



Appeal Decision

Site visit made on 28 February 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2021

Appeal Ref: APP/M0933/D/20/3263993

Hagg Foot Barn, Burneside, Kendal LA8 9AB

- 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 Thomas Hodgkin against the decision of South Lakeland District Council.
 - The application Ref SL/2020/0406, dated 8 June 2020, was refused by notice dated 9 September 2020.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal scheme seeks consent for an extension to the small traditional, formally agricultural, building and an extension of the curtilage to include a small grassed area, described by the appellant as containing a gas storage tank and redundant agricultural structures.
4. Policies CS1.1, CS8.2 and of the South Lakeland Local Development Framework Core Strategy (CS), Policies DM1 and DM2 of the Development Management Policies Development Plan Document (the DM) and sections 12 and 15 of the National Planning Policy Framework seek, amongst other matters, to protect the countryside for its intrinsic beauty, the character and appearance of those buildings and sites that make a positive contribution to the character and appearance of the area.
5. The application to which this appeal relates follows two earlier applications¹ both of which have been refused. I have not been provided with all of the details of these applications, but I note that the Appellant states that "the proposed materials, design and size have all been altered". The extension shown on the submitted plans detailed by the appellant as being some 24 sqm, is described by the Council as being a 30% increase in the footprint of the building.
6. The appellant submits that the timber clad structure reflects the traditional agricultural timber buildings of the area, though no specific examples are

¹ SL/2019/0081 and SL/2019/0468

referred to. At the site visit saw that the appeal site is located with a number of other stone built buildings, I did not identify timber clad flat roofed structures as being characteristic of the local area.

7. Turning to the matter of the curtilage, the submitted plans show that the curtilage of the appeal property would be enlarged to include a grassed area to the side of the property. The change of use of this land to residential curtilage would create the potential for the inclusion of various domestic paraphernalia without the need to seek further planning permission.
8. While the appellants suggest that this is only a possibility, I nonetheless consider it likely that some domestication is likely to occur. A condition seeking to control this paraphernalia would be unlikely to pass the test of reasonableness detailed in the Planning Practice Guidance².
9. I find that as a result of the design and resulting substantial bulk of the proposed flat roofed timber clad extension the proposal would fail to reflect the character and appearance of the area. The extension of the curtilage of the property would introduce additional domestic paraphernalia into a currently grassed and undeveloped area and would thus also harm the character and appearance of the area.
10. The appeal scheme is therefore contrary to Policies CS1.1, CS8.2 and of the CS, Policies DM1 and DM2 of the DM and sections 12 and 15 of the National Planning Policy Framework

Other Matters

11. The decision notice refers to the provision of insufficient detail with regard to measures for surface water treatment and biodiversity gain. Regarding the biodiversity net gain, Policy DM4 of the DM specifically refers to a number of measures such as living/green walls, nest boxes, swift and bat boxes, and wildflower areas that presumably could be integrated into the appeal scheme. I note that the response from the Lead Local Flood Authority requested the inclusion of a condition in relation to land drainage and ordinary watercourse.
12. On the basis of the evidence before me I am satisfied that the required information and provision could be controlled appropriately worded conditions.
13. It has been brought to my attention that there is no objection to the appeal proposals from neighbours, parish councillors or other local interested parties. While the absence of an objection does not suggest support for a scheme, I nonetheless note the absence of objections.
14. The appellant highlights references in the CS to "help retain more young people in the area" to avoid unbalanced communities and that Policy CS7.9 states that "aside from meeting the need for affordable housing, the Council believes it is important to meet the local demand for a variety of housing." While I have not been provided with a copy of it, the appellant refers to the South Lakeland Housing Need and Market Assessment and provides the quote that "high proportion of newly forming households leave the area". That the appeal scheme has been progressed to accommodate a growing young family is a material planning consideration that weighs in favour of the proposal. I note

² Paragraph: 003 Reference ID: 21a-003-20190723

that criterion 10 of Policy CS1.1 of the CS specifically refers to the provision of housing to help retain more young people in the area.

15. The appellant has referred to a nearby development 'Mirefoot', I have not been provided with all the details of this development, but it appears to be a considerably different development to that proposed here and it may be that different considerations and policies apply. In any event, each development must be determined on its own merits.

Planning Balance

16. The appeal scheme would help to retain a growing young family in the area, who might otherwise leave. Policies of the CS specifically support the provision housing to help retain young people in the area, amongst other matters.
17. Conversely, the bulk and flat roofed design of the extension would not reflect the local distinctiveness and character and appearance of the area and would thus harm the character and appearance of the area. The extension of the curtilage would introduce some domestication into a space that as enclosed agricultural land is a key characteristic of the area. These matters attract significant weight and outweigh the benefits associated with the proposed development.
18. The proposal would therefore conflict with the Development Plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

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

Mark Brooker

INSPECTOR