
Appeal Decision

Site visit made on 18 August 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/Q9495/W/20/3245428

Land to the north of Green Gate, Troutbeck LA23 1NN

- 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 and Mrs P Gaynor against the decision of the Lake District National Park Authority.
 - The application Ref: 7/2019/5709, dated 31 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is described as: Demolition of existing barn and erection of one dwelling, with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have noted that the Authority did not notify Historic England as should have been the case where a proposed development potentially affects the setting of a Grade II* Listed Building. However, I have concluded that the proposed development should be dismissed for reasons relating to the location of the development, the effect on the landscape, and the effect on the settings of designated heritage assets. In these circumstances, little would be gained by delaying the decision to undertake that notification. However, had my decision been otherwise, I would have provided an opportunity for the notification to take place.
3. As part of their appeal submissions the appellants submitted a drawing showing revised access arrangements and visibility splays, together with a traffic survey. Whilst this information was not before the Authority when it determined the planning application, the Authority did not refuse planning permission on highways grounds and had an opportunity to comment on this new information as part of their appeal submission. The Authority have not raised any concerns in respect of this information, and I do not consider that accepting it would prejudice the interests of any parties.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposed development having regard to the development plan;

- The effect of the proposed development on the character and appearance of the area and the surrounding landscape; and
- The effect of the proposed development on the Lake District World Heritage Site, on the setting of Jesus Church, a Grade II* Listed Building, and on the setting of the Troutbeck Conservation Area.

Reasons

Whether the appeal site is an appropriate location

5. The appeal site is part of an agricultural field lying to the north of Green Gate and between the A592 and the principal road through the village of Troutbeck. It is presently occupied by a single storey agricultural building, faced in a mix of rendered blockwork, corrugated cement panels, and metal cladding, with the remainder of the land being pasture.
6. Policy CS02 of the Lake District Core Strategy 2010 (the Core Strategy) sets out a settlement hierarchy where different types of settlement will fulfil different roles. Troutbeck is categorised as a village. Policy CS02 does allow for development in villages to provide a small level of development that maintains or enhances existing provision for local needs.
7. Policy CS02 also sets out that areas outside of the identified rural service centres, villages, and cluster communities are defined as open countryside. The main area of dispute in respect of Policy CS02 is whether the appeal site is within the village, or located in the open countryside, where more stringent criteria must be met.
8. Core Strategy Policy CS03 in respect of settlement form, whilst allowing for flexibility for settlements to evolve over time, expects new development to be within, or well related to, the form of the settlement and to protect and maintain the local distinctiveness, character, and landscape setting of the settlement.
9. Whilst I have noted that Troutbeck does not have a designated development boundary, I am also mindful that the Authority states that none of the settlements within the National Park have designated development boundaries. In the absence of a clear delineation for policy purposes, it is a matter of judgement whether a particular site is within, or well related, to a settlement.
10. Troutbeck is a strongly linear settlement consisting of clusters buildings strung out along a principal road that follows a contour of the valley at a point where the landform transitions from the valley floor to much steeper land to the west of the village. To the east of the village, agricultural land, which retains much of its historic field pattern, slopes down towards the A592. A small number of buildings are present on Green Gate, closer to main part of the village than the appeal site, including the former vicarage for Jesus Church. Despite being stretched over a distance of approximately 2km, the settlement, nonetheless, has a close knit and intimate character deriving from the clustering of buildings and their proximity to the roads and other buildings in their respective groups. This results in a clear physical and visual separation from the managed agricultural fields to the east and the steeper, more rugged, hillside to the west, emphasising the linear form of the settlement.
11. Whilst there is a network of lanes and paths that link the settlement of Troutbeck to Jesus Church, which is adjacent to the appeal site, and the former

school, located on the opposite side of the A592, these buildings themselves are perceived as remote from the main part of the settlement which sits at a significantly higher level to, and at some distance from, the appeal site. East of the A592 are some scattered buildings and groups of buildings associated, or formerly associated, with farms. However, due to their degree of separation from Troutbeck and their wide dispersal, they are clearly separate entities rather than part of the settlement. Similarly, Limefitt Holiday Park, a substantial development of lodge type dwellings to the east of the A592, has a self-contained character with little or no physical or visual relationship with the settlement of Troutbeck.

