



Appeal Decision

Site visit made on 19 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/Q9495/W/20/3250771

The Caravan, Home Field, Glenridding, Cumbria CA11 0QF

- 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 Mrs Fiona Donoghue against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/3123, dated 10 October 2019, was refused by notice dated 5 February 2020.
 - The development proposed is Replacement of existing caravan with new wooden clad lodge and siting of five additional wooden clad lodges (all lodges falling within the definition of a caravan). All lodges for short term, year round holiday letting.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the application has been altered from the application form on the Council decision notice. This description more succinctly describes the proposal and I have determined the appeal on this basis.
3. The appellant appears to have submitted amended plans to the National Park Authority in January 2020 and these are included alongside their appeal documentation. One shows the provision of only three lodges on the site, while another shows six lodges but with amended positioning and sizing. However, the evidence indicates that the National Park Authority determined the application on the basis of the originally submitted plans. It is important that I determine this appeal based on what was considered by the Council, and on which interested people's views were sought. This is the basis on which I have determined this appeal.
4. The appellant contends that there should be no restriction on the number of caravans that can be accommodated on the site. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have this matter determined under section 191 of the Act and any such application would be unaffected by my determination of this appeal.
5. However, without prejudice to the outcome of any such application, there is no conclusive evidence within this appeal which convinces me of the appellants position and I therefore afford this matter limited weight as a fallback position.

Main Issues

6. The main issues are:

- i. the effect of the proposal on the character and appearance of the area;
- ii. whether the proposal provides sufficient information to enable a determination to be made in relation to any impact on biodiversity and archaeological interests; and
- iii. the effect of the proposal on the living conditions of the occupiers of nearby residential properties, with particular regard to those occupiers on Greenside Road either side of the site access.

Reasons

Character and appearance of area

7. The appeal site sits in Glenridding, on the western shores of Ullswater, within the Lake District National Park. The site is set to the north of and slightly above Glenridding Beck (the beck) and to the south of residential properties on Greenside Road, from which the site is accessed through a gap between these properties. The site is publicly visible from the bridleway on the southern side of the beck and can also be viewed from the top of the access track on Greenside Road.
8. The site currently hosts one caravan and a limited number of ancillary structures. It is partly laid to grass, with areas of gravel and substantial planting. Whilst the existing caravan is visible from the bridleway to the south, it is not an obvious feature which would be noted in casual passing because it is set well back within the site and is substantially screened, in the main, by varied tree and hedge planting within the application site. The trees on both banks of the beck themselves offer limited screening as they are mature and their main branches and canopies do not offer any significant low-level screening.
9. The proposal before me would significantly alter the character of the site. The six lodges shown on the proposed site plan would all be larger than the existing caravan and all include what the evidence indicates to be substantial areas of decking.
10. In order to accommodate the number of lodges proposed, a significant amount of the planting on the site would have to be removed, which would in itself make the site more visible. This is particularly the case in relation to lodge 1 where decking is shown in place of an existing thick evergreen hedge. The prominence of lodges 1, 3 and 5 along with their associated decking would be increased further as they would be positioned towards the banking on the site which rises steeply from the beck. Lodge 5 and its decking would be positioned abutting the site boundary and would take on a high degree of prominence for this reason. As a result of these matters, the proposal would have a prominent and incongruous appearance when viewed from the bridleway on the southern side of the beck which after leaving the village offers generally pleasant unspoilt rural views.
11. The supporting text to Policy T9 of the Saved Lake District National Park Local Plan (2010) (LP) warns that caravans, by their nature, are a type of

development which has no familiarity with lakeland vernacular forms. The policy states that the siting of caravans will only be permitted, amongst other criteria within the boundaries of well screened sites. This would not be the case in relation to this site. I am mindful of the National Planning Policy Framework (the Framework) which at paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

12. I therefore conclude on this issue that the proposal would have a significant detrimental impact on the character and appearance of the area and would therefore conflict with Policy T9 of the LP. It would also conflict with Policies CS01, CS02, CS11, CS24 and CS25 of the Lake District National Park Core Strategy (2010) (CS) which amongst other things seek to conserve and enhance special qualities of the area including its landscape. I find Policy CS27 of the CS has limited relevance as it primarily relates to the protection of heritage assets.

Information relating to biodiversity interests

13. The preliminary ecological appraisal which has been submitted alongside the appeal indicates that there is likely to be an active outlier badger sett on the site, along with a further sett off site. It further suggests that there is likely to be a main sett within the vicinity. It is indicated that the plans have been designed to avoid long term direct impact to the badger sett, but neither of the plan numbers quoted correspond to those which I must consider under this appeal. The sett on site appears to have been identified during a site visit on one day in November 2019. Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
14. In the absence of a full survey, which would usually involve multiple visits amongst other things, I am unable to ascertain the extent to which this species would be affected by the proposed development. Such surveys should be carried out before any planning permission is granted. There are no exceptional circumstances before me which would justify their submission at any other time. Given that such a survey is absent, I am not clear on what the impacts would be on biodiversity interests and whether any mitigation would be required. I cannot therefore conclude that the proposal would accord with Policy CS26 of the CS which seeks to protect geodiversity and enhance biodiversity.

Living conditions

15. I accept that the comings and goings associated with six lodges would result in a material increase in comings and goings. Residents either side of the access track would likely notice such an increase, especially those relating to vehicle movement. However, it is unlikely that all lodges would be in use at all times of

¹ ODPM Circular 06/2005 Biodiversity and Geological Conservation

the year and I do not find it likely that the provision of lodges in the amount proposed would result in an excessive number of comings and goings.

16. The Framework at paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects on living conditions, amongst other things.
17. A first-floor bay window looks south towards the access serving the residential property immediately to the west of the site access. However, the elevation on which it is placed is set well back from the access behind a wide driveway. The access track runs past the side elevation of the residential dwelling immediately to its east. However, while there are windows within the side elevation at ground floor level, they are set back behind a robust boundary hedge.
18. As a result of these factors, I am unable to conclude on this matter that the proposal would have a significant adverse impact on the living conditions of the occupiers of the nearby residential properties such that it would warrant refusal of the application on that basis. I do not therefore find the proposal contrary to the Framework in relation to this matter.

Other Matters

19. My attention has been drawn to a previous appeal decision on the site (Ref: T/APP/Q9495/A/96/271616/P5) in justification of the visual impact of the appeal. That appeal decision relates to the retention of a static caravan on the site, a significantly different proposal to that before me. Further, it dates back to 1997 and views towards the site will have altered over the intervening years. Therefore, insofar as the analysis relates to this matter, I have afforded it limited weight.
20. I acknowledge that the proposal would offer support to the visitor economy in the area and while I afford this matter weight, it is outweighed by the harm that I have identified.
21. I acknowledge that some caravans at Gillside Farm further up Greenside Road do not have complete screening and are partially visible from a point on this road. However, this site appears to be well established and I have no information relating to how it was found to be acceptable. I have also had my attention drawn to a scheme for local residency housing to the north of the site. However, no further information has been supplied and it would not be appropriate to draw parallels between a housing scheme and that before me.
22. There is evidence before me that the site is within a zone of influence of Glencoyne Wood SSSI and Ulswater Oakwoods SAC, River Eden and Tributaries SSSI and River Eden SAC and Helvellyn and Fairfield SSSI and Lake District High Fells SAC. However, there is no need to consider the implications upon these sites further because the scheme is unacceptable for other reasons.
23. The appellant raises concerns over the Council's handling of the planning application. However, these are not matters for my consideration and instead should be referred for resolution via the Council's complaints procedure, if the appellant so wishes.

Conclusion

24. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR