



## Appeal Decision

Site Visit made on 11 May 2021

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 June 2021**

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**Appeal Ref: APP/Q9495/W/21/3266349**

**Black Beck Caravan Park, Bouth LA12 8JN**

- 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 Robert Kearsley of Partingtons Holiday Centres against the decision of Lake District National Park Authority.
  - The application Ref 7/2020/5326, dated 26 May 2020, was refused by notice dated 9 October 2020.
  - The development proposed is an application to allow 12-month holiday occupation at Black Beck Holiday Park.
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### Decision

1. The appeal is allowed and planning permission is granted for an application to allow 12-month holiday occupation at Black Beck Holiday Park, Bouth LA12 8JN in accordance with the terms of the application, Ref 7/2020/5326, dated 26 May 2020, subject to the conditions in the attached schedule.

### Preliminary Matters

2. On 19 May 2021 the National Park Authority adopted the Lake District National Park Local Plan 2020 – 2035: Living Lakes, Your Local Plan (Local Plan). The Local Plan replaces the Lake District National Park Core Strategy including Proposals Map (CS) among others. Furthermore, the Landscape Character Assessment Supplementary Planning Document, 2011 has now been revoked. Hence, the CS policies and the Supplementary Planning Document cited in the reason for refusing planning permission are no longer relevant. The most important policies are now Local Plan Policies 01, 05 and 06. I have considered the appeal on this basis and had regard to the Lake District National Park Landscape Character Assessment and Guidelines (SPD), adopted by the Authority on 19 May 2021. Due to the changes, I gave both parties a chance to comment. I have had regard to the responses received in making my decision.

### Main Issue

3. The main issue is effect of the proposed 12-month holiday occupation of the caravan park on the character of the Haverthwaite and Levens Estuary Area of Distinctive Character and whether the proposal would preserve or enhance the character or appearance of the English Lake District World Heritage Site, with regards to light pollution.

### Reasons

4. The statutory purposes of National Parks are of conserving and enhancing the natural beauty, wildlife and cultural heritage and of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the

public. The site is within the English Lake District World Heritage Site which is designated as it is an area of outstanding universal value (OUL) for, among other things, its landscape of exceptional beauty. Paragraph 172 of the National Planning Policy Framework (the Framework) states 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. Protection of the National Park's spectacular and inspirational landscape is reflected in Local Plan Policies 01, 05 and 07.

5. Alongside this, Local Plan Policy 18 and Framework paragraph 83 are supportive of sustainable tourism, with Policy 18 supportive of year round occupancy on caravan sites where they will not materially affect the character, appearance and amenity of the locality, including the local rights of way network and biodiversity. There is also support for the tourism industry and extended opening periods in the Written Ministerial Statement (WMS) of 14 July 2020, albeit temporarily, so that they can adapt to secure their financial future, aid the economic recovery and support local economies, provide employment and support local services and businesses.
6. Black Beck Caravan Park is a large caravan site to the east of Bouth. The village core is physically and visually detached from the Caravan Park due to the terrain and woodland with more sporadic development between the two, including a further caravan park to the north-west of the site. While the site may be larger than the village settlement, it is established within the attractive low fell, rolling valley landscape of pastoral fields and deciduous woodland of the Haverthwaite and Levens Estuary. This context demonstrates attributes identified by the SPD as being distinctive characteristics that contribute to the high-quality protected landscape of the Lake District National Park. The area is characterised by a strong sense of tranquillity away from the A590 road corridor to the south of the site, but the park is well screened from public vantage points by mature landscape features on or next to the site. A public right of way extends from The Causeway to the north-east of the Caravan Park. A series of narrow undulating minor roads are to the north and west of the site.
7. The appeal scheme seeks to remove the seasonal restriction and facilitate year-round opening. Compared to the existing planning permission<sup>1</sup>, the additional time period would run between 15 December and 6 February, which is typically an extra 7 to 8 weeks. The current closed season roughly coincides with the time when the landscape around the site is intrinsically dark owing to the few and far between sources of artificial light, and days are at their shortest and nights at their darkest<sup>2</sup>. Maintaining this relatively strong sense of tranquillity is identified as important to managing the aesthetic and perceptual character of the area by the SPD.
8. The scale and extent of development on the Caravan Park is not proposed to change even if year-round opening is permitted as the caravans stay on site during the closed season. Hence, there would no change to the landscape owing to their continued presence. The effect of their occupation during the additional time period sought would be through lighting within the caravans themselves and on the site.
9. Local Plan Policies 05 and 07 jointly seek to conserve and enhance the

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<sup>1</sup> Council Ref: 7/2017/5804

<sup>2</sup> Planning Practice Guidance, Paragraph 001, Reference ID 31-001-20191101

extraordinary beauty of the Lake District landscape, its special qualities and attributes of OUL. Local Plan Policy 06 states that development should: avoid or minimise light pollution. The extended operational period would not avoid light pollution. That said, some external lighting may remain on during the current closed season when the caravans are not occupied save for staff or contractors, and there may not be an enforceable mechanism to ensure that it is switched off. However, practically there would be a reduction in artificial light compared to when the site is open for occupation.

10. It is important to get the right light, in the right place and for it to be used at the right time. During the additional time period, artificial lighting is likely to be more noticeable from the wider landscape during the hours of darkness, in periods of inclement weather or bad light. Nevertheless, the same light sources would operate in the periods immediately either side of the closed season and during similar conditions, albeit these would gradually change over the seasons. The terrain to the north, north-east and west of the site, along with the siting of the site within the landscape and the woodland that forms part of it, would mean that this would likely be minimal from these directions, albeit the elevated road to the west does afford varying views of the site.
11. The effect from The Causeway and the public right of way to the south and south-east of the site would be more noticeable due to the flat landscape and park's visibility. Despite the existing practices during closing season, the effect of the site being open at this time of year from artificial lighting may not be minimal in the context of this tranquil and intrinsically dark landscape. This would be amplified by the year-round occupation of the site.
12. A lighting management scheme is suggested by both parties to address the proposal's effect. A planning condition could not control lighting from within the caravans themselves, but it could minimise light pollution from across the site and thus its effect on the wider landscape to ensure that the National Park's spectacular and inspirational landscape, to which I give great weight, is protected. Subject to the use of a condition for a lighting management scheme, the proposal would allow year-round sustainable tourism that would not materially affect the character, appearance and amenity of the locality, including local rights of way and biodiversity.
13. Accordingly I conclude that the proposal would accord with Local Plan Policies 01, 05, 06, 07 and 18 along with the SPD; which jointly seek development to conserve and enhance the extraordinary beauty and harmony of the Lake District landscape, its special qualities and attributes of OUL by avoiding or minimising light pollution. The proposal would accord with Framework paragraphs 83, 127 c), 172 and 180 c) for the same reasons.
14. The proposal would accord with Policy PL3 of the Colton Community Plan 2015 (the Plan) which is a non-statutory plan produced by the Parish Council that is not a neighbourhood plan or part of the Development Plan. Furthermore, a condition for a lighting management scheme would accord with the Action AL7 of the Plan. I note Policy PH7 of the Plan, but this would be at odds with Framework paragraph 83.

### **Conditions**

15. I have imposed conditions restricting caravan occupancy so that it is for holiday purposes only and in respect of the number of static and touring caravans.

Both are necessary in the interests of certainty given what has been applied for and so that the scale and layout of the site does not extend and potentially cause harm to the National Park landscape or the living conditions of residents in the area. As the effect of allowing the appeal is to grant a new planning permission this is important in the context of this case and the additional artificial light that would be introduced to this intrinsically dark landscape. I note residents' concerns about the regulation of this condition, but it would not be onerous on either the appellant or the Authority, it is clear what is expected and how the Authority can ensure compliance. A lighting management scheme is necessary in the interests of conserving and enhancing the National Park landscape and its intrinsically dark landscape.

16. There is no evidence to suggest that the proposal would lead to further permanent buildings or structures on the land, but I consider a planning condition is necessary to restrict permitted development rights for permanent buildings, structures, overhead electricity service lines and engineering works in the interests of conserving and enhancing the National Park landscape. Any planning application submitted would be subject of public consultation and enable assessment of these forms of development.

### **Conclusion**

17. The appeal scheme would accord with the development plan as a whole and there are no material considerations that indicate that I should take a different decision other than in accordance with this.
18. For the reasons given above I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. All static holiday caravans at the site shall be occupied for holiday purposes only and shall not be a person's sole or main residence. The owner/occupier shall maintain an up-to-date register of the name of all occupiers of the residential accommodation and their home address and shall make this register available to the National Park Authority within 14 days of receipt of written request.
2. No more than 240 static holiday caravans and 65 Touring caravans (individual touring caravans not remaining on site for more than 21 consecutive days) shall be sited at the site at any one time. The caravans shall be located only in the relevant areas indicated on drawing no: LPD/816/PG/BBLP4 as submitted and approved with planning application 7/2017/5804.
3. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking or re-enacting that Order), the approval of the National Park Authority shall be obtained for the erection of any overhead electricity service lines over the land, the construction and siting of any buildings, structures or erections, whether temporary or otherwise, to be placed on the land or for any engineering works (other than the laying of pipes and cables) to be carried out on the land.
4. This permission shall not authorise the occupation of any caravan on the site during the period from 14 December in one year and 7 February in the next year unless and until a lighting management scheme (including a timetable for the implementation of any required lighting management measures) has first been submitted to and approved in writing by the National Park Authority. The lighting management scheme shall be implemented in accordance with such details and timetable as are approved. Thereafter the site shall operate in accordance the approved lighting management scheme.

END OF SCHEDULE