
Appeal Decision

Site visit made on 10 March 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Q9495/W/19/3222575

Low Bridge, Kentmere, Kendal LA8 9JL

- 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 Miss Patricia Broomby against the decision of Lake District National Park Authority.
 - The application Ref 7/2018/5659, dated 23 October 2018, was refused by notice dated 7 February 2019.
 - The development proposed is use of shepherd's hut and outbuilding for single holiday let use (end March to end October).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed new use would be in an appropriate location, with particular regard to accessibility of services.

Reasons

3. The appeal site forms part of the garden ground of Low Bridge, a residential property situated in Kentmere, a small grouping of dwellings at the head of the Kentmere Valley and some 6km from the rural service centre of Staveley. The effect of the proposal would be to bring about the use of an existing shepherd's hut and outbuilding for holiday letting purposes.
4. Policy CS02 of the Lake District National Park Core Strategy (2010)(CS) requires development to be of a scale and nature appropriate to the character and function of the location and to deliver sustainable tourism. In determining development that would be proportionate to the settlement, the policy provides a hierarchy. The appellant considers Kentmere to be a cluster community, however the nearest local service provision and transport connections are in Staveley. The comparison of Kentmere to Buttermere, based on an earlier technical report from 2008, has been overtaken by the current policy test and, in the absence of public transport the 12km walk or cycle as a round trip is, to my mind, too far to be considered easily accessible, despite any designation as a secondary travel route. Consequently, the settlement hierarchy indicates the appeal site is within the open countryside.
5. Development in the open countryside is by exception only. Whilst it may be desirable to site tourist accommodation in this rural location, there is no

suggestion that it is essential, nor that an existing business is being sustained. Whilst part of the proposal reuses an existing building, this is the subservient part of the accommodation only.

6. Policy CS24 aims to focus new tourism development in sustainable locations, specifically to rural service centres, Pooley Bridge and Ravenglass. The proposal fails to meet the tests for delivering new tourism development elsewhere; firstly, it does not represent farm diversification. Secondly, walking routes across the Lake District are numerous and widely spread; the local walking routes accessible from the appeal site, including the Kentmere Horseshoe, are not such a specific resource that they justify new development in this particular rural location. Consequently, as the proposal does not meet the tests to be permitted, it is not necessary for me to assess the quality of provision as also set out in the policy. Finally, the construction of the hut is clearly not designed for year-round tourist accommodation.
7. In terms of consistency, the appeal decisions¹ and subsequent approval for a shepherd's hut at High Hurst are not directly relevant due to the presence of an inn and a shop within walking distance of that site, unlike the current appeal where such facilities are not accessible and occupants are more likely to rely on the car. The Birk Moss decision related to existing holiday accommodation, unlike here. From the limited information available, the pods at Brow Foot Farm gained policy support from farm diversification, which is not the case at Low Bridge. In any case, I am required to determine this appeal on its merits.
8. In conclusion, the proposed new use would not be in an appropriate location, with particular regard to accessibility of services, contrary to the requirements of policies CS01, CS02, CS11, CS14 and CS24 of the CS. These policies only support development in the countryside exceptionally and require new tourism development to be in a location which promotes use of sustainable transport.

Other matters

9. That the proposal is small scale, would not cause any harm to the character and appearance of the locality, would generate very low traffic levels and provide parking, are all matters of limited weight. The contribution of one shepherd's hut to decongesting the more popular parts of the national park, and any benefits to the economy in terms of tourism spend, do not outweigh my above findings of harm. Whether the proposal is, or should be, repeatable is not within my remit in determining this S78 appeal, nor is any future sale or use of Low Bridge or any provision of conflicting information from the Authority regarding Buttermere. Whilst the appellant refers to support from policy CS07, this does not outweigh my findings against the key determining policies. Low Bridge clearly has an interesting history of former uses, however I have already found that the proposed use fails to comply with development plan policy.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR

¹ APP/Q9495/C/16/3147748 & 3147749