12. The appeal site sits amongst agricultural fields well below the main settlement, separated from it both physically and visually. Although the small number of buildings on Green Gate have crept part way down the hillside below the main part of the village, these are sited close to the carriageway of the road and maintain the characteristic relationship of buildings to the road seen throughout the village. In contrast, the proposed new dwelling would be located a substantial distance from the carriageway of Green Gate and would not reflect this prevailing approach.
13. In this context, I consider that the appeal site is not within the settlement for the purposes of Policy CS02, nor do I find that the proposed dwelling would be well related to the existing settlement in terms of its local distinctiveness and character.
14. The proposal would therefore fall to be considered in the light of the criteria in respect of the open countryside in Policy CS02. These criteria allow for development only in exceptional circumstances, including: where there is an essential need for a rural location; where the development will help to sustain an existing business; where the development provides for a proven and essential housing need; or is an appropriate re-use, redevelopment, or extension of an existing building.
15. There is no evidence that indicates that the proposed dwelling has an essential need for a rural location or is necessary to sustain an existing business.
16. In terms of housing need, I have noted that the appellants' point that there is a high proportion of second home and holiday home ownership in Troutbeck, although this is not enumerated in any detail, and also that the South Lakeland District Council Strategic Housing Market Assessment 2017 (the SHMA) identifies that there is a need for 4+ bedroom houses in the Housing Market Sub-Area that includes the appeal site. This notwithstanding, there is no substantive evidence from either party in respect of housing need in Troutbeck itself. Whilst the SHMA identifies a need for 4+ bedroom houses across the Housing Market Sub-Area as a whole, the sub-area will cover a much wider area than the immediate vicinity of Troutbeck. The SHMA also identifies that there is a requirement for a substantially greater proportion of 2 and 3 bedroom houses, which would not be met by the appeal proposal. Although the appellants suggest that there has not been any new housing granted planning permission in Troutbeck for some years, this does not directly translate into an unmet need or latent demand. Similarly, I have no evidence of unsuccessful proposals being brought forward on other sites within the settlement that may indicate a demand exists which is not being met.

17. The Authority's most recent Annual Monitoring Report indicates that the Authority has a housing land supply of over 18 years and that within the Central and South East Distinctive Area, where the appeal site is located, the Authority is exceeding its target for affordable and local needs housing. I recognise that the Central and South East Distinctive Area and the Central Lakes Housing Market Sub-area do not share the same boundaries. Nonetheless, based on the evidence before me, I cannot conclude that there is a proven and essential housing need that would justify a new dwelling on the appeal site or that residential use is an appropriate redevelopment of the appeal site.
18. I therefore conclude that the appeal site is not an appropriate location for the development proposed having regard to the policies in the development plan. It would not comply with the relevant requirements of Policies CS02 and CS03 of the Core Strategy.

Character and appearance of the area and the surrounding landscape

19. Core Strategy Policy CS25 seeks to protect the landscape of the area and expects new development to maintain and, where possible, enhance local distinctiveness and the sense of place. Policy CS25 makes clear that the highest level of protection will be given to the landscape. Core Strategy Policy CS10 expects new development to be of a high standard of design that has regard to its context and reinforces the importance of the local character and distinctiveness. The National Planning Policy Framework (the Framework) also requires that the highest level of protection and great weight be given to conserving and enhancing the landscape and scenic beauty in National Parks. Additionally, the Framework expects new development to add to the overall quality of an area, be sympathetic to local character and history, and maintain a strong sense of place.
20. The appeal site is part of a larger agricultural field and is sited near the valley floor of the Troutbeck Valley. A small watercourse runs along the eastern boundary of the site and joins the Trout Beck close to the junction of Green Gate with the A592. The course of the Trout Beck is well wooded, and trees are also present along field boundaries. The lower parts of the valley are characterised by small to medium sized fields rising up the valley sides and enclosed by a mix of hedgerows, walls, and post and wire fences. Higher up the valley sides, the landform becomes steeper and more rugged fell land with patches of woodland, and is used as rough pasture. The village of Troutbeck is located at the point where the managed pastureland transitions to the steeper fell above. The area has a notable pastoral appearance and there is a marked contrast between the intimate and enclosed feel of the valley floor and the wilder landscape of the upper slopes. The Lake District National Park Landscape Character Assessment 2008 (the LCA) identifies that this strongly recognisable pattern of land use, divided by continuous links of impressive grey stone walls and hedgerows, contributes to a localised sense of place.
21. The LCA indicates that the character and visual sensitivities within this area are considered to be high, and that the rectilinear, intricate pattern of fields crossing the valley bottom, delineated by a network of well-maintained hedgerows and dry stone walls, contribute to overall high cultural sensitivity.
22. The appeal proposal would replace the existing agricultural barn on the site with a two storey, 5 bedroom, dwelling house on a roughly L-shaped plan. The present building dates from the mid to later twentieth century, with a more

recent addition to its southern end, and is typical of agricultural buildings of this time. When I visited the site, I saw that there are other examples of buildings of this type in the area in addition to the traditional bank barns built on sloping sites, of which there are a number in Troutbeck village.

