
Appeal Decision

Site visit made on 29 November 2016

by W Fabian BA Hons Dip Arch RIBA IHBC

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

Decision date: 06 January 2017

Appeal Ref: APP/M0933/W/16/3153222

Dalegarth, Mascalles, Ulverston, Cumbria LA12 0TQ

- 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 Marc Charnley against the decision of South Lakeland District Council.
 - The application Ref SL/2015/1072, dated 13 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is change of use of land to siting of lodges (caravans), parking, tarn, wildlife area, and package treatment plan (re-submission).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to siting of lodges (caravans), parking, tarn, wildlife area, and package treatment plan at Dalegarth, Mascalles, Ulverston, Cumbria LA12 0TQ in accordance with the terms of the application, Ref SL/2015/1072, dated 13 November 2015, subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. Applications for costs have been made by each party against the other. These applications are the subject of separate Decisions.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

4. The appeal site is an agricultural field of rough grassland alongside the access drive into the Dalegarth small holding. This includes a bungalow built in the 1960s, agricultural sheds, a storage yard for some 77 caravans (granted a certificate of lawful use in 1996) and two grassed fields, one each side of the concrete access drive. It occupies the site of a former power station (demolished in the 1950s) that served local iron ore mines. For a passer-by there is little to indicate the historic industrial nature of the site, which (apart from the existing subsequent developments) has been almost fully reabsorbed into the landscape of this area of open countryside.

5. Policy CS7.4 of the South Lakeland Local Development Framework Core Strategy, 2010, (CS) seeks to support the economic needs of rural communities by amongst other things encouraging the retention or expansion of appropriate businesses outside the service centres; and the diversification of the agricultural economy. Policy CS7.6 supports the creation, enhancement and expansion of tourism infrastructure in accordance with the development strategy in policy CS1; particular emphasis is placed on the need to broaden the range of visitor accommodation provided. These policies are in line with the Government's National Planning Policy Framework (the Framework) which seeks to support a prosperous rural economy and sustainable rural tourism. On the face of it, they support the principle of providing holiday accommodation in this location.
6. The appeal turns on the effect of the proposal on the surrounding landscape. Saved policy T6 of the South Lakeland Local Plan & Alterations, 2006, (LP) states that caravan site development outside the Arnside-Silverdale AONB will only be permitted where there is no adverse impact on the conservation of the landscape and built environment. This also reflects the Framework, which at paragraph 109 requires the planning system to contribute to and enhance the natural and local environment. From the more recent Core Strategy, CS policy CS8.2 seeks to ensure the protection and enhancement of landscape and settlement character. It requires development to be informed by and sympathetic to the distinctive character of landscape types identified in amongst other documents the *Cumbria Landscape Character Guidance*, 2011, (CLCG).
7. The CLCG has been jointly produced for a group of Cumbrian Councils to support policy formulation and site allocations in each of their Local Development Frameworks. The appeal site and its surroundings lie close to the eastern boundary of character area sub type 7b – Drumlin Field, with sub type 7a – Open Farmland and Pavements to the east.
8. The CLCG records that the oval 'whale backed' shape of the drumlins, formed by glaciation, and their parallel alignment gives the landform a distinctive uniform grain. They are round topped with steep sides and are now mainly covered by grassed fields divided by thick hedges, as here. Streams and wet hollows are found in the valleys and dips between the drumlins. Farms and development often nestle in intersecting valleys, and narrow lanes with tall hedges and steep banks criss-cross through the drumlins.
9. I have seen that the countryside around the appeal site generally follows this type (although the hamlet of Mascalles lies midway up the hillside to the south); Dalegarth nestles at the bottom of an intimate shallow valley and is surrounded by irregularly shaped small traditional sloping fields bounded by mostly untrimmed hedges that rise to the northeast and northwest. Further similar fields rise away to the south, at the other side of Middle Barrow Lane. They overlay the landscape of gently rounded low hills that surround it. To the northwest are the wider more distant views of the higher land of the south Lakeland fells.
10. Mascalles is a short row of some seven or so mainly non-traditional detached dwellings fronting the cross roads at Hooks Lane and Stone Barrow Lane. Middle Barrow Lane, bounded by parkland type railings and a drystone wall, leads fairly steeply down from the crossroads to the drive into Dalegarth and

passes the appeal site, enclosed at each side by slightly banked hedges. The existing caravan storage yard at the west of the site is largely hidden by the band of semi mature mixed screen planting between it and the appeal site and by the hillside and field hedge behind, but can be seen in views down the straight drive from some points along Hook Lane, where the white caravans stand out as an incongruous feature in the landscape. There is a single wind turbine in a nearby field to the north of the appeal site, with others in the further distance also seen in the wider views from Hook Lane.

