



Appeal Decision

Site visit made on 6 January 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/Q9495/W/20/3259918

Crake Valley Holiday Park, Lake Bank, Ulverston LA12 8DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Khan against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5418, dated 14 July 2020, was refused by notice dated 07 September 2020.
 - The application sought planning permission for siting of 4 holiday extra caravans within existing caravan park in place of outbuildings without complying with a condition attached to planning permission Ref 7/2014/5358, dated 28 July 2014.
 - The condition in dispute is No 5 which states that: *Not more than 20 caravans (including the Wardens accommodation) shall be stationed on the site at any one time. The caravans shall be sited as indicated on the site layout plan received by the Local Planning Authority on 28 May 2014 and no caravan shall be moved within the site without the specific approval of the Local Planning Authority.*
 - The reason given for the condition is: *to ensure that caravans are only sited in numbers and positions in the interests of the character and appearance of the development and Policies CS24 and CS25 of the Lake District National Park Core Strategy (Local Plan Part 1) and saved Policy T9 of the Lake District National Park Local Plan (1998).*
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Decision

1. The appeal is dismissed.

Background

2. The appeal relates to an established caravan park with a long planning history. Of particular relevance to the appeal is permission ref 7/2014/5358 for the siting of 4 holiday extra caravans, subject to Condition 5 which restricts the number of caravans on the site at any one time to a maximum of 20.
3. The appeal proposal seeks to vary Condition 5 to allow the siting of 2 camping pods in addition to the 20 permitted static caravans. Permission for the siting of 2 camping pods has been refused previously (application ref 7/2020/5192).

Main Issue

4. The main issue is whether the condition is necessary and reasonable, having regard to the landscape and scenic beauty of the Lake District National Park and the World Heritage Site.

Reasons

5. The appeal site is at the edge of Crake Valley Holiday Park, which is in the Coniston Valley towards the southern end of Coniston Water and to the west of the A5084 Lowick Green to Torver road. It is in the Lake District National Park (the LDNP) and World Heritage Site (the WHS).
6. The site is in the Blawith Fells Area of Distinctive Character¹, which is a rough textured landscape of low fells, moorland, bracken and hummocky grass with rocky outcrops. There are dramatic views looking eastwards towards Coniston Water and its wooded setting, which contribute to a distinctive sense of place. There is a relatively strong sense of tranquillity away from the road due to the openness, the relative absence of development, and the perceived naturalness of the fell landscape.
7. The caravan park is located at the edge of an area of low lying deciduous woodland that extends between Lake Coniston and the low fells. It is screened from views from low lying land around the lake but, when viewed from the fells to the south and west, the caravan park is visible in the foreground of the panoramic views looking across Coniston Water. However, the developed area is low lying and it is visually well contained by the stone boundary walls, surrounding rising land and woodland. Trees within the caravan park help to integrate it into its surroundings.
8. The camping pods would be located to the rear of the caravan park, just within the stone boundary wall that separates it from the low fells of Blawith Common. Although relatively modest in size, the pods would be taller than the wall and they would be conspicuous from the immediately adjacent common land footpath that runs alongside the wall. Notwithstanding the varied topography and rocky outcrops of Blawith Common, the pods would also be visible from locations elsewhere in the surrounding open fells.
9. While the pods would be contained by the boundary wall, they would be separate from, and in a more elevated prominent position above, the caravans. The proposal would be visually obtrusive and discordant when viewed from Blawith Common. The visual intrusion would be detrimental to the character and appearance of the area and it would distract and detract from the spectacular views looking eastwards towards the lake. In combination with the increase in activity, noise and lighting immediately adjacent to the boundary, the proposal would diminish the perception of naturalness, openness, isolation and tranquillity. Consequently, and irrespective of the small scale of the proposal, it would not conserve or enhance the landscape and scenic beauty of the National Park, to which the National Planning Policy Framework (the Framework) gives great weight.
10. The appellant has indicated his willingness to retain and repair the dry stone boundary wall to screen the development, if the appeal was allowed. While the retention of the wall is clearly desirable, I am not aware that he intends to remove it. Moreover, the part of the wall that separates the appeal site from the fells is already a tall feature, with no evidence of significant slumping and it appears to be in a reasonable state of repair. The submitted plans additionally indicate biodiversity screen and tree planting between the wall and the pods.

