
Appeal Decision

Site visit made on 9 June 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 28 June 2017

Appeal Ref: APP/Q9495/W/17/3170759

Land at Roehead¹, Pooley Bridge, Penrith CA10 2LT

- 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 W Coulston against the decision of Lake District National Park Authority.
 - The application Ref: 7/2016/3103, dated 14 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is an Agricultural Storage Building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area having regard to its location within a National Park.

Reasons

3. The proposed agricultural storage building would be sited on rising land to the east of Ullswater. Whilst it would be sited against a backdrop of trees, these are in the form of an evergreen plantation. As such they might be harvested during the lifetime of the development. Even with this backdrop the proposed building would be a large and isolated structure of modern materials that could be seen in public views including, given the available line of sight, from the lake. Whilst it would be partly dug into the ground this would not result in an acceptable visual impact. Thus, the proposed development would detract from the scenic qualities of the surrounding undeveloped landscape.
4. The appeal site is remote from the farm. However, it is not particularly far from an existing agricultural livestock building at Mains Farm. The appellant has a tenancy for this building but it will expire in September 2018. The appellant considers that it is essential to have a building in this location (around Mains Farm) because it is between his land at Hole House Farm and the land he owns at Roe Head. Whether or not that is the case, the appeal scheme would be unacceptably sited in visual terms.

¹ I note the Council address the site as Roe Head

5. Unlike the appeal proposal the existing livestock building at Mains Farm is well screened from the road and from Ullswater by planting associated with a neighbouring holiday caravan park business. In order to assist in assimilating the proposed development into its surroundings the Authority has suggested siting the proposed building closer to that existing building. Having viewed the site I concur that this would have significantly lesser impact on the National Park landscape.
6. The appellant indicates that this would not be acceptable for a number of reasons. Firstly, it is claimed it would necessitate considerable excavation works. However this is not quantified, there is no consideration of having buildings at slightly differing land levels and I note that the appeal scheme itself involves significant reshaping of the landform. The second reason is the position of that existing building in relation to overhead power lines. I appreciate this might cause practical safety concerns. However, there is no evidence regarding the inter-relationship between those powerlines and the proposed building and its use and clearly a similar use has been acceptable for the existing building. There are also concerns about flooding, but no evidence has been produced to substantiate that claim. Finally it is suggested that there could be conflict with the existing caravan site use. However, this proposal relates to a general storage building and the existing building is a livestock building and no evidence of objections to that use has been provided.
7. More significantly, even if alternative sites nearer to existing development are unacceptable this alone does not justify the proposed building and its siting which I have found to be harmful.
8. This visual harm would be contrary to Saved Policy A1 of the Lake District National Park Local Plan (1998) which seeks to support new agricultural buildings provided that their scale and siting are well related to existing farm buildings and landscape features. Where such buildings are supported it notes that a condition requiring removal should the agricultural use cease would be applied. This condition does not make unacceptable sites acceptable.
9. Given the prominent location away from existing farm buildings Saved Policy A1 would not be adhered to. The proposal would also conflict with Policies CS11 and CS25 of the Lake District National Park Core Strategy (2010). These policies, taken together, seek the conservation and enhancement of the spectacular landscape.
10. The National Planning Policy Framework (the Framework) makes it clear that the greatest level of protection will be afforded to National Parks. Thus, whilst the scheme relates to an agricultural building for which there is, in principle, a justification in open countryside, in this case, I find that there would also be conflict with the Framework.
11. Although the proposed scheme would support the local economy and this farming business in particular, with some associated benefits of agricultural land use and management, these considerations do not outweigh the harm to this sensitive landscape of the National Park.
12. For the reasons set out above, and having had regard to all other matters raised, I conclude the appeal should fail.

Zoë Hill Inspector