



Appeal Decision

Site Visit made on 19 October 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/Q9495/W/21/3276046

The Pheasant Inn, Bassenthwaite Lake, Cumbria CA13 9YE

- 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 Graeme Wood of The Inn Collection Group against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2210, dated 11 September 2020, was refused by notice dated 1 December 2020.
 - The development proposed is change of use of land and construction of 6no. holiday lodges to provide additional holiday accommodation in association with the Pheasant Inn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In May 2021, the Lake District National Park Local Plan 2020-2035 (the LP) was adopted. The policies of the Council's Core Strategy listed in the reasons for refusal have been superseded. The evidence indicates the relevant policies for the appeal include LP Policies 01, 02, 05, 06 and 07. Both parties have had the opportunity to comment on the adopted LP through the appeal process.
3. Also in May 2021, the Pheasant Inn was designated as a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the listed building, the Lake District National Park and the English Lake District World Heritage Site.

Reasons

5. The appeal site is a roughly crescent-shaped area of undeveloped land with trees and shrubs, an old orchard and amenity grass. It is used in part for informal seating associated with the Pheasant Inn, which lies to the south. The appeal site is separated from the Inn by the narrow old coaching road to the front of the Inn and it is enclosed to the north-east by a later road that connects at either end to the A66. The appeal site is elevated above the surrounding roads. The boundary with the later road is formed by a mown

grass verge and embankment topped by a dense beech hedge. The boundary facing the Inn access road is formed by a defunct low hawthorn hedge.

6. The listed building is an 18th century coaching inn in a Cumbrian vernacular style. It has a 2 storey L-shaped frontage in painted stone and render with casement windows set in painted black surrounds. It has a simple slate roof with gabled and hipped ends and tall chimney stacks. The Inn illustrates the evolution from early staging for horse-drawn coaches to early 20th century facilities to accommodate increased tourism and motorised transport. The significance of the listed building derives in part from its architectural features and its historic value, but also from its setting.
7. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. Case law has established that how the heritage asset is experienced is not limited to the purely visual and it can encompass, but is not limited to, economic, social and historical relationships, and considerations of noise and smell.
8. The Inn is several hundred metres from the A66 in a secluded and somewhat isolated rural location well-screened from long range views. By virtue of the highway arrangement, the local topography and the surrounding woodland with rising fells to the rear, the Inn is primarily experienced in an intimate and enclosed landscape setting. The appeal site is not in the curtilage of the listed building but it is part of its managed landscape setting. It makes a positive contribution to the setting of the listed building.
9. The appeal site is in the Lake District National Park, close to Bassenthwaite Lake which is one of the constituent valleys of the English Lake District World Heritage Site (the WHS). WHS are heritage assets of the highest significance and internationally recognised to be of Outstanding Universal Value (OUV). The OUV is based on attributes of the landscape grouped into 3 themes relating to its exceptional beauty shaped by agro-pastoral traditions; its inspiration for artistic and literary movements and the generation of globally influential ideas about landscape; and its role as the catalyst for key developments in the national and international protection of landscapes. Bassenthwaite Valley has important attributes for all 3 themes of OUV.
10. The Lake District combines dramatic mountain scenery with steep-sided narrow valleys and lakes. Within the overall uniformity of character, there are diverse landscapes of contrasting character shaped by geology, vegetation and history of land use. The appeal site is not characteristic of the rugged upland fell landscapes. However, it harmonises with the surrounding managed pastures, woodland, trees and shrubs. It is visually, physically and functionally part of the landscaped setting and approach to the vernacular coaching Inn, and it reflects the particular history of human land use.
11. The lodges would have a footprint of perhaps 6m by 6m, comprising internal accommodation and a covered deck. They would be constructed in timber with semi-circular curved roofs and sides covered in split logs. There would be a new highway access and parking and manoeuvring for 12 vehicles. There would be a large footprint of development and cumulative visual impacts arising from the long linear arrangement of lodges, hardstanding and car parking, and the activity of up to 36 people and their dogs.

12. By virtue of their elevated open position and height above the beech hedge, the lodges would be only partially screened from the road to the north-east. Approaching along the road from the Inn, the lodges would initially be screened by trees and shrubs before coming increasingly into view. From the northerly direction, and from locations along the road that serves the Inn, the proposal would be highly visible. It would not be screened by the sparse low hawthorn hedge or scattered trees. The timber lodges would be conspicuous and they would extend built development and visibly encroach into the countryside.
13. By virtue of their design and separation, the lodges would not relate well to nearby buildings including the Inn. The proposal would be incongruous and out of keeping with the established landscape surroundings and old orchard. It would be visually prominent in the intimate and secluded setting of the listed building. It would compete visually and it would detract from the views of the Inn and from how the Inn is experienced. It would not be sympathetic to and it would diminish the strong sense of place and local distinctiveness.
14. The area is a popular tourism destination, not only the Inn but also the surrounding countryside. This was evidenced at the time of my visit by the numerous walkers and the high number of vehicles parked on the road to the front of the Inn, although several of these were commercial vehicles associated with construction works. Even so, the effect of the lodges would be materially different from the casual use of the appeal site for outdoor seating during good weather. The noise and visual disturbance, including during the evenings and overnight, would contribute to cumulative adverse effects on the tranquillity of the area and on the setting of the heritage asset.
15. Therefore, I conclude that the proposal would not preserve or enhance the setting of the listed building. The intrusion into the countryside and the harm to the picturesque rural surroundings of the Inn would harm the landscape of the NP and the OUV of the WHS. It would conflict with LP Policies 01, 02, 05, 06 and 07. These require, among other things, that proposals conserve and enhance the extraordinary harmony and beauty of the Lake District landscape, being appropriate to the character and function of the area, maintaining and reinforcing local distinctiveness and sense of place, and conserving and enhancing the significance of designated heritage assets. In reaching this decision, I have had regard to the policies in the Framework in relation to the great weight that should be given to conserving and enhancing landscape and scenic beauty in National Parks.
16. The proposal would harm the setting of the listed building and the WHS and thereby the significance of the designated heritage assets. I find the harm would be less than substantial but nevertheless of considerable importance and weight. Paragraph 202 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Inn is an established food and drink and tourism accommodation business. It is undergoing a programme of refurbishment and upgrade. The proposal would increase the amount, and it would diversify the type, of accommodation on offer. It would be a modest benefit to the business, although there is no suggestion that it would be otherwise unviable. There would be wider economic benefits, but the small scale of the proposal would make a limited contribution to the wider tourism economy. The creation of 2 part-time employment opportunities would be a limited public benefit. On balance, taking into account

the great weight that should be given to the asset's conservation, the public benefits would not outweigh the harm to the heritage assets.

17. Given the above, I conclude that the proposal would fail to preserve or enhance the setting and therefore the significance of the listed building and the WHS. It would fail to satisfy the requirements of the Act, the policies in the Framework that seek to conserve heritage assets in a manner appropriate to their significance, and development plan policies insofar as relevant.

Other Matters

18. There is policy support for the sustainable growth and diversification of rural businesses and for sustainable rural tourism. The principle of diversifying the holiday accommodation at the Inn is acceptable. Nevertheless, proposals are expected to preserve and enhance heritage assets and to respect and to be sympathetic to the surrounding landscape and countryside. The policy support does not outweigh the harm.
19. My attention has been drawn to planning permission ref 7/2016/3191 for 6 camping pods and a bunk house at Lowside Farm. It relates to the diversification of a farming business and it secured the conservation of a traditional building. Notwithstanding that Lowside Farm is a listed building, the pods are to the south of large modern agricultural buildings. Travelling west on the A66, the pods are seen against a backdrop of trees in an expansive upland landscape. The pods are smaller than the appeal lodges and their V-shape arrangement reduces their visual massing. They are relatively unobtrusive in the surrounding landscape context. The parking is unobtrusive, close to the modern buildings and screened by trees. Despite the similarities, Lowside Farm is not directly comparable to the Pheasant Inn. The acceptability of pods elsewhere does not provide a justification for the proposal.
20. The appellant's final comments draw attention to planning permission ref 7/2019/2208 for the redevelopment of the former Bassenthwaite Lake Station. This is next to the road junction of the busy and noisy A66. The Station, a non-designated heritage asset, is irreplaceable evidence of the history of major transport infrastructure and the development of tourism and settlement in this area. The scheme retains, reveals and interprets the surviving evidence. The replica locomotive is not authentic, but it is consistent with the former use. The sensitive conservation of the previously developed heritage asset is not directly comparable to lodges in the undeveloped setting of a Grade II listed coaching inn. While this appears to be late evidence not seen by the Council, it does not provide a justification for the proposal and I am satisfied that no party would be prejudiced by my taking it into account.

Conclusion

21. For the reasons set out above, the proposal would conflict with the development plan and there are no other considerations that would outweigh that conflict.
22. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR