



Appeal Decision

Site visit made on 30 June 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 25th January 2021

Appeal Ref: APP/Q9495/W/20/3245233

Limefitt Park, Troutbeck, Windermere LA23 1PA

- 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 Parkdean Resorts Ltd against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/5309, dated 14/05/2019, was refused by notice dated 05/09/2019.
 - The development proposed is change of use of land to site 6 no. holiday lodges and associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Background

2. Limefitt Park is a large and well-established tourism site with twin-unit lodge caravans, single static holiday caravans and a tenting and touring park. It has a public house, shop, launderette and children's play area. The site reception and offices occupy a historic former mill house to the west of Trout Beck.
3. There is a long and complex planning history, but the Park now operates in accordance with permission granted in 2017 (ref 7/2014/5388) that allows its year round use for holiday purposes by up to 195 caravans and tents. It is also subject to an Article 4 Direction that removes permitted development rights for tented camping on the surrounding fields to the north, west and east.
4. A previous application (ref 7/2018/5419) for 9 holiday lodges was withdrawn following a recommendation for refusal. The appeal proposal is an amended scheme that reduces the number of lodges and includes additional soft landscaping and a lighting scheme to minimise light pollution.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Lake District National Park and World Heritage Site and the Troutbeck Conservation Area.

Reasons

6. The appeal site is approximately 0.9 hectares of amenity grassland with scattered trees adjacent to the permitted caravan park. It is surrounded on 3 sides by woodland that extends northwards from the Park between Trout Beck

and Longmire Road. It is accessed from the A592 Limefitt Park entrance via internal roads that service existing caravans.

7. Troutbeck Valley is in the Lake District National Park (the LDNP), north-east of Lake Windermere. It is a narrow valley around Trout Beck, with farmed land enclosed by dry stone walls and areas of woodland. The pastoral lowland valley character gives way to rougher grazing land with rocky outcrops on the valley sides and a mountainous landscape in the upper valley. With the exception of Troutbeck village on the valley side, it is sparsely developed with scattered traditional farmsteads contributing to the sense of openness, isolation and tranquillity. Paragraph 172 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
8. The English Lake District World Heritage Site (the WHS) is a heritage asset of the highest significance and internationally recognised to be of Outstanding Universal Value (OUV). Its OUV is based on attributes of the landscape grouped into 3 themes relating to its exceptional beauty shaped by agro-pastoral traditions; its inspiration for artistic and literary movements and the generation of globally influential ideas about landscape; and its role as the catalyst for key developments in the national and international protection of landscapes. Troutbeck Valley is part of the larger Windermere Valley, which has important attributes for all 3 themes of OUV.
9. The village of Troutbeck is designated as Conservation Area (the CA), the significance of which derives from its long linear form, medieval in origin, comprising a series of historic hamlets with vernacular buildings including farmhouses and bank barns. Properties largely date from the 17th to 19th centuries and many are listed buildings or unlisted buildings of special character. As a result of the dispersed linear pattern, the settlement is visually well connected to the surrounding countryside.
10. I visited the area on a dry clear day with excellent visibility. Consequently, I was able to observe the appeal site from various locations including within Limefitt Park, along the A592, looking out from Troutbeck village, and from both Garburn Road and Nanny Lane.
11. While the proposal would be theoretically visible over a very wide area, views are interrupted and screened by the varied topography and landscape features such as woodland, stone walls and buildings. Moreover, from more remote locations at greater distances, the proposal would not be readily visible. Consequently, the Landscape and Visual Impact Assessment (the LVIA) identifies users of the public rights of way at Garburn Road and Nanny Lane, on the east and west of the valley, to be the visual receptors most likely to be affected by the proposal.
12. In this regard, there are points along both Garburn Road and Nanny Lane where the proposal would be screened from view but conversely there are stretches of path where it would be clearly visible. Although it would be a small number of lodges, the proposal would be conspicuous by virtue of its incongruous appearance. Notwithstanding the proposed soft landscaping, which I will return to later, the proposal would be an uncharacteristic and unsympathetic form of development.

13. While the proposal would not be visible on the skyline, it would be visually obtrusive and it would distract from the spectacular panoramic views such as are afforded towards Lake Windermere from Garburn Road. From locations on the far side of the valley, including along Nanny Lane, the proposal would appear incongruous in juxtaposition with traditional built development including the CA. It would erode and detract from landscape character and it would diminish the sense of remoteness and tranquillity and therefore the experience of the numerous walkers and residents. The proposal would contribute to cumulative adverse impacts on the landscape and the setting of the CA through the incremental increase in the extent, and the disproportionate scale, of caravans on the valley side.
14. The conclusions of the LVIA in relation to the absence of effects are based in part on the year round screening benefits of the proposed soft landscaping, including trees. In this regard, the landscape mitigation strategy (drawing ref 18018-CO-LP-0-01-REV-2) that informed the 3D model construction illustrates continuous tall vegetation between chalets and numerous deciduous trees. However, there is little evidence that the screen planting would reach 5m, or trees 8m, in height by year 10.
15. As illustrated, the height and density of planting would provide screening and privacy benefits, but its proximity to the lodges would result in overshadowing of windows and outdoor seating areas. The deciduous leaf fall would be a management burden, including in terms of maintaining gutters and drainage and keeping decking and parking areas clear and safe for pedestrians. The close planting of large native trees would be likely to result in root conflict with lodges and parking areas. It therefore seems reasonably likely that future owners or occupiers of the lodges would seek to remove and reduce the extent of surrounding vegetation.
16. Even if the illustrated soft landscaping could be guaranteed, there would be reduced screening benefits during times of year when deciduous vegetation is not in leaf. At such times, the lodges and associated artificial illumination would be more conspicuous. Consequently, in the absence of a detailed long-term landscaping strategy and management plan, there is little evidence to demonstrate that there could be any meaningful screening for the lifetime of the development.
17. Therefore, while there would be negligible impacts or no change from many of the VPs, I find that there are numerous other locations where the proposal would have a greater, albeit minor, landscape and visual impact. The proposal would conflict with the character of the landscape, it would diminish sense of place and local distinctiveness and there would be a deterioration to views. Taking into account the high sensitivity and limited capacity of the landscape to adapt to change, the proposal would result in a moderate adverse impact.
18. The proposal would not respect and reinforce the distinctive vernacular character of the area. The increase in the continuous extent of caravans on the valley side would erode the dispersed and isolated settlement pattern that characterises the valley landscape. The proposal would be a discordant feature that would detract from views in and out, and therefore the setting, of the CA and it would not contribute to maintaining and enhancing the OUV of the WHS.

19. The Framework advises that heritage assets are an irreplaceable resource and great weight should be given to their conservation. In this case, as a result of the harm to the landscape and the setting of the CA, the proposal would fail to preserve or enhance the CA or the WHS. However, the proposal would be modest and it would cause less than substantial harm to the significance of the heritage assets. In accordance with the Framework, where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would contribute to the tourism and the local rural economy. Nevertheless, the harm to the heritage assets clearly outweighs the modest public benefits arising from 6 caravans in this location. The proposal would conflict with the Framework.
20. Therefore, the proposal would harm the character and appearance of the area, with particular regard to the National Park, the World Heritage Site and the setting of the Conservation Area. It would conflict with Policies CS01, CS02, CS11, CS24, CS25 and CS27 of the Lake District National Park Core Strategy Adopted October 2010 (the CS) and saved Policy T9 of the Lake District National Park Local Plan (the LP1998). These require, among other things, that proposals avoid adverse effects on the special qualities of the National Park, are of an appropriate scale and nature and maintain and reinforce local distinctiveness, sense of place and tranquillity. Proposals are also required to conserve and enhance the character, integrity and setting of the historic environment. The proposal would conflict with the aims of the Framework, in relation to the protection of landscapes, National Parks and heritage assets.

Other Considerations

21. The proposal would increase the availability of holiday accommodation in the area. However, 6 lodges would make a limited contribution to the tourism industry and there would be a similarly limited contribution to the local economy, particularly given the on-site facilities. There would be no new employment opportunities and only very limited economic benefits during construction. The increase in the number of transient tourists would be unlikely to make a positive social contribution to the local rural community.
22. The proposal would result in the loss of part of the amenity grassland that serves the existing caravan park, the value of which to park users has been evidenced by third party representations. I am not persuaded that the network of public rights of way and open access land in the area would provide the same recreational function as amenity grassland. Nevertheless, and although much reduced in extent and planted with trees, the existing field beyond the proposal would be retained for recreational use. The appeal site is of low biodiversity value and the avoidance of impacts on protected species and trees during construction could be secured by condition. Potential biodiversity benefits from the increase in soft landscaping and tree planting would be limited by increased recreational pressure and disturbance.
23. The replacement of the external lighting in Limefitt Park with low level and directional LED street and bulkhead lighting would result in a reduction in light pollution of the night sky. It would not mitigate daytime visual impacts and the Park would remain conspicuous during low light and overnight due to artificial illumination including internal lighting of caravans and car headlights.

24. I have no reason to dispute that a replacement lighting scheme would not be implemented if the appeal should fail. Nevertheless, it has not been demonstrated that the proposal could fund such a scheme, particularly given the impact of the coronavirus pandemic on the appellant's business. Therefore, irrespective of the wider public benefits, I cannot be certain that a condition to secure LED lighting across the whole of Limefitt Park would meet the tests for conditions including in relation to being reasonable.
25. My attention has been drawn to an appeal decision relating to touring caravan pitches at Hillcroft Caravan Park¹, where the Inspector noted that the visual impact of the existing caravan park was not a reason to resist an extension that would not itself cause any noticeable harm. Notwithstanding apparent similarities, I cannot be certain that it is directly comparable to the proposal including in terms of landscape and heritage, its relationship to settlements, distances to viewpoints or visual impacts. Therefore, it is not a justification for the appeal scheme which, considered on its own merits, would cause harm.
26. Saved Policy T9 of the LP1998 is a more restrictive approach to the siting of caravans than either Policy CS24 of the CS or the sustainable rural tourism policies in the Framework. As a result of the conflict, saved policy T9 attracts less than full weight, but the most important policies for determining the application are consistent with the aims of the Framework in relation to protected landscapes, National Parks and designated heritage assets.

Conclusion

27. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
28. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

¹ Ref APP/Q9495/W/15/3049272