



Appeal Decision

Site visit made on 8 December 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/Q9495/W/20/3256823

Doddick Farm, Threlkeld, Keswick, Cumbria CA12 4SY

- 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 Graham Teasdale against the decision of Lake District National Park Authority.
 - The application Ref: 7/2019/3113, dated 23 August 2019, was refused by notice dated 11 February 2020.
 - The development proposed is use of adapted vintage fire engine to provide holiday accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for Planning Permission (PP) which is the subject of this appeal, was refused by the Lake District National Park Authority (the NPA) on 11 February 2020. Following this, the NPA served an Enforcement Notice (EN) on 28 February 2020, which came into effect on 13 April 2020. An appeal against the refusal of PP was submitted to the Planning Inspectorate on 29 July 2020.
3. As an EN had been served by the NPA, under Article 37(2)(c) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), any appeal against the refusal of PP should have been received by the Planning Inspectorate within 28 days of the issue of the EN which, in this case, it was not. The appellant has submitted that his agent was not informed of the EN and so was working to the standard six month timescale.
4. Although used sparingly, discretion to accept late appeals is afforded under Article 37(1)(a)(ii) of the DMPO. As the NPA's decision notice does not state the reduced appeal deadline in the event of an EN being issued and because the NPA has not questioned the acceptance of the appeal against the refusal of PP as being out of time, the appeal has been accepted and I have determined it on this basis.
5. At the time of my site visit, I saw that the adapted vintage fire engine holiday-let unit (the unit) was in position and appeared to be occupied. I also note that the application was submitted retrospectively. I have therefore determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area, having regard to the appeal site's location within the Lake District National Park and the English Lake District World Heritage Site.

Reasons

7. The appeal site is situated within Doddick Farm, a traditional Lake District hill farm which has diversified in recent years, offering both holiday-let accommodation and permanent housing for local people. The farm is positioned above and immediately adjacent to the A66, near to the village of Threlkeld. It lies on the lower slopes of Blencathra within the Lake District National Park (the National Park) and the English Lake District World Heritage Site (the WHS).
8. National Parks have the highest status of protection in relation to landscape and scenic beauty. Under the National Parks and Access to the Countryside Act 1949, the two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. In accordance with Paragraph 172 of the National Planning Policy Framework (the Framework), I attach great weight to the conservation and enhancement of the landscape and scenic beauty in the National Park as well as to its wildlife and cultural heritage.
9. The site is located within Area 12: Glenderamackin Valley, Areas of Distinctive Character, in the Lake District National Park Landscape Character Assessment and Guidelines, Supplementary Planning Document, 2008 (the SPD). The SPD affirms that 'Distinctive Characteristics' of Area 12 include the intricate patchwork of small pastoral fields and small traditional hamlets, criss-crossed by minor roads and the sinuous corridor of the Glenderamackin River.
10. The SPD goes on to confirm that 'Landscape Sensitivities' specific to Area 12 include, small-scale settlement pattern, consisting of traditional historic, vernacular hamlets, which are sensitive to the introduction of large-scale buildings, or those which do not respect local vernacular building materials, scale and character; and, strong intervisibility between Blencathra to the north and Threlkeld and Matterdale Commons to the south.
11. Paragraph 194 b) of the Framework identifies World Heritage Sites as designated heritage assets of the highest significance, which substantial harm to or loss of should be wholly exceptional. In line with Paragraph 193 of the Framework, in considering the impact of development on the significance of the WHS as a designated heritage asset, I attach great weight to the asset's conservation.
12. The significance of the WHS is derived, in part, from its historic interest as a spectacular and inspirational landscape combined with its continuous and distinctive agro-pastoral traditions and rich cultural and vernacular architectural heritage.
13. The appeal site is positioned at the far eastern end of the farm complex beyond existing holiday-let units¹. The appeal unit is a vintage fire engine that has been modified to incorporate holiday-let accommodation in-between the

¹ Granted planning permission in 2014, Application Ref: 7/2014/3117.

separated front and rear parts of the vehicle. The central section is painted red to match the vintage fire engine. Associated decking with planting and seating are sited immediately to the south of the unit. From the south, the site is substantially screened by existing trees along the embankment adjacent to the A66. Whereas, from the north, the site is open to long range views from public rights of way along the lower slopes of Blencathra.

14. I acknowledge that the remaining sections of the vintage fire engine, of themselves, may be no more unusual or conspicuous in the landscape than any of the large vehicles or machinery associated with the working farm. Nevertheless, the separate halves of the vehicle are very much secondary in size, scale and function to the large box-like living accommodation component, that has been crudely inserted between them. The outcome of which is the creation of an entirely alien structure which fails to relate to the adjacent farm complex and does not assimilate well into the very sensitive and significant surrounding landscape.
15. Furthermore, the unit's fairly exposed location, combined with its unusual shape and highly contrasting bright colour, cause it to be readily visible and unduly noticeable in the landscape when viewed from within the site and from public rights of way to the north.
16. On this basis, the unit appears as a physically discordant and visually intrusive feature within the landscape, which is not respectful of the local vernacular building materials, scale and character of the area, and which disrupts and detracts from the identified strong intervisibility within the locale. Consequently, it significantly harms the character and appearance of the surrounding area and, while localised in its extent, fails to conserve or enhance the local landscape of this part of the National Park.
17. I observed on site that substantial hedge planting has been undertaken to the north of the unit. However, the planting is still very much in its infancy. It will take time to establish itself and there is no guarantee that, when mature, it will totally screen the unit when the site is viewed from the nearby public rights of way. Indeed, even when established, it would not overcome the unit's incongruous presence in its immediate surroundings when viewed from within the site by visitors to the adjacent holiday-let units. Furthermore, the limited views of the unit in the Autumn and Winter months from the public footpath / cycle route next to the A66 would persist.
18. I also noted on site that, when compared to the submitted photographs, the vibrancy of the unit's red colour has diminished over time. Although the appellant has no plans at present to repaint the unit, controlling this, for example by condition, would not be reasonable and potentially difficult to enforce. Thus, it would not meet the six tests as set out in the Framework and the Planning Practice Guidance. In any event, in my judgement, neither the planting nor a lack of repainting individually or together would sufficiently mitigate the harm I have found.
19. Whilst the NPA submits that the development results in harm to the WHS in its appeal statement, no explicit reference in this regard is made in its reason for refusal. In my view, it follows that if the landscape and scenic beauty of this localised part of the National Park is materially diminished, the identified significance of the WHS is also similarly incrementally harmed. Having regard to Paragraphs 195 and 196 of the Framework, although the magnitude of this

