
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: 6 July 2017

Appeal Ref: APP/Q9495/W/17/3170433

Croft House Farm, Buttermere Village, Buttermere, Cumbria CA13 9XA

- 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 Croft House Farm LLP against the decision of Lake District National Park Authority.
 - The application Ref: 7/2015/2287, dated 26 November 2015, was refused by notice dated 1 September 2016.
 - The development proposed is laying of grass reinforcement mesh to protect ground in part of field.
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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 particular regard to the site being within the Lake District National Park.

Reasons

3. The appeal site is an area of land approximately 40 metres by 40 metres, adjacent to existing buildings and a car parking area at Croft House Farm where there is a tea room business. The land is used on a 28 day permitted development basis for car parking. The proposed reinforced mesh is intended to improve the usability of the land while protecting the grass.
4. In landscape terms the site is located on low lying land with the traditional and historic buildings of Buttermere. It is of high landscape and scenic quality and can be viewed from many directions because of the elevation of the surrounding hillsides, described in the Landscape Character Assessment as an 'amphitheatre of steep-sided high fLondoells'. This makes the site particularly sensitive to change.
5. The proposed mesh, if successful, would allow the grass surface to be reinforced and therefore protected during the 28 day use of the site for parking. However, there is no firm evidence that this would be successful. The site is such that it will be exposed to rain and potential waterlogging and the intention is that it would be grazed at other times by sheep. I am mindful it might also be used for other agricultural purposes. The evidence before me provides little certainty that the product would remain successful in retaining

- grass cover in the long term. Should it fail, the visual impact of the mesh, in such a prominent position would be significant and harmful.
6. The appellant explains that a benefit of the proposal is that the mesh could simply be rolled up and removed if it fails or becomes unnecessary. However, there is no mechanism proposed for this control to remain with the Local Planning Authority. Nor is there any mechanism to ensure that the grass, if failing, is managed and maintained to prevent unacceptable harm to the landscape. Given this scheme is one for permanent development, I am not satisfied, on the evidence before me and on the balance of probabilities, that this proposal would not result in significant visual harm to this particularly sensitive landscape location.
 7. As a consequence I find that the proposal would fail to accord with policies CS11 and CS25 of the Lake District National Park Core Strategy Including Proposals Map (2010) which, respectively, seek to support good design which amongst other things is functional, aesthetic and suitable for its location and use and, to manage development, guided by Landscape Character Assessments, so as afford the highest level of protection for the spectacular landscape.
 8. It would also fail to accord with the advice of the Landscape Character Assessment for the National Park which, amongst other things, focusses on the strong sense of tranquillity and remoteness in Buttermere because of the absence of built elements and roads. Whilst the development proposed would not result in a building or road, the modern materials, at times when they would be visible following car park use, poor weather conditions (be that waterlogging or excess dryness), agricultural use or close grazing (or a combination of these factors) would undermine that sense of remoteness and tranquillity by imposing a modern material upon the landscape.
 9. Whilst the proposal might support some modest economic benefits by supporting the Croft House tearoom business, the works proposed would not alter the 28 day period for which the car park could operate. As such, this is a matter to which I attach little weight because any benefit to the rural economy would be minimal.
 10. I have not attached weight to concerns that the proposal would lead to greater use beyond the 28 day time frame. It would be for the Authority to monitor and enforce that limit and I must deal with the proposal before me.
 11. In terms of the National Planning Policy Framework it is clear that great weight should be given to conserving landscape and scenic beauty in National Parks. On the evidence before me, I consider it is likely, in the absence of a method of management that could be imposed for the lifetime of the development, that there would be harm to the character of the surrounding area and landscape as a result of this proposal and thus, in addition to the lack of accord with the Development Plan I do not find compliance with the Framework.
 12. For the reasons set out above, and having had regard to all matters raised, I conclude that the appeal fails.

Zoë Hill

Inspector