23. The appeal proposal was accompanied by a landscape and Visual Impact Assessment (LVIA). I would agree with the findings of the LVIA in as much as in longer range views and some shorter range views, the landform and intervening buildings and vegetation wholly or partially screen the site and would also screen the proposed new dwelling, minimising the effect on the landscape and the visual appearance of the area. However, in respect of medium and short range views from Troutbeck and the surrounding highways and footpaths, from what I saw when I visited the site, I consider that the LVIA understates the magnitude of change and the effect that it will have, particularly in terms of visual effects.
24. I acknowledge that the existing barn is a modern building and that the older section of it is starting to become dilapidated. Nonetheless, it is an agricultural style of building, located in the countryside. Although it is not a traditional stone built barn, it is equally not an isolated example of this type of more modern agricultural building in the area. In this regard, the current building is not harmful to the landscape or visual character of the area.
25. The proposed new dwelling would have a slightly smaller ground area than the current barn. However, it is clear from both the submitted drawings and the submitted photomontages that compared to the linear form and relatively low eaves height of the current barn, the new dwelling would have a greater height and more prominent massing as a result of the plan form and proposed two storey height. Consequently, the proposed new building would be more visually prominent in short to medium range views.
26. The proposed new dwelling would use similar materials to other local buildings and some of the design features would reflect details from the local vernacular architecture. Nonetheless, although the design and access statement sets out that the design draws inspiration from the traditional Cumbrian farmhouses and bank barns, I saw when I visited this site that these latter are built on steeply sloping sites with entrances on each level, and that in Troutbeck village the farm buildings are located at the transition between the managed pastureland and the rougher hillside grazing rather than being located within the managed farmland.
27. The principal elevation of the house incorporates elements of local vernacular architecture but, due to the orientation of the dwelling on the site, this elevation would be the least visible. The north elevation has some influences from traditional agricultural buildings, which would assist in integrating the house with the surroundings. However, the other elevations are much more generic in their detailing and would be equally or more visible than the north elevation in close and medium range views of this site. As a result, the proposed building would have a predominantly generic, domestic, appearance which would be exacerbated by the introduction of domestic paraphernalia and parked vehicles within the curtilage that would be formed.
28. This would fundamentally change the visual appearance of the appeal site from rural and agrarian to domestic and residential, which would be incongruous in the countryside setting and harmful to its visual appearance.

29. In terms of the effects on the landscape, the historic field pattern below the village is identified in the LCA as an important landscape feature and characteristic of the landscape. The appeal proposal would create a defined, enclosed, curtilage for the new dwelling. However, by drawing it close to the rear elevation of the proposed dwelling, this would introduce an arbitrary, artificial, and contrived boundary into the historic field pattern. Additionally, it would introduce a managed domestic curtilage into an area bounded on three sides by agricultural land. This would result in damage to the structure of the landscape through the erosion of the historic field boundaries and a reduction in the extent of the characteristic managed pastureland.
30. The harm to the landscape would affect a relatively small area and due to the landform and overall size of the valley, the harm to the visual appearance would be localised to a small part of the valley. However, due to the number public routes through the area and the sloping landform allowing elevated views of the site, the proposed development would be prominent within that area.
31. Although some aspects of the design of the proposed dwelling reflect local architectural traditions, the orientation of the building, effectively concealing the principal elevation, and the generic appearance of two of the more prominent elevations would result in a building that ultimately would be unconvincing in its context. This would be amplified by its position remote from the road and amongst open fields, which is uncharacteristic of the building typology nearby that it is seeking to emulate. Consequently, I do not consider that it would represent a high standard of design or reinforce the local distinctiveness of the area.
32. I therefore conclude that the proposed development would cause harm to the character and appearance of the area and the surrounding landscape. It would not comply with the relevant requirements of Core Strategy Policy CS10 and CS25 which seek to ensure that development is of the highest standard of design, protects the National Park's spectacular landscape and maintains or enhances local distinctiveness and the sense of place.

The effect on Heritage Assets

33. It is common ground that the appeal site is located within the English Lake District World Heritage Site and is within the settings of a Grade II* listed building, 'Jesus Church' (Ref:1271827), and the Troutbeck Conservation Area. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.

