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# Appeal Decision

Site visit made on 20 November 2017

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

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

**Decision date: 08 December 2017**

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**Appeal Ref: APP/Q9495/W/17/3181278**

**Pondfield, Land adjacent to High Break, Lindale Hill, Lindale, LA11 6LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr A D Crowe against the decision of Lake District National Park Authority.
  - The application Ref 7/2016/5710, dated 13 October 2016, was refused by notice dated 1 February 2017.
  - The development proposed is the erection of a single dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal proposal is in outline with all matters reserved for later approval except for the matter of access. The submitted floor plans and elevations are for indicative purposes only and I have considered them accordingly.

## Main Issues

3. The main issue in this case is the effect of the proposal on the character and appearance of the area and on the setting of the war memorial, a non-designated heritage asset.

## Reasons

4. The appeal proposes the construction of a part two storey, part single storey dwelling on land close to a property called High Break in the village of Lindale, to the north east of the graveyard of St Paul's Church. The site is partly occupied by a single storey building and a container and is also used for parking. The land lies next to an area of amenity open space in the centre of the village. This space includes a war memorial set high on a hill, from where clear views into the appeal site can be obtained.
5. I am advised by the Authority that the war memorial is a non-designated heritage asset. The area around the war memorial has an open undeveloped character. This provides a feeling of space and tranquillity which contributes to the setting, significance and value of the asset.
6. Policy CS02 of the Lake District National Park Core Strategy 2010 requires development to be of a scale and nature appropriate to the character and function of the location in which it is proposed. Policy CS03 seeks to ensure

that development in settlements protects, maintains or enhances the local distinctiveness, character and landscape setting and does not result in the loss of green infrastructure or natural features which provide a valuable local amenity. Policy CS27 aims to protect the historic environment of the National Park including non-statutory sites such as the war memorial.

7. I acknowledge that the appeal scheme is in outline and the scale and design of the proposed dwelling are matters to be determined at reserved matters stage. The dwelling could therefore be very sensitively designed and embedded into the hillside. However the proposal would be in close proximity to the war memorial, from where direct views into the site can be obtained. In this position I consider that the dwelling would adversely affect the open character and feeling of space which contributes to the setting of the war memorial. Furthermore the associated domestic features and activity that would accompany a residential use would impinge on the quiet experience and tranquillity which forms an important part of the distinctiveness of place and the significance of the non-designated heritage asset.
8. I noted on my site visit the generally undeveloped view to the south east of the war memorial across the appeal site and beyond. I consider that this view adds to the openness and space around the memorial and contributes to its setting and the character of the area as a whole. The proposed dwelling would impact negatively on this predominantly undeveloped open view.
9. The appellant has offered to enter into a planning obligation to maintain an agreed substantive area as undeveloped grassland and to restrict domestic paraphernalia in order to protect the setting of the war memorial. Whilst this is welcomed no such agreement has been provided and the measures suggested cannot be secured. I am therefore unable to give this any weight in my decision.
10. I therefore conclude that the appeal proposal would cause harm to the non-designated heritage asset and the character and appearance of the area. The proposal would be contrary to Policies CS02, CS03 and CS27 of the Lake District National Park Core Strategy 2010 which seek to maintain local character and distinctiveness and protect heritage assets.
11. Paragraph 135 of the National Planning Policy Framework (the Framework) advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Authority considers that the development proposed would cause less than substantial harm to the significance of the heritage asset. I find no reason to disagree with this assessment. In line with paragraph 134 of the Framework I must weigh the harm against the public benefits of the proposal.
12. In terms of benefits, the development would provide an additional dwelling in the village. However I am advised by the Authority that there is a current oversupply of housing. Future occupiers of the proposed dwelling would support local services and facilities in Lindale including the local primary school. Furthermore there would be some limited economic benefits during the construction of the property. However as the proposal is for one dwelling these benefits would be limited. I consider that cumulatively, the public benefits of the scheme would not outweigh the harm I have identified to the non-

designated heritage asset and the character and appearance of the area. Accordingly the appeal should not succeed.

13. The Lake District National Park was designated a World Heritage Site in July 2017. This was after the determination of the original planning application. The Authority considers that this designation is not significant in terms of the appeal scheme as the proposal would not affect the identified attributes which contributed to the areas designation. I concur with this view.
14. The appellant has commented that there was no consideration of the war memorial in the determination of the planning application for the nearby dwelling known as High Break. Whilst this may have been the case, I note that this site is slightly further away from the war memorial and in any event, each proposal must be considered on its individual merits.

### **Conclusion**

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

*Helen Hockenhull*

INSPECTOR