
Appeal Decision

Site visit made on 16 June 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/Q9495/W/21/3270266

Wilson Arms, Torver, Coniston, Cumbria LA21 8BB

- 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 Matthew Mayvers against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5623, dated 19 October 2020, was refused by notice dated 17 December 2020
 - The development proposed is addition of one K2 family glamping pod for holiday accommodation.
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Decision

1. The appeal is allowed, and planning permission is granted for the addition of one K2 family glamping pod for holiday accommodation at Wilsons Arms, Torver, Coniston, Cumbria LA21 8BB in accordance with the terms of the application Ref: 7/2020/5623, dated 19 October 2020, and subject to the following conditions:
 1. The development hereby permitted shall be commenced before the expiration of 3 years from the date hereof.
 2. The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details for one glamping pod:

Drawing Nos. WA/ESLAOP/1 (Existing Site Location and Ownership Plan), WA/PBP3/1 (Proposed Block Plan), EPD-K2X 205 (Elevations); and EPD-K2 104 Rev A.
 3. The glamping pod hereby permitted shall not be occupied otherwise than for short term holiday letting purposes and shall not be occupied as a person's sole or main place of residence. The owner/operator shall maintain an up to date register of the names and addresses on the occupiers of the glamping pod and shall make the register available at all reasonable times to the Local Planning Authority upon request.
 4. Not later than 12 months from the substantial completion of the development, landscaping of the site shall be undertaken in accordance with the details of the submitted landscaping scheme as shown on plan number WA/PBP3/1 (Proposed Block Plan).

5. Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.
6. Details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. Such lighting shall be maintained in accordance with the approved details thereafter.

Procedural Matters

2. Since the decision notice was issued the Council has adopted a new development plan for the area, the Lake District National Park Local Plan 2020-2035 (the Local Plan). As this is now the development plan for the area, in accordance with the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, I must determine the appeal proposal in accordance with it, unless material considerations indicate otherwise. Main parties have been given the opportunity to comment upon the implications of this new plan for this appeal.
3. At the time of my site visit the grassed enclosed paddock area within which the appeal site is located was in use for activities relating to the existing public house and associated shepherds hut holiday units. The Council has referred to unlawful development here. Consequently, as part of my visual assessment I have had regard to the submitted layout and appearance of the holiday unit development which has been granted planning permission and was submitted to this appeal.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area, with particular regard to the Outstanding Universal Value of the English Lake District World Heritage Site and the Special Qualities of the Lake District National Park.

Reasons

5. The appeal proposal would be located adjacent to a small group of trees to one end of an enclosed grassed paddock area which is situated to the rear of the Wilson Arms. The appeal site is located within the Lake District National Park (the National Park) which also enjoys international status as the English Lake District World Heritage Site (the WHS).
6. The purpose of the National Park is to conserve and enhance the area's natural beauty, wildlife and cultural heritage, promote opportunities for the understanding and enjoyment of its Special Qualities by the public and to foster the economic and social well-being of local communities within it.
7. The Special Qualities and the Outstanding Universal Value (OUV) of this WHS are contained within the Lake District National Park Partnership Plan and relate to its distinctiveness, diversity, authenticity and integrity. One of the attributes relevant to the disputed matters refers to a landscape of exceptional beauty, shaped by persistent agricultural and pastoral traditions which give the area a special character. This includes the network of stone-walled fields for grain and hay in the valley bottom which form a visual and historic link between settlements and the countryside. Reference is also made to vernacular

- buildings having a simple functional character and materials being unifying features, creating a distinctive building and settlement character.
8. Furthermore, the appeal site falls on the boundary of the Broughton and Torver and Coniston Water Areas of Distinctive Character as defined in the Council's Landscape Character Supplementary Planning Document (the SPD). The distinctive attributes of these character areas include the network of pastoral fields with rocky knolls delineated by hedgerows and slate stone walls and the small patches of deciduous woodlands which frame surrounding fields.
 9. From my site inspection it is evident that these important defining features are characteristic of the appeal site or its surrounding context.
 10. Policy 01 and Policy 05 of the Local Plan state that the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, including the attributes of OUV, will be conserved and enhanced. The highest level of protection is given to the landscape and the type, design, scale and level of activity will need to maintain local distinctiveness, sense of place and where appropriate tranquillity.
 11. Paragraph 170 of the National Planning Policy Framework (the Framework states decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 172 of 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. The scale and extent of development in these designated areas should be limited. Paragraph 184 of the Framework recognises WHS to be of the highest significance. They are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
 12. The appeal proposal would be sited close to the existing holiday units. It would comprise of one further unit of holiday accommodation which would be single storey in height. It would rely upon a small extension of existing area which is laid out as a carpark immediately to the rear of the pub and surfaced access which leads to the existing holiday accommodation. Therefore, it would appear as a limited intensification of an existing holiday accommodation destination and would not be at odds with the activity associated with such a use.
 13. The character and appearance of the wider paddock area within which existing holiday units are located and the activity associated with them is not one of open undeveloped countryside. Furthermore, there is strong sense of containment from the surrounding countryside afforded by the existing boundary treatments.
 14. The long distant views into and across the appeal site are from elevated ground. From that distance the proposed development would not be prominent and would be seen against the backdrop of the existing buildings and in the context of the permitted shepherd's huts. The existing commercial and residential properties which front onto the A593 effectively screen the appeal site.
 15. However, immediate views of the appeal site are evident from the adjacent to a public right of way known as Carr Lane. This extends down the side of the

- public house and neighbouring holiday let building and along the length of the paddock to afford access into the extensive open countryside beyond.
16. The user's sense of arrival and departure from the existing building group is at the point on Carr Lane where the end of the wider paddock area is reached. This coincides with where the glamping pod would be situated. This wider paddock area, which includes the appeal site, forms a transition between the built form of the settlement and the wider countryside setting.
 17. The appeal proposal would be visible to varying degrees to on-comers travelling in either direction along Carr Lane. Upon close approach the appeal proposal would be largely obscured from view given the height of the existing stone walling. The existing boundary treatment would remain intact. Where the appeal proposal would be visible, it would be read within the context of the shepherds huts, rear elevation of the pub and existing tree cover.
 18. Consequently, the appeal proposal would not read as an encroachment into open countryside or disturb the existing field pattern.
 19. The recently adopted Local Plan, including Policy 18 recognises glamping pods as a form of tourist accommodation and does not expressly rule them out as an inappropriate form of development for the area in terms of their physical appearance relative to the local distinctiveness of the National Park and WHS. Policy 06 states that development must reinforce the importance of local character, having regard to scale, height, density, layout, appearance and materials. Development should amongst other things use innovative design and local materials to reflect local distinctiveness.
 20. The contemporary appearance of the appeal proposal would differ to the traditionally designed shepherds huts. Nonetheless, overall, the finished height, positioning, simple form and design and recessive materials would mean that its presence would be very much downplayed by the existing obvious presence of the existing shepherds huts.
 21. The limited increase in the intensity of the existing use of the adjacent land as a holiday accommodation destination, coupled with the pod's limited openings mean that the appeal proposal would not undermine the existing levels of tranquillity in terms of noise and light pollution. A planning condition could be imposed to manage any associated external lighting.
 22. Whilst of a different appearance to the existing holiday units, the appeal proposal by virtue of its scale, simple design, materials and location would not be unduly intrusive or incongruous within this particular context. As such, the appeal proposal would not compete so as to undermine the much valued local distinctiveness of the area.
 23. Consequently, the appeal scheme would not harm the character and appearance of the appeal site and the wider important valley floor. In terms of the area's important designation as a valued landscape, the appeal proposal would not result in harm to the Special Qualities of the National Park and would have a neutral impact on its extraordinary character and appearance.
 24. Policy 07 of the Local Plan seeks to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the historic environment. The submitted evidence confirms that the

significance of the WHS as an important designated heritage asset is in terms of its historic natural, built, associative and cultural value.

25. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. This is irrespective to whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
26. In view of my earlier findings, the appeal proposal would not cause harm to the OUVs and significance of the WHS, but neither would it be an enhancement. As such, it would have a neutral impact and would therefore conserve this important heritage asset. The considerations set out in paragraphs 195 and 196 of the Framework are not applicable here in the absence of any harm to this important designated asset.
27. In conclusion, overall, the appeal proposal would not be harmful to the character and appearance of the area, with particular regard to the Special Qualities of the National Park and the OUV of the WHS.
28. In the absence of harm to the character and appearance of the area, the appeal proposal does not conflict with Policies 01, 05, 06, 07 or 18 of the Local Plan.

Other Matters

29. Both the Framework and the Local Plan, through Policy 02 and Policy 18, seek to promote sustainable tourism and support existing businesses. In particular, Policy 18 states that proposals including glamping pods will only be supported for short term holiday letting, where the proposed development area is located on, or immediately adjacent to existing sites, is consistent with the landscape character and where the site has the necessary infrastructure capacity and does not introduce inappropriate levels of use to the location.
30. The appeal proposal relates to the limited expansion of an existing business which serves the local tourism economy. The appellant has advanced that the appeal proposal is necessary to assist in the economic recovery of their business in the post Covid-19 era. The duration of occupancy can necessarily be controlled by way of a planning condition. The Council has confirmed that pod development to support the business is a sound principle. There is no evidence before me to dispute that stance. Furthermore, I have found that the appeal proposal would not harm the character and appearance of the area.
31. Therefore, the appeal proposal would not conflict with either Policy 02 or Policy 18 of the Local Plan.

Conditions

32. Conditions to control implementation timescales in accordance with the approved plans are necessary in the interests of certainty. Conditions to control the landscaping and external lighting treatment are necessary in the interests of safeguarding the character and appearance of the area. A condition to limit the occupancy of the holiday accommodation is necessary in the interest of certainty as a permanent unit of living accommodation has not been justified.

33. I have amended condition 2 to clarify that this permission relates to one glamping pod. Furthermore, the suggested condition to control the replacement or repositioning of the pod is unnecessary as it is clear from the description of development and submitted plans the type, appearance, scale and location of development which has been approved.

Conclusion

34. The appeal proposal must be determined in accordance with the development plan for the area, unless there are material considerations which indicate otherwise. For the reasons given, there is no conflict with the development plan and no material considerations that indicate that a decision should not be taken in accordance with it.
35. Consequently, the appeal should be allowed subject to the prescribed conditions.

C Dillon

INSPECTOR