Lake District World Heritage Site

34. The appellant identifies the Troutbeck Valley as an area that demonstrates some aspects that contribute to the Outstanding Universal Value of the World Heritage Site. Specifically, it shows the interaction between humans and the landscape reflecting the importance of the agro-pastoral landscape and its relationship with the settlement of Troutbeck. The Authority's evidence in respect of the significance of the World Heritage Site is less clear. From what I have read and from what I saw when I visited the site, I would agree with the appellant's assessment of the significance of the World heritage Site in so far as it relates to this appeal. Namely, the early field system in particular is illustrative of the functional link between the land and the village and provides evidence of how human intervention and activity has shaped the distinctive landscape of the

Lake District. This is an intrinsic part of the cultural significance of the World Heritage Site.

35. As set out above, I have found that the proposed development would result in an erosion of the historic field pattern due to the introduction of an artificial and arbitrary new boundary to define the curtilage of the proposed new dwelling. I have also found that the urbanising effect of a taller and bulkier residential property and the introduction of domestic activities and car parking within an area characterised by fields would harmfully alter the agricultural character of the area.
36. For these same reasons, the proposed development would be harmful to one of the attributes that contributes to the Outstanding Universal Value of the World Heritage Site. However, due to the small scale of the development in relation to the overall size of the World Heritage Site, this loss of significance would be slight and localised to the near vicinity of the appeal site. As such, the degree of harm would be less than substantial.

The setting of Jesus Church

37. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
38. Immediately to the east of the appeal site and separated from it by a small watercourse with a wooded bank lies the church which is located within a churchyard adjacent to the A592. This road forms the main road through the valley. The church is a rare example of Elizabethan origin that retains its original roof and an unusual eighteenth century tower with a strong vernacular character that contrast with its plain nineteenth century gothic exterior. The Troutbeck Conservation Area Appraisal and Management Plan (CAAMP) explains the apparently isolated location of the church, which is remote from the main built form of the village but linked to it by a network of paths, results from it being positioned to reach out equitably to all the area's church-goers. As a result of this remoteness from the main village, the church has a rural setting amongst the agricultural fields.
39. The significance of the setting of the church in so far as it relates to this appeal is that it provides a direct visual connection with the community that it was designed to serve and is illustrative of the significance of the landscape and the effect that it had on local society. The position of the church on the valley floor amongst the agricultural land, with tracks and lanes connecting it to the wider landscape is illustrative of the wider congregation it served.
40. The Appellant's Planning and Heritage Statement acknowledges that the current building on the appeal site does not detract from the setting of the church. The proposed new dwelling would alter the appeal site not just in terms of replacing the current building with a taller building with a more prominent massing, but also by changing the character of the appeal site from an agricultural field to a domestic, residential, curtilage. I accept that there is an existing access track to the site and that features such as boundary walls would be constructed to reflect the style of stone wall common in the area. Nonetheless, the combined effect of the taller building, of a different character, and the change from a rural

to a domestic and residential character of the appeal site would erode the historic, rural, setting of the church which is important to its significance.

41. There is limited intervisibility between the appeal site and the church due to tree cover along the line of the watercourse that separates the appeal site from the churchyard, and the fact that the churchyard occupies rising land to the west of the church. However, I saw when I visited the site and walked around the area that the approach to the church from the village is through agricultural fields with the idiosyncratic church tower clearly visible above the trees on the boundary, all of which reinforces its rural setting. The lane that runs immediately to the north of the appeal site is well surfaced and clearly well used and the proposed new dwelling would be prominent in views from this lane due to the change in land levels.
42. The existing building, despite being of modern construction, has settled into the landform and the building is of a type that would be expected to occur in the agricultural surroundings. In contrast, the proposed new dwelling would be a large residential building which I have previously found would not represent a high standard of design or reinforce the local distinctiveness of the area. As a result, this would cause harm to the setting of the listed building. The proposed development would not result in a total loss of significance and would only affect a part of the wider setting of the listed building. As such, this harm would be less than substantial.

Setting of the Troutbeck Conservation Area

43. The Troutbeck Conservation Area is a long, largely linear, area encompassing the group of hamlets strung along a central road that make up the village. Its origins are as an agricultural settlement evidenced by the presence of a large number of traditional, historic, barns within the village. The settlement lies along a raised contour of the valley at the point where the landform changes from the valley bottom to the steeper upland fells. It is set amongst a distinctive, historical, pattern of managed pastures in the valley bottom and rougher grazing land on the steeper slopes.
44. The CAAMP identifies that the setting of the conservation area and views within, into, and from the area are essential elements to its character and appearance. Important views are identified on the Townscape Appraisal map in the character appraisal.
45. The significance of the setting of the conservation area as it relates to this appeal is that the field pattern around the settlement is indicative of the traditional farming practices of the area that have persisted over time and provides a strong visual and historic link to the traditional agricultural buildings within the cluster of hamlets that make up the settlement.
46. I would agree with the conclusion in the appellants' Planning and Heritage Statement that the proposed development would not affect any of the special interests within the conservation area itself that are identified in the CAAMP. The Planning and Heritage Statement, however, only considers the effect on the setting of the conservation area in terms of views out of the area.
47. The CAAMP identifies a view from the conservation area between two groups of buildings towards the tower of Jesus Church as one of the important views, identified as viewpoint K in the document. I saw when I visited the site that

