
Appeal Decision

Site visit made on 25 October 2021

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021

Appeal Ref: APP/Q9495/C/21/3276695

Land at Bridge End Farm, Santon Bridge, Cumbria, CA19 1UY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr J Phizacklea against an enforcement notice issued by Lake District National Park Authority.
 - The enforcement notice was issued on 22 April 2021.
 - The breach of planning control as alleged in the notice is without planning permission, operational development consisting of the formation of a track including turning circle and laying of five concrete bases on the land edged in red on the attached plan.
 - The requirements of the notice are to permanently remove the track, turning circle and five concrete bases, as shown in approximate positions on Plan B and reinstate the land to its former level and condition before the development took place.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in sections 174(2)(a) & (c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background

2. Bridge End Farm is a large, working, agricultural holding. The appeal site forms part of this unit and comprises a grassed field, located over 300m to the north of the farmstead. In January 2021, planning permission was refused for the installation of 5 no. camping domes with associated access, parking, grey water treatment plant and landscaping (LPA ref: 7/2020/4073). The development which is the subject of this notice, comprising 5 no. large, circular concrete bases, together with the access track and turning circle, corresponds with the infrastructure of the scheme which was refused.

The appeal on ground (c)

3. The appellant claims that the development is permitted under the terms of Class A of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 [GPDO]. This permits the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations, which are reasonably

necessary for the purposes of agriculture within that unit. It is submitted that the 'the purposes of agriculture' include farm diversification.

4. It is not in dispute that the appeal site forms part of an agricultural unit of more than 5 hectares. However, 'agriculture' is defined in section 336 of the Town and Country Planning Act 1990 and this does not include development undertaken for the purpose of tourism, whether or not it aids farm diversification. Under the terms of A.1.(d) of the GPDO, development is expressly not permitted in Class A if it would involve the provision of a building, structure or works not designed for agricultural purposes. That appears to be the case here, where the development was carried out to facilitate the use for tourist accommodation. Accordingly, the development does not benefit from permitted development rights and the appeal on ground (c) fails.

The appeal on ground (a) and the deemed application

5. The main issue in this case is the impact of the development on the character and appearance of the area.
6. The appeal site is in open countryside, some distance from the village of Santon Bridge. It is within an area of exceptionally high landscape value in the 'West Distinctive Area' of the Lake District National Park and is in the English Lake District World Heritage Site. Both local and national policy give great weight to conserving and enhancing landscape and scenic beauty in National Parks and to conserving the significance of heritage assets.
7. The site is part of a gently undulating agro-pastoral landscape with a strong sense of tranquillity. The hard surfaces which have been introduced into this enclosed parcel of grazing land are visually obtrusive and out of character with the landscape, particularly as they are so far from the farmstead and from the nearest village. Although there is some boundary vegetation, offering a degree of screening from the nearby road, this mitigation will diminish in the winter months. Moreover, the development is open to elevated views from nearby Irton Pike, an area of open access containing public footpaths, which overlooks the site, from where it must appear a remote and incongruous series of features.
8. The appellant submits that, although Bridge End Farm is a viable agricultural holding, which operates at a reasonable and sustained level of profitable self-sufficiency, it ought to be underpinned by tourist related farm diversity; the hardstandings could be used for siting units of accommodation or for parking. However, the development which is before me in a deemed application is solely that set out in the alleged breach of planning control within the enforcement notice. The use for tourist purposes is not part of the alleged breach and therefore forms no part of the application before me. No appeal was lodged against the January 2021 refusal of planning permission, referred to in para.2 above, and I am unable to consider the merits of that proposal. As such, I am unable to give weight to the 'sieve analysis' which is claimed to indicate this site to be the sequentially superior location for development on this agricultural holding.
9. In conclusion, the development which is the subject of the notice in my view comprises an obtrusive and uncharacteristic series of features which significantly harm both the character and appearance of this beautiful and tranquil landscape. The development is contrary to a series of policies in the

Lake District National Park Local Plan 2020-2035 designed to conserve and enhance the landscape and scenic beauty of the National Park and the significance of the World Heritage Site, policies which are consistent with the advice in the National Planning Policy Framework. Accordingly, the appeal on ground (a) and the deemed application must fail and I shall uphold the enforcement notice.

B.S. Rogers

Inspector