



Appeal Decision

Site visit made on 6 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/Q9495/W/19/3240823

Borwick Fold Tarn, Chapel Lane LA8 9HS

- 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 Taylor-Hughes against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/5360, dated 31 May 2019, was refused by notice dated 14 August 2019.
 - The development proposed is an agricultural building (fish farming).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans have been submitted but these were not part of the original planning submission. Furthermore, the Lake District National Park Authority (LDNPA) have not accepted these plans due to the level of change. Consequently, these plans have not been subject to formal consultation and may prejudice other interested parties. Therefore, I have assessed the issue against the original submitted plans (Drawing Nos: 00202/02 and 00202/03).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The proposed development would result in the construction of an agricultural building for commercial fish farming. It would be situated between 2 tarns in an area of low-lying land, with the land rising up gently on three sides, whilst the remaining side has a relatively open aspect with views to Borwick Fold Farm and beyond. Access to the site would be off a minor road called Chapel Lane.
5. The appeal site is characterised by its uncluttered and undeveloped landscape with unobscured views. The only buildings visible are those associated with the grouping of Borwick Fold Farm in the distance. No other structures are observable in the immediate locality. Notwithstanding that the proposed building would be constructed from sympathetic materials and be of a low-key use, it would, with a height of approximately 4.87 metres, be a prominent and

- incongruous feature situated within this distinctive natural landscape bowl, directly adjacent to the 2 tarns.
6. The development would be visible from both Chapel Lane, which has an elevated position with views down into the proposal site, and from the public footpath which connects Borwick Fold to the long-distance footpath known as the Dales Way. I have not been presented with any compelling evidence to persuade me that these would not be popular routes used by visitors and residents.
 7. In light of the above, the proposed development would be a discordant focal point in this intimate rural landscape. It would erode the characteristic openness and naturalness which gives this particular area its distinct character.
 8. The Lake District National Park Landscape Character Assessment and Guidelines, revised 2018 (LCA), identifies this area as being within Distinctive Character Area 50: Crook. This is defined as an area mostly of Low Fell Landscape Character Type. I acknowledge that the Definitive Attributes for this Character Type reference 'isolated farms and barns' amongst other features. I appreciate that the phrase 'isolated farms and barns' can be interpreted in two ways, with the barns either being adjacent to the farms or remote from them. Nonetheless, my interpretation is that it relates to farmsteads and not isolated individual structures.
 9. Notwithstanding this, it should be noted that the LCA is only for guidance. This is noted in Policies CS07 and CS25 of the Lake District National Park, Local Development Framework, Core Strategy (CS), adopted 2010, where it suggests that this document should be used to guide development by conserving and enhancing the character of the area. However, this guidance must comply with adopted national and local planning policies.
 10. In arriving at the above conclusion, I have taken into account that the proposal would include the planting of native trees and shrubs within the immediate surroundings of the site. However, such a scheme would take considerable time to mature and effectively screen and soften the visual impact of the agricultural building. Furthermore, the effectiveness of the proposed screen planting would vary between the seasons.
 11. I therefore find that there would be harm, albeit less than substantial, to the English Lake District World Heritage Site (WHS), in relation to its recognised attribute of extraordinary beauty and harmony. Having regard to guidance in the National Planning Policy Framework, 2019 (Framework), paragraph 196 states that where the proposal would lead to less than substantial harm to a designated heritage asset, in this case the WHS, this harm should be weighed against the public benefits of the proposal.
 12. The proposal would bring economic, social and environmental benefits. It is evident that there would be some economic benefits with the proposed employment of 2 members of staff and small-scale local food production. Limited information has been submitted in relation to the social benefits. I acknowledge the environmental improvements referenced in the appellant's personal declaration of land management.
 13. However, I am firmly of the view that the public benefits of the proposal as set out above, would hold only limited positive weight and would not outweigh the

harm to the heritage significance of the WHS. I am also mindful that paragraph 172 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Furthermore, paragraph 184 of the Framework states that WHS 'are internationally recognised to be of Outstanding Universal Value' and consequently this irreplaceable resource should be conserved.

14. In support of the appeal, my attention was drawn to other isolated agricultural structures within the area, some located near tarns. However, none were visible from the appeal site, there were no details of planning history or the specific landscape characteristics of each site and I can therefore give them limited weight.
15. Additionally, the appellant has provided examples of other approved schemes within the Lake District National Park (LDNP). These cases are not within the locality of this particular case and not directly comparable to the appeal development in terms of their context. In any case, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm to the LDNP as a WHS.
16. My attention has also been directed to a local planning decision (7/2004/56561) for an isolated barn, north-east of Borwick Fold on land near The Glen, which was allowed. The setting for this building was clearly different from the appeal case, as it was situated within pastoral land with no visible waterbodies. Notwithstanding, I do not consider that this, or the other examples of isolated structures provides justification for overcoming the harm I have identified above. I must consequently determine this appeal on its own individual planning merits.
17. The following documents were referenced in support of this appeal, Landscapes Review, Julian Glover (2019) and Health and Harmony: the future for food, farming and the environment in a Green Brexit, Department for Environment Food & Rural Affairs (2018). However, while I recognise that these are useful documents, it should be noted that they are presently only proposals, which do not override existing adopted planning policies and therefore they carry limited weight in this appeal case.
18. Core Strategy Policies CS02, CS10 and saved Policy A1 of the Lake District National Park Local Plan 1998 (LP) are referenced as supporting this appeal. However, all these policies clearly require that development is appropriate to the character and distinctiveness of an area and does not harm the landscape interests of the area. The proposal fails to do this despite it meeting one of the listed exception criteria within Policy CS02.
19. As a result, the proposed development would negatively affect the character and appearance of the surrounding landscape. This would be contrary to CS policies CS01: National significance and distinctive nature of the Lake District, CS02: Achieving vibrant and sustainable settlements, CS07: Central and South East Distinctive Area, CS10: Achieving design excellence, CS11: Sustainable development principles, CS25: Spectacular landscape and CS27: The acclaimed historic environment, of the CS and saved Policy A1: Agricultural buildings, of the LP. Together these policies require development to conserve and enhance the character and local distinctiveness of the area. It would also be contrary to paragraph 172 of Framework, which gives great weight to conserving the landscape and scenic beauty of the National Park.

Other Matters

20. I have taken into account supportive representations in relation to this proposed development. However, these do not justify the harm I've already identified.
21. I also recognise that the appellant has already undertaken investment in the site and to the fallback position of siting a caravan on the land. However, these issues carry limited weight in this case and do not alter the harm I have already referenced or alter my decision.

Conclusion

22. For the reasons detailed above and having regard to all other matters raised, I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR