agricultural need**

9. The split site nature of the farming business was explained in representations, although not the detailed manner of management of the 2 areas in relation to sheep flocks and the pedigree Limousin and Galloway/Blue Grey cattle identified in a letter to LDNPA in April 2006. There would clearly be operational advantages in reducing the extent of movement of livestock, hay and manure between the sites. Of the specific factors raised, I doubt that the need to house stock during the winter period because of ground poaching amounts to a new issue for the Appellant, bearing in mind his ownership and use of the land since 2002. I acknowledge that complications and additional costs may arise from movement of cattle in relation to variable Tuberculosis testing regulations at the 2 sites. These matters, allied to the general operational advantages of reducing movements between Threlkeld and Blindcrake, suggest that some form of accommodation on the 47 hectares farmed at Blindcrake would be very desirable. The extent to which this represents a clear cut need for the particular building proposals now being made is more difficult to assess in the absence of a more detailed appraisal of the overall farming operation. Nothing explains how one rather than both of the proposed buildings would meet the needs of the farm. A need for the buildings has not been sufficiently made out, and the proposals therefore fail the test in Policy A1(a).

**Conclusions**

10. My conclusion is that the agricultural considerations do not outweigh the harm to the national park landscape and nature conservation interests. This conclusion is reinforced by the absence of any evidence of consideration of alternative siting for buildings within the 47 hectares of land farmed in the vicinity. The location of the site at the approach to the Blindcrake Conservation Area adds some weight to objections. The openness of land on this side of the village provides the designated Area’s setting, and large buildings prominently sited along the principal approach would result in some harm to it. I therefore conclude that both appeals should fail. If I had concluded otherwise, I would have still been faced by the problems created by the inaccuracies in elevational plans. The errors were in my view of such a nature as to make it impractical to deal with the problem by condition, as suggested, where full planning permission was being sought.

*Alan Upward*

INSPECTOR