from this viewpoint, the proposed new dwelling may be visible but would be largely screened by intervening trees along a field boundary. This screening effect would be diminished during the late autumn and winter when the trees are not in leaf but, nevertheless, I do not consider that the proposed development would significantly affect this identified view.

48. This notwithstanding, as I have set out above, I have found that the proposed development would result in the introduction of a domestic built form and character into the rural setting of the village that would erode the historic field boundaries and which would be inconsistent with the historic form of development in the area, and the traditional spatial relationship of farm buildings to the pattern of land use. This would affect views towards and around the conservation area, and cause harm the setting of the conservation area and its significance.
49. The setting of the conservation area is extensive, due to the long linear form of the village. Due to the surrounding landform, views of the appeal site are limited to parts of Green Gate, the lane to the north of the appeal site that links Jesus Church to the village and from some points on the main road through the village. The harm to the setting of the conservation area would, therefore, be localised to the vicinity of the appeal site and, as a result, would be less than substantial.

Conclusion on heritage assets

50. I have found that the proposed development would cause less than substantial harm to the English Lake District World Heritage Site, the setting of the Grade II* Listed Jesus Church and the setting of the Troutbeck Conservation Area.
51. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
52. Paragraph 194(b) of the Framework identifies World Heritage Sites and Grade II* listed buildings as being of the highest significance. Consequently, the harm that I have identified attracts very considerable and significant weight against the proposal. Added to this is also the great weight that must be given to the harm that would be caused to the setting of the Troutbeck Conservation Area. Bearing the above in mind, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
53. The appellant has not identified any public benefits of the proposal. However, the appeal proposal would add a further dwelling to the local housing stock and there would be some economic benefits resulting from the construction of the dwelling and support for local services in the village. The appellants' have indicated that they would accept a condition limiting the occupancy of the new dwelling to those meeting the Authority's local occupancy requirements, which would assist in meeting the Authority's housing policy objectives to address loss of residential property to second homes and holiday homes. The proposed development is only for one dwelling and, consequently, these public benefits would be negligible. In addition, the Authority can demonstrate a very healthy supply of housing land and is delivering above its housing targets. As a result,

little weight can be given to the potential public benefits of the proposal and it is clear that these would not outweigh the harm that would be caused.

54. I therefore conclude that the proposed development would cause harm to the Lake District World Heritage Site, to the setting of Jesus Church, a Grade II* Listed Building, and to the setting of the Troutbeck Conservation Area. This would fail to satisfy the requirements of the Act and conflict with the relevant requirements of Policy CS27 of the Core Strategy, which expects new development to conserve and enhance the character, integrity and setting of the historic environment of the National Park.

Other matters

55. Additional information in the form of a vehicle speed survey and amended drawings showing revisions to the access arrangements previously proposed were submitted with the appeal. Whilst these were not available to the Authority when it determined the application, the reason for refusal does not include any highways grounds. I have also noted that the Authority has not raised any objections to these revised arrangements as part of its appeal submissions. From what I have read and from what I saw when I visited the site, I am satisfied that a safe and practical access to the appeal site can be achieved.
56. I have had regard to the Appellant's point in respect of depopulation of the area and that the appellant's have no objection to the proposed dwelling being made the subject of a local occupancy restriction. The copies of the Development Plan policies I have been provided with make it clear that the Authority are aware of the difficulties arising from second home and holiday home ownership in the National Park and that the Authority seeks to prioritise the provision of local needs and affordable local needs housing on appropriate sites. Nevertheless, I have found that the appeal site would not be an appropriate site for local needs housing.
57. My attention has also been drawn to a report provided by the International Council on Monuments and Sites which raises a similar point in respect of depopulation and suggests that more detailed monitoring of social trends, population, and housing occupation within the Authority's area would be beneficial in addressing this. Whilst this is a matter for the Authority to consider, it does not alter my conclusion that the evidence before me does not demonstrate either a particular requirement for 4+ bedroom dwellings in Troutbeck, or that there is a proven and essential need for the appeal proposal to meet local housing needs.

Conclusion

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

John Dowsett

INSPECTOR