
Appeal Decision

Site visit made on 31 January 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 16th February 2017

Appeal Ref: APP/M0933/W/16/3161609

Tenement Tarn, Garnett Bridge Road, Burneside, Kendal LA8 9AG

- 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 Tommy Brady against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0527, dated 27 May 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the stationing of 3 camping pods.
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Decision

1. The appeal is allowed and planning permission is granted for the stationing of 3 camping pods at Tenement Tarn, Garnett Bridge Road, Burneside, Kendal LA8 9AG in accordance with the terms of the application, Ref SL/2016/0527, dated 27 May 2016, subject to the following 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: Figure 1 Locational Plan and Figure 2 Detailed Plan.
 - 3) No development shall commence until full details of the pods hereby permitted, including samples of the materials to be used in the construction of the external surfaces, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) No development shall take place until full details, to include the method of construction, of the base of the pods hereby permitted has been submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and method.

Application for costs

2. An application for costs was made by Mr Tommy Brady against South Lakeland District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
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- the character and appearance of the area;
- the living conditions of neighbouring residents; and
- highway safety

Reasons

4. The appeal site is a private coarse fishery which was granted planning permission in 2000 and was originally run in conjunction with the farm to the south of the site. The site has since been separated and is now run independently. The site comprises the fishing lake, a small car park, staff accommodation, small summerhouse and storage container. The nearest residential property to the appeal site is the farmhouse to the north of the site which is located approximately 200 metres from the proposed pods.

Character and appearance

5. The proposal comprises the erection of three timber camping pods located to the east of the tarn within a small area of scattered trees. The surrounding landscape is undulating and the appeal site lies within a hollow in the land. The roadside hedgerows and intervening landform screen the site to a large degree from wider views. It is noted from the officer report that the Council accepts that the pods would be adequately screened by the existing trees and hedgerow to the east in the summer months but has concerns that with less leaf cover the pods would be more prominent. I carried out my site visit on 31 January 2017 when the trees were without leaf. Even without leaf cover, by virtue of the small size and proposed materials, the pods would be adequately screened by the surrounding trees. Consequently, the pods would not appear prominent or incongruous within the rural landscape.
6. I therefore conclude that the proposal would not have a detrimental impact on the character and appearance of the surrounding area and find no conflict with Policies CS7.6 and CS8.2 of the South Lakeland Core Strategy which seek, amongst other things, development proposals that will protect, conserve and where possible enhance the special qualities and distinctiveness of the area by virtue of their scale, location, design and materials

Living conditions

7. The farmhouse to the north of the appeal site is situated approximately 200 metres away. The Council accept by virtue of their small size and the intervening distance, the pods would not have an adverse impact on the residential amenity of the occupants of the farmhouse. They are, however, concerned that there is potential for the pods to be used by overnight campers which could lead to increased noise and disturbance for the neighbouring residents, in particular if those fishing were to bring other family members or use barbeques at the site. It is argued that it would be difficult to control their usage and number of visitors.
8. The appellant states that the pods are to provide shelter/storage for those fishing at the tarn, particularly for those fishing at night. From the information before me, it appears that there are no current restrictions on the usage of the tarn or the numbers of visitors. Consequently, there is nothing preventing those fishing at the tarn at the present time from bringing family members or using a barbeque. The Council's concerns are therefore unfounded in this

regard. In my view, even if the pods were occupied by other visitors, given their small size and lack of facilities, the use of only 3 pods is unlikely to lead to a material increase in comings and goings or the level of activity at the site.

9. I therefore conclude that the proposal would not materially harm the living conditions of the occupiers of neighbouring properties and find no conflict with paragraph 17 of the National Planning Policy Framework (the Framework) which states, amongst other things, that planning should always seek to secure a good standard amenity for all existing occupants of land and buildings.

Highway safety

10. Access to the site and the parking area would remain as existing. Paragraph 32 of the Framework advises that development should only be refused on transport grounds if the residual cumulative impacts of the proposal are severe. I note that the Highway Authority did not object to the proposal but did state that they would require more information on the access and visibility splays if the pods were to be used for overnight camping as the increased usage of the site would impact on the existing highways conditions. However, I have concluded that the proposal would not lead to a material increase in comings and goings to the site and it appears that users of the tarn can already fish overnight. Moreover, it has not been demonstrated that even if the proposal lead to an increased use of the site how this would have a harmful effect on highway safety. In the absence of more detailed information regarding highway conditions, I consider that it has not been demonstrated that the proposal would be detrimental to highway safety.
11. I therefore conclude that the proposal would not have a severe impact on highway safety and find no conflict with paragraph 32 of the Framework and Policy CA10.2 of the CS which requires, amongst other things, the expected nature and volume and traffic generated by proposals to be accommodated by the local highway network without detriment to highway safety.

Other Matters

12. I note the neighbour's concerns regarding unauthorised activities at the site and the absence of people fishing at the tarn. However, I note that the Council has not instigated any enforcement action regarding overnight accommodation at the site following investigations. Furthermore, I am constrained to dealing with the appeal before me which I have considered against the background of the lawful use of the site.
13. At the time of my site visit, there did not appear to be any evidence of littering at the site and I have no reason to believe that the proposal would lead to its increase. The pods would not provide any toilet, washing or cooking facilities and therefore the pods would not need services and the supply of services to the existing facilities on site is not matter for this appeal. Given my findings above in relation to the increase in activity on the site, I do not consider that the proposal would have a materially harmful effect on the welfare of animals in the surrounding fields. There is no firm evidence before me that the site is prone to flooding.

Conditions

14. The Council has not provided me with any conditions to consider. I have therefore had regard to those requested during the process of the application. I

have specified the approved plans as this provides certainty. I have based my findings above on the generalised camping pod information within the submitted brochure and the appellant's specified maximum dimensions of 2 metres in height, 2.5 metres in width and 3 metres in length. Nevertheless, I note that the final pod supplier has not yet been chosen. Therefore, in order to control the final appearance of the pods, I find it necessary to impose a condition requiring full details of the chosen pods, in accordance with the maximum dimensions given, to be submitted. A condition relating to the base of the pod and the construction method to be used is necessary in order to ensure protection of the roots of the surrounding trees.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR