



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: 10 December 2021

Appeal Ref: APP/Q9495/W/21/3274521

Beckstones, Thornthwaite, Keswick, Cumbria CA12 5SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Illman against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2269, dated 14 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is development of 5no. affordable dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline planning application with access, layout and scale to be considered at this stage. Accordingly, while I have had regard to the submitted plans, I have treated them as indicative only insofar as they relate to appearance and landscaping.
3. In May 2021, the Lake District National Park Local Plan 2020-2035 (the LP) was adopted. It is the development plan for the purposes of the appeal. Policies CS01, CS02, CS03, CS10, CS11 and CS25 of the Lake District National Park Core Strategy, listed in the reasons for refusal, have been superseded. On the basis of the evidence, the relevant policies for the appeal are LP policies 01, 02, 05, 06 and 15. The appellant has been provided with the opportunity to comment on the recently adopted LP through the appeal process.
4. A draft planning obligation pursuant to Section 106 (s106) of the Town and Country Planning Act 1990 has been submitted. The Procedural Guide: Planning appeals – England (13 October 2021) states that if the appellant wants to be certain that a planning obligation will be taken into account in the appeal, they must provide an executed and certified copy. In this case, the draft s106 is not signed or dated and it is not complete.

Main Issues

5. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area;
 - ii) Highway safety; and
 - iii) Whether the proposal accords with local policy for the supply of housing.

Reasons

Character and appearance

6. Beckstones, together with the attached Barf Cottage, forms a short terrace of properties. It is in an elevated position, widely separated from the main road by rough grazing land enclosed by post and wire fences. The appeal site comprises a grass paddock to the front of Beckstones between Barf Fell and the private access road that serves the appeal property, together with part of its car park and garden. It is in the hamlet of Powter How, in the countryside.
7. The proposal would be 2 pairs of 2 storey semi-detached dwellings and a detached single storey dormer dwelling, all finished in painted render with slate roofs. They would be linearly arranged on irregular building lines and stepped up the slope from the road towards Beckstones. A new access from the private track that serves Beckstones would lead to an extensive hardstanding area to the front of the dwellings for the manoeuvring and parking of 10 cars. Private outdoor space would primarily be to the front and sides of the dwellings.
8. Beckstones was formerly a farmhouse and barn and it has a relatively simple and traditional appearance, with a long painted frontage and pitched slate roofs. It is widely separated from Seat Howe, a substantial detached traditional stone and slate dwelling with outbuildings that is similarly set back and elevated above the main road. The visual context for the scheme would be Beckstones, and to a lesser degree Seat How, permanent pasture with scattered trees and shrubs, mature woodland and the dramatic rising backdrop of Whinlatter forest and the rugged rocky outcrops of Barf Fell.
9. Travelling along the road in the direction of Thornthwaite, the proposal would be screened from longer views by local topography and roadside vegetation. It would not be seen in the context of the cluster of buildings that includes Swan House. On the closer approach, the views open up towards Whinlatter and the proposal would be prominent in the foreground. Heading from Thornthwaite, the long straight road would afford views of the proposal, albeit interrupted in places by scattered trees. It would not be readily visible from the fells to the rear, but it would be visible from roads and footpaths elsewhere in the area.
10. The appeal site is in the open countryside and the proposal would not be infill development in a settlement. There would be a significant visual impact from the introduction of 5 modern dwellings, domestic gardens with associated paraphernalia and the extensive hardstanding car parking frontage. It would be a conspicuous and urban form of development that would contrast unfavourably with more typical traditional rural development including scattered farmstead groups and individual dwellings in large grounds. It would be poorly related to Beckstones. It would diminish and it would detract from Barf Fell and the Bishop, a notable local landmark of wider renown by virtue of inclusion in the Wainwright Pictorial Guide to the Lakeland Fells. Consequently, it would not be sympathetic to the built environment or landscape setting and it would fail to recognise the intrinsic character and beauty of the countryside.
11. My attention has been drawn to dwellings elsewhere including the relatively unobtrusive Mereside on the opposite side of the road, development at Little Dodd and converted former hotels, barns, schools and mill buildings. There is little evidence that any of these is directly comparable to the proposal and they do not provide a visual context for it. The proposal would not be assimilated

into its surroundings by the mixed character and appearance of buildings in the wider area. Dwellings and extensions elsewhere, including those considered in a different policy context, do not provide a justification for the proposal.

12. The proposed site plan illustrates a new roadside hedgerow, screen planting and landscaped areas. Extensive native species tree and shrub planting would help soften and integrate the built development, although it would not hide it. However, the majority of the screen planting would be in the undeveloped parts of the site around the access. The proposal does not explain who would be responsible for the planting and its maintenance or how this would be secured for the lifetime of the development. I accept that landscaping would be a reserved matter. Nonetheless, and taking into account the financial burden on a scheme of affordable housing, the proposal fails to demonstrate that satisfactory mitigation could be achieved through landscape planting.
13. Therefore, I conclude that the proposal would harm the character and appearance of the area, including the landscape of the Lake District National Park. It would conflict with LP Policies 01, 02, 05 and 06. These require, among other things, that the extraordinary harmony and beauty of the landscape and its special qualities are conserved and enhanced, that rural housing is appropriate to its location and that it maintains sense of place, local character and distinctiveness. It would conflict with the aims of the National Planning Policy Framework (the Framework) in relation to the landscape and scenic beauty of the National Park, which has the highest status of protection in relation to these issues.
14. The parties have not assessed the effect of the proposal on the English Lake District World Heritage Site (WHS). However, this is a designated heritage asset internationally recognised to be of Outstanding Universal Value and the Framework sets out my statutory duty in this regard. The harm to the landscape would result in less than substantial harm to the heritage asset, which must be weighed against the public benefits of the proposal. There would be a modest contribution to the supply of affordable housing. There would be limited economic benefits during construction. Future occupiers would contribute to supporting shops, services and facilities in settlements elsewhere. On balance, the harm to WHS, which attracts considerable importance and weight, would clearly outweigh the modest public benefits. The proposal would conflict with the policies in the Framework that protect heritage assets.

