
Appeal Decision

Site visit made on 26 June 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/Q9495/W/17/3172562

Masons Arms, Cartmell Fell, Cumbria LA11 6NW

- 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 Ewan Harries, Individual Inns against the decision of Lake District National Park Authority.
 - The application Ref 7/2016/5495, dated 14 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is the erection of a timber enclosure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal, the English Lake District was designated as a UNESCO World Heritage Site for selection criteria (iii), (iv) and (vi) relating to its importance as a traditional human settlement and representative of culture or human interaction with the environment and associated with traditions, beliefs, artistic/literary works of outstanding universal significance. Both parties were invited to comment on the implications of the designation for this appeal. It is common ground that the appeal site would not form a component of the attributes of Outstanding Universal Value which justified the world heritage designation. Therefore the designation has no material implications for this appeal.

Main Issues

3. The main issue in this case is the effect of the proposal on the setting of the Masons Arms, a Grade II listed building.

Reasons

4. The Masons Arms forms a former coaching inn which I am advised originates from the mid 1600's. The building has been subject to later additions and extensions to the rear. It is set in an attractive location overlooking the Winster Valley and comprises a two storey property constructed in stone with some rendering and a slate roof. The building is set into the hillside on a road junction on a sharp bend.
5. The area immediately to the front of the building is used for external seating. Whilst this area is not included in the listing it is agreed that it impacts on the

- setting of the listed building. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving the setting of the listed building in determining this appeal.
6. The National Planning Policy Framework (the Framework) in Annex 2 defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. In the appeal case, the front elevation of the Masons Arms is particularly visible on the approach from the south but it is also very prominent from the road to the east which gives access to the rear car park. Heading down the slope of the road to the west, the front of the building is less prominent due to the difference in level and landscaping on this boundary.
 7. The proposed timber framed structure, would enclose around half of the external seating area and would be positioned against the existing stone retaining wall of the road to the west. The western and southern sides of the enclosure would be of a height around 2.1 metres, higher than the other two sides of the structure. It is proposed to cover these two higher elements with green canvas sheeting in order to provide a wind break and shelter for diners. The sheeting would be removable and only used when necessary depending on the weather. I noted on my site visit that the oak timber frame was partially in place.
 8. When viewed from the west, as a result of the difference in level and stone retaining wall, only a small part of the enclosure would be visible. The harm to the setting of the listed building from this perspective would be limited. However from the south, the enclosure would partially obstruct the view of the front of the building. Whilst I acknowledge that there is some existing landscaping on this corner of the site, it would not be sufficient to screen the structure particularly the corner post. From the east the enclosure would be open to view and when seen in the context of the listed building, it would have a negative impact on its setting.
 9. I acknowledge that the timber materials of the frame would form a natural material in keeping with the rural location. However as a result of the height of the southern and western sides of the structure and the overall extent of the framework, it would appear incongruous when seen in the context of the front elevation of the listed building. Furthermore the proposed green canvas sheeting would not be in keeping with the materials of the public house. Whilst it may match the materials of the existing 'jumbrellas', due to the height and the vertical nature of the enclosed structure, it would appear much more prominent.
 10. The appellant has brought my attention to the fact that the external seating area is not mentioned in the listing of the building. It is argued that there would therefore be no harm to the reasons for which the building was originally listed. Whilst this may be the case, I must have regard to the desirability of preserving the setting of the listed building.
 11. In conclusion I consider that the proposed timber enclosure would cause harm to the setting of the listed building. It would fail to comply with Policies CS02, CS10, CS11 and CS27 of the Lake District National Park Core Strategy (Local Plan Part 1) which aim to ensure that development would be of a scale and nature appropriate to the character and function of the location, of a high

quality of design and would conserve and enhance the character, integrity and setting of the historic environment.

12. The Framework in paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Having regard to paragraph 133 of the Framework I consider that the harm of the proposal, would be less than substantial. Therefore in line with paragraph 134 of the Framework, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. The public house forms a tourism asset and it contributes to the rural economy providing jobs in the local area. The appellant has argued that should the development not proceed, the turnover of the business could be affected. It is estimated that since the previously erected gazebo was removed, the subject of a previous enforcement appeal; the turnover has fallen 15-20%. I acknowledge that the ability to use the external seating area in all weathers would have an impact on the viability of the business. However I am also mindful that the appeal proposal would only provide additional shelter to part of the external seating area. The use of 'jumbrellas' enables the remainder of the area to be used in poor weather which no doubt would continue.
14. I accept that the Masons Arms is very popular in the summer months and at such times seating space can be in short supply. On my site visit I viewed the availability of dining space within the Masons Arms itself. I acknowledge that this is limited on the ground floor in particular and the internal configuration of the building is not ideal though it does add to the character of the establishment. However I noted that the public house also has first floor dining facilities, though I was advised that these areas were usually only used in the evenings for pre booked dining. The first floor space clearly contributes to the optimum viable use of the business, an objective of paragraph 134 of the Framework.
15. The appellant has highlighted discussions that have taken place with the Lake District National Park Authority to consider alternative locations to provide outside seating, including the relocation of the kitchen. However due to lack of space and cost, I am advised that these would not be feasible.
16. Taking all the above factors into account, I conclude that the harm to the setting of the listed building would not be outweighed by the public benefits I have identified. Consequently the appeal scheme would conflict with Section 12 of the Framework and the policies of the development plan aimed at conserving and enhancing the historic environment.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenfull

INSPECTOR