harm is modest, and certainly less than substantial, it is nevertheless of considerable importance and weight.

20. In accordance with Paragraph 196 of the Framework, this harm is required to be weighed against the public benefits of the proposal. The appellant submits that the unit is extremely popular, offering a unique experience which attracts visitors to the area. It is contended that the unit is a vital source of income to the farm which contributes towards its continued viability and the maintenance of traditional farming practices, including stonewalling and coppicing. It also delivers economic investment into the local area through tourism. These wider public benefits carry weight in favour of the appeal.
21. Nevertheless, no substantive evidence has been provided which confirms the crucial contribution that this individual holiday-let unit makes to the farm business or to the local area. Although the appellant states its loss would be significant, given its limited capacity and the presence of an additional nine holiday-let units within the farm complex, I am not persuaded that the farm business would be in jeopardy or would cease if the appeal were to fail. Moreover, any additional economic investment into the local area through increased tourism due to this individual unit would be limited. On balance, I consider that the public benefits which accrue from the proposal are not sufficient to outweigh the considerable importance and weight given to the harm to the significance of the WHS, a designated heritage asset.
22. Accordingly, I conclude that the proposal significantly harms the character and appearance of the surrounding area, having regard to the appeal site's location within the Lake District National Park and the English Lake District World Heritage Site. As such, it conflicts with Policies CS01, CS02, CS10, CS11, CS24 and CS25 of the Lake District National Park Local Development Framework Core Strategy, including Proposals Map, 2010.
23. Together and amongst other things, these policies recognise the National Park's spectacular and inspirational landscape and require development to conserve and enhance the National Park's special qualities; be of a scale and nature appropriate to the character and function of the location in which it is proposed; achieve design excellence; conserve and enhance the character and quality of the local landscape; and not be of a nature and scale that would be detrimental to the character and quality of the environment.
24. In addition, it does not comply with provisions in the Framework which aim to conserve and enhance both the natural and historic environments, particularly the landscape and scenic beauty in National Parks and the significance of World Heritage Sites.

Other Matters

25. In coming to my decision, I am mindful of national and local policy support for the diversification of farm businesses to assist a prosperous rural economy. However, this does not outweigh the harm I have found.
26. The appellant submits that the unit could remain lawfully parked permanently in its current position without the need for planning permission and used for storage purposes in association with the existing holiday-let units. However, no substantive evidence has been provided to indicate that there is a significant probability that this would transpire should the appeal be dismissed. Given that

- it would be an additional structure within the farm complex that would not generate any income, I do not consider this proposal to be a realistic or probable prospect. This limits the weight that I can attach to it as a fallback position, and does not provide a compelling ground on which to allow the appeal.
27. Even if I were to accept the unit's retention and use for storage to be a very likely possibility, this proposal would not require the presence of the existing external elements such as the decking, planting and seating which are associated with its use as a holiday-let unit and which exacerbate its prominence within the farm complex. In this respect, it would not be as harmful as the proposal before me now.
28. I am not convinced by the appellant's claim that the lack of a suggested landscaping condition by the NPA should the appeal be allowed denotes its agreement that the recent hedge planting will adequately screen the unit. As such, it is a matter to which I attach limited weight.
29. My attention has been drawn to a development comprising six prefabricated camping pods located 2km to the east of the appeal site which the NPA granted planning permission for in 2017² as part of a similar farm diversification scheme. I viewed the consented 'pods' when on site. Whilst I accept that they are not standard chalets and noted their prominence in the landscape when viewed from, and travelling west along, the A66, in my judgement, their modest design, timber construction and muted brown colours enable the pods to relate to the associated farm group and assimilate into the rural landscape. As such, the development is not directly comparable to the appeal proposal before me and I afford it only limited weight. In any event, I have determined the appeal on its own planning merits and the specific context of the appeal site and found harm.
30. I note that the proposal was recommended for approval but refused by the NPA's Development Control Committee. Members of the NPA's Development Control Committee are not duty bound to follow the advice of its Officers. The NPA's appeal statement has adequately demonstrated and reasoned why, on planning grounds, the proposal is unacceptable and conflicts with local and national policies, with which I agree. Therefore, this matter does not lead me away from my conclusion on the main issue in this case.
31. I am aware that Cumbria County Council as the Highways Authority and Lead Local Flood Authority raised no objections to the proposal and that Eden District Council had no comments. However, these are neutral considerations in the balance and do not offset the harm that I have found.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

² Application Ref: 7/2016/3191, Lowside Farm, Troutbeck, Penrith, CA11 0SX- Change of use to erect six prefabricated camping Pods and change of use for an existing barn to a camping bunk house with associated pedestrian access and drainage provision.