Highway safety

15. The dwellings would be accessed from the public highway via the narrow private access that serves Beckstones. The road between the appeal site and Thornthwaite is straight with reasonable visibility. However, in the direction of Swan House, visibility is restricted by the topography of the road and woodland. The public highway is subject to the national speed limit and the proposal would fall considerably short of the required visibility splays.
16. By virtue of the scale of the proposal and the likely associated number of domestic and commercial vehicles, there would be a significant intensification of use of the access. Taking into account the speed of the road and the restricted visibility, the proposal would not minimise the scope for conflict between pedestrians, cyclists and vehicles and it would not ensure that safe and suitable access could be achieved for all users.

17. My attention has been drawn to schemes elsewhere, including a single storey dwelling at Powter How, an agricultural building between Mereside and the A66, camping pods at Lane Foot Farm, and a development at Little Dodd on the A591. In the absence of full details of those schemes, I cannot be certain that their access arrangements are directly comparable to the proposal or that the Council has been inconsistent in its decision-making. Neither these, nor historic highway access points that would not meet modern standards, provide a justification for a scheme that would fail to provide a safe access.
18. I note the suggestion that concerns in relation to highway safety could be addressed through a speed restriction on the public highway. In this regard, my attention has been drawn to the existing road safety signage along this stretch of road. The appellant states that the Highway Authority is aware of the road's hazards, but it has not responded to requests for a safe speed limit. This appears to confirm the validity of the highway safety concerns. It has not been demonstrated that this is a matter that could be adequately addressed by means of off-site highway works and I am not satisfied that it could be addressed through the imposition of a planning condition.
19. Therefore, I conclude that the proposal would fail to provide a safe and suitable access for all users. It would conflict with the highway safety aims of the Framework.

The supply of housing

20. There is significant demand for housing in the Lake District, including for second homes and holiday accommodation. This has resulted in historic and ongoing imbalances in the housing market with associated adverse effects on local communities. Consequently, there is a need for housing to meet the needs of local people, including local affordable housing. In this regard, the Allerdale 2016 Housing Study reported a net imbalance of 80 affordable dwellings each year in the North Lakes Area, with the greatest demand for smaller 1 and 2 bed dwellings available for social/ affordable rent.
21. The Council's strategic development strategy seeks to locate development in accordance with the settlement hierarchy. In the open countryside, new housing is supported in limited circumstances including where there is an essential need for a rural location. LP Policy 15 supports rural exception sites for affordable housing where evidence of local need is demonstrated.
22. As the proposal would be wholly affordable housing in the countryside, it would in principle be a rural exception site. In respect of demonstrable local need, the 2016 housing study appears out of date. Moreover, the 2019 Thornthwaite Village Survey and the third party representations do not robustly demonstrate a local need for 5 3-bed affordable dwellings. Nonetheless, I accept that the delivery of affordable housing would be a benefit of the scheme.
23. The Council's Housing Supplementary Planning Document Adopted May 2021 sets out that a s106 agreement will be required for local affordable need housing schemes. The parties agree that a completed planning obligation would be necessary to make the development acceptable. However, the draft s106 is not completed. The Planning Practice Guidance advises that a negatively worded condition requiring that a planning obligation is entered into is unlikely to be appropriate in the majority of cases and ensuring that any obligation is entered into prior to granting planning permission is the best way to deliver

sufficient certainty about what is being agreed. Taking into account that the draft s106 is not acceptable in its current form, I am not satisfied this matter could be addressed through the imposition of a planning condition.

24. Therefore, in the absence of a completed S106 or satisfactory Unilateral Undertaking, the proposal would not deliver affordable housing. It would conflict with the rural housing aims of LP Policies 02 and 15.

Other Considerations

25. I understand the appellant is not happy with the processing of the application or the Council's decision. However, on the basis of the evidence, I am satisfied that the Council's decision-making process followed the relevant Government coronavirus pandemic guidance at that time.
26. While there may be demand for self-build houses in the area, there is little substantive evidence before me in this regard. The proposal would not be serviced plots for self-build or custom housing. It has not been demonstrated that semi-detached affordable dwellings could be constructed on a self-build basis. Therefore, this is not a matter that weighs in favour of the proposal.
27. There are numerous third party representations to the planning application and the appeal, including objecting to the proposal and supporting the delivery of affordable housing. They weigh neither significantly for nor against the scheme.
28. The appeal site is adjacent to deciduous woodland priority habitat and I understand that Natural England recommended surveys for protected species in their consultation response to the earlier refused planning application. While the Council considers there would be no significant risk to wildlife, there is little before me to demonstrate that the proposal would minimise impacts and provide net gains for biodiversity, as required by the Framework. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further.
29. The harm to the character and appearance of the area, including the National Park and the WHS, weighs against the scheme to a significant degree. The harm to highway safety attracts moderate negative weight. If the proposal had been demonstrably affordable housing, this would have attracted moderate positive weight. The economic and social benefits carry limited positive weight. Taking all matters into account, I find that the benefits of the scheme would not be sufficient to outweigh the harms.

Conclusion

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

Sarah Manchester

INSPECTOR