



Appeal Decision

Site visit made on 11 May 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/Q9495/W/21/3267632

Land at North Row, Bassenthwaite, Cockermouth CA12 4RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Adam Kirkbride against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2257, dated 30 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is steel framed agricultural building.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for steel framed agricultural building at Land at North Row, Bassenthwaite, Cockermouth CA12 4RJ, in accordance with the terms of application ref 7/2020/2257, dated 30 October 2020, and the details submitted with it pursuant to Schedule 2, Part 6, Class A of the GPDO.

Procedural Matters

2. The National Park Authority (NPA) adopted a new Local Plan on 19 May 2021. The Authority has provided copies of these policies. The appellant has also been provided with an opportunity to comment on this matter. In any event, development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters, and only as evidence to support (rather than being the basis of) the planning judgment to be made and I have determined the appeal on this basis.
3. When on my site visit, I observed that an agricultural building had already been erected and that a vehicular access and track had been installed. Notwithstanding this being the case, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.
5. According to the evidence before me the NPA seem to have been satisfied that the agricultural unit to which the appeal site belongs measures over 5 hectares in area. Consequently, Schedule 2, Part 6, Class A of the GDPO is applicable in this case.

6. It is also common ground that the appeal scheme meets the requirements of paragraph A.1 of Schedule 2, Part 6, Class A of the GPDO such that it would constitute development permitted under Class A, subject to the prior approval of certain matters.
7. For permitted development under Class A, namely the erection of a new agricultural building, prior approval is required in respect to several matters, including the siting, design, and external appearance of the building. Therefore, the NPA, in determining the application, seems to have been satisfied that, if prior approval were to be granted, the proposal would be permitted development.

Main Issue

8. In the context of the above the main issue is the effect of the proposed agricultural building on the character and appearance of the Lake District National Park (LDNP) and its landscape having regard to its siting, design, and external appearance.

Reasons

9. The Council refused to grant prior approval for a single reason which was that the proposed building, through its siting, would not relate well to existing farm buildings, screening or to landscape feature and that, by reason of its massing and layout in combination with its modern materials and construction, it would also not achieve an appropriate standard of design and external appearance that would conserve and enhance the character and quality of the local landscape.
10. It is not disputed that there is a clear agricultural need for the proposed building. It is also not disputed that the appeal site is only part of the wider agricultural holding that the appellant owns with the rest of the land they use for farming being rented. In addition, according to appellant's statement this rented land is occupied on a traditional annual grazing licence.
11. The appeal site is set within a wider area of open agricultural land adjacent to North Row. The site slopes steeply downwards from North Row until it levels off slightly. The wider field beyond it stretches further in that direction until it reaches the A591 road. Along this part of North Row there are several clusters of buildings adjacent to the road that are located on a lower level than the road. These clusters of buildings, some of which appear to be agricultural with steel roofing, are also separated by interspersed areas of open agricultural land which forms the established development pattern for the area.
12. In their officer report, the Authority argue that larger areas of rented land used by the appellant would be able to accommodate the proposal with less visual and landscape harm. However, no substantive evidence has been submitted to support this. Furthermore, the appellant would have to invest a substantial financial sum in the construction of a new agricultural building on land they do not own.
13. Additionally, in their statement the appellant has provided evidence as to why these other locations would not be suitable for the siting of the proposal which the Authority has not disputed. This evidence includes the fact that the parcel of rented land closest to the appeal site rises steeply upwards from the opposite side of north row to the appeal site to an open plateau on the other side of the trees meaning that any building erected there would be visually exposed. It also states that the appellant lives approximately 1 kilometre from the appeal site which would make it easier for any issues to be dealt with such as might arise during the lambing season, than if the proposal were located on any of the other and further away parcels of rented land such as those located at Cockermouth.

14. In relation to the appeal site's location and the visual impact of the proposal on the landscape, given the sloping topography of the site, as shown on the submitted Site Level & Sections Plan (drawing no. A1 L01), while the proposed building would be visible from North Row, it would not be fully visible with its roof being the part most likely to be viewed by people passing which would be similar to other buildings further along North Row. Additionally, given the extensive bank of mature trees on the other side of the road it would also be unlikely that the proposal would be viewed from the land beyond these trees. The proposal would also not infill the open gap between the existing nearby clusters of dwellings on this part of North Row. There would also be a gap between it and its nearest cluster. Consequently, given the established pattern of development on this part of North Row, I consider the siting of the proposal at the appeal site to be appropriate.
15. The Authority have raised concerns in relation to the bulk and massing of the proposal. However, whilst the proposal is a relatively large agricultural building, the evidence provided in the updated agricultural justification report clearly shows that the size of the proposed building is what is required for the necessary RSPCA industry standards for the welfare of livestock to be met.
16. Moreover, given its location and the sloping topography of the appeal site it would not be in a visually prominent location within the landscape. It would also have stone wall cladding and Yorkshire timber boarding on the parts of its exterior which would be facing the open aspects of the site i.e. North Row and the A591. Indeed, when viewed from the other end of the field, closest to the A591, it would be set against the visual backdrop of the bank of trees and sloping land on the other side of North Row meaning that it would, as a result, not stand-out in a visually discordant way. In addition, even though it would have a pitched roof with a steel material finish, it would not be dissimilar to other similar agricultural buildings nearby or within the wider area. Accordingly, I consider that the proposal would not have a harmful visual impact on the landscape.
17. I therefore conclude that the proposed development would not materially harm the character and appearance of the LDNP and its landscape having regard to its siting, design, and external appearance.

Other Matters

18. The Authority and interested parties have raised concerns relating to alleged unauthorised use of the existing building on the appeal site and other allegedly unauthorised development at the appeal site. However, these are not matters for me to consider as part of this section 78 appeal as enforcement issues are something that should be dealt with by the local planning authority in the first instance.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed, and approval granted.

C Coyne

INSPECTOR