



Appeal Decision

Site visit made on 18 February 2020

by E Symmons BSc (Hons) MSc

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/Q9495/W/19/3237648

Hartsop Fold Caravan Park, Cross Gate, Hartsop CA11 0NZ

- 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 Charles Chamberlain (Lyon Leisure) against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/3031, dated 13 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is for two additional holiday letting lodges at existing long established holiday lettings business.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the National Park.

Reasons

3. The business which is the subject of this appeal comprises 14 holiday lodges which are accessed off the A592 via Cross Gate. The current lodges are well screened within the landscape with mainly filtered views from the west. The site is most visible from the public access land and footpath which overlooks the site from the fellside to the east. This gives views of the site and its surroundings, from a higher level and over the wider area, up the valley northwards towards Ullswater. From this viewpoint, the existing holiday lodges are set within a dip which visually encloses them in the landscape leaving only their roofs clearly visible. There is a farm to the south west of the site which has associated agricultural buildings. Although the adjacent farm is an obvious feature in the landscape which does to some extent draw the eye within longer views of the site, the area is still relatively undeveloped.
4. The Landscape Character Assessment Supplementary Planning Document states that the site is within the Brothers Water and Hartsop area of distinctive character. It is within the 'Enclosed Valley' landscape character subtype described by the Authority as a tranquil landscape which is due to the openness and perceived naturalness of the pastoral fields in the valley, wetland margins around the lake and craggy fells above. There is disagreement between the parties as to whether the site represents 'open craggy fellside' or 'wooded valley side'. During my site visit, when looking down from the fellside from the east, the site appears to be within a transitional area with characteristics of

- both landscape types. From these longer views the proposed site has an open, natural and undeveloped appearance.
5. The lodges and access road would be constructed to the east of the existing site on an elevated area of land. It has stone wall and post and wire boundaries and there is a small beck which passes through the area with a line of trees along the north eastern boundary. At some time in the past this area provided caravan pitches and some of the associated infra-structure is still present beneath naturally regenerated vegetation. This is not particularly evident on site however, the proposal would remove this to allow for establishment of additional landscaping.
 6. The proposed landscape scheme would include tree planting which would have the intention of screening the development. Although the Appellant advances this as a directly associated benefit, tree planting could be carried out in any case, and I consider the landscaping as mainly representing mitigation. Some of the boundary trees have grown into the adjacent fence and the proposal includes provision to remove and replace these trees. I therefore give little weight to provision of a landscaping scheme as a measurable benefit of the development.
 7. As further mitigation, a bund is proposed to the south east of the new lodges to screen them from the fellside and footpath. In its own right however, despite the fact that its form could be controlled through a suitable planning condition, this would create an incongruous landform which would draw attention to the development, particularly from a more elevated viewpoint. This would have a detrimental effect upon the character of the area.
 8. The potential positive economic impact of the proposal through increased employment and additional tourist visits to the area must be balanced against the visual impacts. The Appellant has stated that the business has seen an increase in occupancy rates from 61% in 2018 to 73% in 2019 which would provide economic benefit to the wider area. This would support some aspects of Policies CS02 and CS24 of the Lake District National Park Core Strategy (Core Strategy). This increase in business is attributed to the presence of two additional lodges which were consented in 2018. However, insufficient evidence has been provided to support this claim and demonstrate that growth would continue, that the current number of lodges could not accommodate any increase, or that customers have been turned away due to a lack of availability.
 9. It is also contended that two more lodges would give rise to employment of additional service staff. This would involve the part-time maintenance post becoming full-time, employment of an additional housekeeping team of four part-time staff for twice weekly changeover days and, due to recent staffing changes, an additional part-time couple to provide 24 hour/7 day a week cover. Although it is clear that some additional staff would be required, insufficient detail on current duties, staff and hours of work have been provided to quantify this. It is therefore unclear how two additional lodges would generate this number of new staff. I can therefore give only limited weight to this argument.
 10. National Parks have two purposes, both conservation and encouraging recreation, and there is a need to achieve a balance between these purposes.

The National Planning Policy Framework¹ makes it clear that where there is a conflict between these purposes, greater weight should be attached to conserving and enhancing landscape and scenic beauty. On balance therefore, the increased visibility of the lodges weigh against the proposal and the potential economic benefit has not been sufficiently demonstrated to outweigh this harm.

11. The development would involve introduction of further man-made structures within the natural landscape. The development would be seen within the context of the existing site however, its elevated position would make it more conspicuous. Although this could be mitigated to some extent over time due to additional tree planting and weathering of timber structures, the proposal would still have a harmful impact on the protected landscape.
12. I therefore consider that the visual impact of the proposal would conflict with Policies CS11(2), CS24 and CS25 of the Core Strategy. These policies, together and amongst other matters require development to conserve and if possible, enhance the local distinctiveness, sense of place, character and tranquillity of the local landscape. Additionally, the scale of any extension of an existing tourism related development, should not have a detrimental effect upon the character and quality of the local environment.

Other Matters

13. The Appellant has drawn my attention to two planning applications which are considered to support this appeal. The parties disagree on the relevance of these and I do not have the full details of the circumstances surrounding them. The application which relates to the redevelopment of an existing building on site differs in that it does not introduce new structures but secures the future of an existing valued structure. In any case, each proposal must be determined on its own merits which is what I have done.
14. The Authority consider that an extension to the site would set a precedent for further extension. There is no certainty that such an application would be made and if this did happen, the impact could be assessed within the context of the site at that time. I have given no regard to this consideration.

Conclusion

15. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR

¹ February 2019.