¹ Lake District National Park Landscape Character Assessment and Guidelines Supplementary Planning Document Adopted September 2008.

However, it has not been demonstrated that the limited space between the pods and the boundary could accommodate effective screen planting without compromising the paths that would serve the pods. Moreover, tall planting in this area would be likely to result in significant shading of the double glazed doors that serve as windows for the seating/ living areas of the pods. Even if it was appropriate to use planting to hide inappropriate development from view, there is little compelling evidence that the adverse visual impact of the proposal could be mitigated in this way.

11. Submitted plans and photographs illustrate that caravans 12 and 13 are sited close to one of the park entrances and on higher ground relative to other caravans in the park. Nevertheless, in the absence of evidence to the contrary, such as surveyed site levels or cross sections that accurately portray the ground levels, it appears that the proposal would be in a more elevated and prominent position. Therefore, without further information, including the planning history of caravans 12 and 13, I cannot be certain that they are comparable to the proposal or provide a justification for it.
12. The internationally recognised Outstanding Universal Value (OUV) of the Lake District WHS is based on 3 interdependent themes relating to the exceptional beauty of the landscape, shaped by distinctive agro-pastoral traditions; its inspiration for artistic and literary movements and globally-influential ideas about landscapes; and its catalyst function for key developments in the protection of landscapes. In this regard, Conistone Valley is one of the principal valleys of the WHS and it has important attributes of all 3 OUV themes.
13. Although the proposal would not directly impact the adjacent common land OUV attribute, its adverse visual impact would fail to contribute positively to the WHS. By virtue of the scale of the proposal, the harm to the WHS would be less than substantial. Nevertheless, the Framework advises that this harm should be weighed against the public benefits of the proposal. There would be very limited contributions to the tourism industry and local rural economy. Taking into account the great weight that should be given to the conservation of WHS, which are assets of the highest significance, the harm outweighs the very modest public benefits.
14. I therefore find that the condition restricting the maximum number of caravans is necessary and reasonable, in order to protect the character and appearance of the area, including the LDNP and the WHS. The proposed variation would conflict with the development plan, including Policies CS01, CS11 and CS25 of the Lake District National Park Core Strategy including Proposals Map Adopted October 2010 (the CS). These require, among other things, that development should conserve and enhance the character and quality of the local landscape and countryside and the special qualities of the National Park, and maintain local distinctiveness, sense of place and tranquillity. It would conflict with the aims of saved Policy T9 of the Lake District Local Plan and Joint Structure Plan Policies Consolidated version Adopted November 2010 (the LP). The proposal would also conflict with the policies in the Framework that protect the National Parks.

Other Considerations

15. In addition to being designated Common Land, Blawith Common is a Site of Special Scientific Interest and a Special Area of Conservation, the latter being a habitats site for the purposes of the Framework. Although I have a statutory

duty, including under the Conservation of Habitats and Species Regulations 2017 (as amended), to consider potential impacts on designated sites, as I am dismissing the appeal for other reasons there is no requirement for me to consider this matter further.

16. I understand that the proposal would be a private benefit to the appellant. However, there would be minimal economic benefits during construction, and it would make a very limited contribution to the local rural economy. It would not make a social contribution in terms of enhancing or maintaining the vitality of the local community.
17. While the Local Plan is now several years old, the question of whether or not the policies are out-of-date relates to their degree of consistency with policies in the Framework. In this regard, Policies CS01, CS11 and CS25 of the CS are consistent with the aims of the Framework in relation to the protection of National Parks and valued landscapes. Full weight can be afforded to them. Saved Policy T9 of the LP is more restrictive approach to the siting of caravans than the sustainable tourism policies in the Framework. As a result of the slight tension, the saved LP policy attracts less than full weight.
18. My attention has been drawn to a specific reference to camping pods in Policy 18 of the emerging local plan, which is at an advanced stage of preparation. The Framework directs decision makers to give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections, and the degree of consistency with the Framework. In this case, the full text of emerging Policy 18 has not been provided nor has it been demonstrated that there are no unresolved objections or proposed modifications to the policy. Consequently, I am unable to give any weight to the emerging policy.
19. I acknowledge that permission has been granted for development, including camping pods, elsewhere in the area. The very limited details provided do not allow me to draw any meaningful comparisons or determine the relevance of those schemes to the proposal. Therefore, they are not a justification for it.

Conclusion

20. 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.
21. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR