



Appeal Decision

Site Visit made on 23 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/Q9495/W/21/3274221

Kitchen Garden, Wansfell Holme, Windermere, Cumbria LA23 1LS

- 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 T Noblett against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5506, dated 12 August 2020, was refused by notice dated 3 December 2020.
 - The development proposed is new vehicle access from A591.
-

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. Consequently, it is the development plan for the appeal. The policies of the Lake District National Park Core Strategy, listed in the reasons for refusal, have been superseded.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 07. The appellant has been provided with the opportunity to comment on the adopted LP through the appeal process.

Main Issue

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

Reasons

4. The appeal site is adjacent to the A591 overlooking Lake Windermere. It comprises the former kitchen garden and the arboretum of Wansfell Holme. This is a substantial 2 storey building. It was constructed in 1836 as a single dwelling with an ornamented iron and glass sun room covering the 3 central ground floor bays in the south elevation, moulded stone architraves to upper windows, gabled wings at each end, gothic eaves, octagonal chimneys, and a gabled porch with Tudor arched entrance. The original designed landscape grounds of Wansfell Holme were extensive and included formal gardens, parkland, the arboretum and the kitchen garden.
5. The kitchen garden is separated from the formal garden by stone walls and mature planting. Nevertheless, it retains its historical functional link. The arboretum was designed to be accessed from the formal garden, with pathways

connecting to the promenade and to the pedestrian gate in the boundary wall. The arboretum retains evidence of the formal pathways and it includes large original specimen trees including exotic cedars, oaks and Giant Redwoods. It is separated from the grounds to the front of the listed building by post and wire fencing and it retains its visual and historic functional connection. The appeal site makes a positive contribution to the setting and therefore the significance of the heritage asset.

6. Paragraph 189 of the National Planning Policy Framework (the Framework) emphasizes that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. 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.
7. The proposal would not directly affect the listed building or its curtilage but it would be in its setting. There would be a significant visual impact from the introduction of an extensive length of hardstanding track, part of which would be in a cutting, the removal of part of the roadside boundary wall and the reduction in height of over 50m of retained wall. The proposal would cut through the arboretum and it would erode the historic designed landscape. The adverse visual impact would be exacerbated by the use of the track including by large commercial vehicles. The associated noise and disturbance would further diminish the historical functional relationship between the arboretum and the dwelling. The proposal would make a negative contribution to the setting of the listed building and it would be detrimental to the appreciation and understanding of the significance of the heritage asset.
8. The Lake District National Park and the English Lake District World Heritage Site (WHS) is a mountainous landscape with steep-sided narrow valleys, many containing lakes. It is a harmonious landscape, although with local variation due to geology, vegetation and history of land use. The WHS demonstrates attributes of Outstanding Universal Value (OUV) under 3 intertwining and interdependent themes of a landscape shaped by persistent and distinctive agro-pastoral traditions, which has inspired artistic and literary movements and generated globally influential ideas about landscapes, and which has been the catalyst for key developments in the protection of landscapes.
9. The eastern shore of Lake Windermere is notable for its historic grand houses and villas set in large mature grounds with high quality designed landscapes including formal gardens, woodland, parkland and pasture fields, interspersed with mature ornamental exotic trees. In this regard, Wansfell Holme and its landscaped grounds make a significant positive contribution to local character and distinctiveness and to the complex cultural landscape and the picturesque beauty of the Lake District. As such, it is component of the attributes of OUV of the Windermere valley.
10. By virtue of the harm to the setting of the listed building, the proposal would make a negative contribution to its significance. The erosion of the attribute of OUV would harm the significance of the WHS. Taking account of its scale, the

- proposal would result in less than substantial harm to the heritage assets. Nevertheless, the Framework is clear that great weight should be given to the asset's conservation, irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. Where development proposals 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 Planning Practice Guidance sets out that public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework, and that they should be a benefit to the public at large and not just be a private benefit.
 12. The appeal site is currently accessed from the A591 via the junction that serves a number of properties including Stagshaw Garden. There is poor visibility at the junction and there has been 1 recorded traffic accident. As the proposed access would achieve the necessary visibility splays, it would be a safer access than the existing junction. However, on the basis that there would be a negligible reduction in traffic using the existing A591 junction, there is little evidence that it would deliver significant public highway safety improvements.
 13. The appellant leases the private access track to the rear of Wansfell Holme from the National Trust. There is little substantive evidence that the lease arrangements would not continue in the future. The access track is narrow and unsuitable for large commercial delivery vehicles. I note the suggestion that improved access is necessary for the conservation of the land, including the arboretum and its wildlife, and to preserve the views of the kitchen garden from Lake Windermere. However, no details of proposed woodland or biodiversity management have been provided. The trees are in reasonable condition and they do not appear to require management. It has not been demonstrated that a road through woodland habitat would be a biodiversity benefit nor that the opening up of the views of the kitchen garden would be a public visual amenity benefit.
 14. Given the above, and in the apparent absence of any defined significant public benefit, I conclude that the proposal would on balance fail to preserve the setting of the listed building and the significance of the listed building and the WHS. For this reason, it would conflict with the requirements of the Act, the heritage protection policies in the Framework and LP Policy 07 which seeks to conserve and enhance heritage assets.
 15. Therefore, I conclude that the proposal would harm the character and appearance of the area including the setting of the listed building, the Lake District National Park and the WHS. It would conflict with LP Policies 01, 02, 05, 06 and 07. These require, among other things, that proposals are appropriate to their location, that they conserve and enhance the extraordinary harmony and beauty of the landscape and its special qualities including attributes of OUV and heritage assets, and that they contribute to local distinctiveness and sense of place. It would conflict with the relevant aims of the Framework.

Other Matters

16. The majority of the arboretum trees are of high or moderate quality, including by virtue of being particularly good examples of their species and a visually important landscape feature. The arboricultural method statement indicates that, subject to tree protection and appropriate construction methods, no trees

would need to be removed to facilitate the proposal. Avoidance of harm to individual trees is a neutral factor.

17. I understand that residential occupiers of Wansfell Holme removed parts of the walls and steps of the Victorian promenade and constructed tracks in the former parkland. Full details have not been provided. However, neither works elsewhere in the setting of the listed building nor existing vehicle access points elsewhere along the A591 provide a justification for the appeal scheme, which I have considered on its own merits.
18. There are several third party representations in support of the proposal and neither the Parish Council nor the Highway Authority objected to it. I have had regard to the issues raised in the representations, but they do not outweigh the harm that I have found.

Conclusion

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

Sarah Manchester

INSPECTOR