

Appeal Decisions

Site visit made on 13 September 2016

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 1 November 2016

Appeal Refs: APP/Q9495/C/16/3147950 & 3147951

Land at Chapel Ridding, Patterdale Road, Windermere LA23 1NL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr and Mrs A Towler against an enforcement notice issued by Lake District National Park Authority.
 - The enforcement notice was issued on 9 March 2016.
 - The breach of planning control as alleged in the notice is the erection of three buildings.
 - The requirements of the notice are permanently remove the three buildings from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal Ref: APP/Q9495/W/16/3147813

Land at Chapel Ridding, Patterdale Road, Windermere LA23 1NL

- 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 and Mrs A Towler against the decision of Lake District National Park Authority.
 - The application Ref 7/2016/5015, dated 6 January 2016, was refused by notice dated 2 March 2016.
 - The development proposed is buildings for timber working and storage.
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Application for costs

2. An application for costs was made by Mr and Mrs A Towler. This application is the subject of a separate Decision.

Reasons

3. The main issue in both appeals is whether the erection of the three buildings complies with Development Plan policies for development in the open countryside.
 4. Policy CS01 of the Lake District National Park Core Strategy (CS) seeks to conserve and enhance the special qualities and natural beauty of the National Park, CS policy CS02 states, amongst other things, that development in the open countryside will only be supported where it demonstrates an essential need for a rural location, and CS policy CS25 states, amongst other things, that the type, design and scale of development, and the level of activity, should maintain and, where possible, enhance local distinctiveness, sense of place and tranquillity.
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5. The three buildings that are the subjects of the appeals are located on an area of land, less than one hectare, on the east side of Patterdale Road in open countryside. The land is mainly wooded and sloping but includes a relatively flat area, a former quarry, on which the three buildings have been established. The buildings are a wood store/shelter of about 4.8 metres by 3 metres, a timber tool store of about 2.4 metres by 1 metre, and an amenity building of about 4.8 metres by 2.4 metres. The Authority does not dispute the Appellants' assertion that the land has been used for timber working and storage for in excess of ten years prior to issue of the enforcement notice. The Appellants do not dispute that the three buildings are not immune from enforcement action.

6. There was no evidence at the site visit of any forestry activities having been carried out on the land in recent times and the Appellants make no claim, in fact, that the timber working and storage use of the land relates to forestry activities on the land. Even if it did any forestry activities on the land, given its size, would not provide sufficient timber for any significant timber working activities. Timber that is worked and stored on the land is, probably almost entirely, brought in from other locations. The site for the working and storage of such timber could be in any location and, in this regard, a countryside location is not necessarily required. The location could be in an urban location on an industrial estate where the working and storage of timber would be an appropriate and acceptable activity.

7. Whilst the three buildings might not cause any harm to the wider landscape of the National Park there is, despite the lawful use of the land, no essential need for their rural location. The three buildings could be located in an urban location to support timber working and storage, which is, essentially and as it is in this case, a manufacturing activity or process rather than an activity or process directly associated with, or resulting from, forestry activities on the land. In this regard, the essential need for the buildings must be based on forestry carried out on the land and the importation of timber from elsewhere must be ancillary to the principle forestry use of the land. There is, furthermore and in the absence of any evidence such as financial statements or sales brochures, no evidence to indicate that the three buildings are required to support a rural business. The development of the land by the erection of three buildings conflicts with CS policy CS02 and, given that the three buildings are not necessary for the purposes of forestry, with saved policy A1 of the Lake District National Park Local Plan 1998. The ground (a) enforcement appeal and the planning appeal thus fail.

John Braithwaite

Inspector