11. The five holiday lodges proposed would be installed on the west end of the field furthest from the road, adjacent to the band of semi mature mixed deciduous and coniferous screening that is already in place between the field and the existing authorised caravan storage yard. Access to the lodges would be by a new field gate at the south west corner leading from the entrance area of the caravan storage yard, with shared use of the existing concrete driveway from the highway. They would be in the form of demountable mobile homes, 12.2¹ x 6.1m plus a 2.7m deep veranda, and timber clad with turf roofs.
12. The five lodges would be arranged as a 'fan' of three, focussed towards a small tarn that would be created in the lower central area of the field, with two more lodges aligned in a similar way behind the northern one, close to the existing agricultural sheds and at the other side of a curved access track. This track would loosely follow the original line of the former railway banking associated with the historic power station and mining use.
13. The CLCG sets out that the distinctive grain and interlocking appearance of the drumlin forms are sensitive to development that would change their appearance in the landscape and the strong matrix of hedges and walls that criss-cross them are sensitive to changes in land management. The proposed lodges would sit on the existing landform, with little change other than the introduction of a crushed stone access way following the existing curved contours. Below them a tarn would occupy the natural low point in the field, which would be managed as a species rich hay meadow. The tarn would echo other naturally occurring ones that I saw at low points nearby. In line with the CLCG guidelines, new planting has been designed as small natural pockets of mixed indigenous trees and shrubs, to emulate indigenous landscape features and to restore the existing hedgerows by 'gapping up'.
14. Currently the site is open to views from Hook Lane to the south, particularly from opposite Glenside and the adjoining paddock. Much has been made by the Council of this existing open aspect, which is most visible to the limited number of pedestrians along Hook Lane and is more pronounced in winter, when roadside hedges are cut back. To my mind, even having viewed the site from this vantage point in winter, the five lodges would have only a very limited impact on the landscape here, given the timber clad and turf roofed appearance proposed. They would sit lightly on it, well back from the road, in positions following the existing contours, with their narrow ends presented to public views. They would be seen in the wider context of the varied styles of non-traditional houses nearby and would to a degree draw the eye away from the incongruous glimpsed views of the starkly white stored caravans in the storage yard. As such, full landscape screening of the development from all vantage points, as suggested by the Council is not necessary or even desirable,

¹ One lodge would be 15.2m long to accommodate those with disabilities

given the heavy planting mass that would be needed, which would intrude in this typically lightly treed landscape.

15. Given an appropriate detailed appearance, as described above, which can be secured by condition, the lodges would blend with their surroundings and given their smaller size and lesser height, they would not look out of place next to the existing agricultural buildings adjacent. Although the quantum of development at the smallholding would increase by around a third, to my mind this is not an excessive proportion; critically the proposed layout and landscaping would conserve and enhance the existing landscape forms and features.
16. The submitted cross sections show that the proposed planting would also, with time, increase screening of the proposed lodges in views from Hook Lane. It seems to me that it would also assist to partly screen and soften the somewhat unnatural appearance of the existing prominent regularly spaced row of birch trees that line the south eastern edge to the access road.
17. The proposed planting, tarn and meadow would soften the appearance of the existing site and the adjacent caravan storage facility and help to assimilate the proposed lodges and track into the landscape. Planting along the southeast site boundary at the roadside is proposed to be carried out in advance of the installation of the proposed lodges and this would further ensure the softening effect described above, prior to the installation of the lodges. In the context of the nearby dwellings and existing activity at the site, any alteration to the level of activity locally or the sense of rural tranquillity would be minimal.
18. I note the appellant's LVIA², which finds the landscape here to be of medium sensitivity to receiving development. The effect of the proposal at one year after completion is assessed as neutral in summer and very slight adverse in winter, such that the impact of the development in its overall effect would be of minor significance. For the reasons set out above, I concur.
19. Taken all in all, and having regard to all other matters raised, I conclude that the proposal would not harm the character and appearance of the surrounding countryside, in accordance with the Framework and development plan policies set out above. It would comply with the development plan taken as a whole. The appeal should be allowed.
20. The Council's suggested conditions include ones to ensure the use of the proposed lodges for holiday accommodation, which is necessary to comply with the development plan. As set out above, further details of the external finishes to the lodges are necessary to ensure the continued compatibility of the proposal with the surrounding countryside, and for the same reason a restriction on permitted development rights is reasonable to prevent an accumulation of additional caravans or ancillary structures on the site. Conditions to require a programme for implementation of soft landscape works and for their maintenance is reasonable. In the interests of proper planning compliance with the approved drawings is necessary.

Wenda Fabian

Inspector

² Landscape and Visual Impact Assessment

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg No 2313-2/3 rev 2 Proposed Layout;
Dwg No 2313-2/5 rev 0 Setting Out Plan;
Dwg No 2313-2/7 rev 0 'Built Up' Development Areas.
- 3) All hard and soft landscape works shall be carried out in accordance with the approved drawings. The works shall be carried out before any part of the development is occupied, or in accordance with a programme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) Prior to installation of the caravan/lodges hereby permitted full details of the external finishes to their walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved and maintained so thereafter.
- 5) Each unit of the development hereby permitted shall be occupied only as holiday accommodation. They shall not be used at any time as a sole or principal residence by any occupant.
- 6) A register of all occupants of the accommodation hereby permitted shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages, which shall be kept in order, and each entry shall contain the name and address of the principal occupier, together with the dates of occupation.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the written approval of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site, other than those expressly authorised by this permission.

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