

Appeal Decision

Site visit made on 10 January 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/Q9495/W/21/3278599

Youth Hostels Association, Longthwaite, Keswick CA12 5XE

- 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 Robert Harrison of YHA (England & Wales) Ltd against the decision of the Lake District National Park Authority.
 - The application Ref 7/2021/2109, dated 30 March 2021, was refused by notice dated 1 July 2021.
 - The development proposed is a seasonal pitch for one touring caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address as set out on the Local Planning Authority's (LPA) decision notice as this appears to be a more accurate reflection of the site's location.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, having regard to the site's location within the Lake District National Park and the English Lake District World Heritage Site.

Reasons

4. The appeal site comprises an undeveloped area of land within a wooded area to the south of the Longthwaite Youth Hostel. It is bound to the east by a woodland track, which also serves as a public footpath, beyond which is the River Derwent, and to the west by Johnny's Wood, an Ancient Semi Natural Woodland and Site of Special Scientific Interest which forms part of the Borrowdale Woodlands Special Area of Conservation. To the south is further woodland and open countryside. The site falls within both the Lake District National Park and the English Lake District World Heritage Site (WHS).
5. Extensive woodland, with its important assemblages of mosses and lichens clothing the valley sides, is a key landscape feature of the Borrowdale Area of Distinctive Character¹, which is situated to the south of Keswick and Derwent Water. Woodlands are acknowledged to be one of the Lake District's most valuable scenic and wildlife assets, with Borrowdale being one of the most wooded of all the Lake District valleys. Accordingly, despite the existence of a handful of landpods used for 'glamping', the wooded area in which the appeal

¹ Lake District National Park Landscape Character Assessment and Guidelines, revised April 2021

site is located makes a valuable contribution to the local landscape character and natural beauty of the area.

6. The WHS is a designated heritage asset of the highest significance, and which is internationally recognised for its Outstanding Universal Value. The WHS's attributes of Outstanding Universal Value are based on a combination of attributes falling under three intertwining and interdependent themes of landscape shaped by persistent and distinctive agro-pastoral traditions, which has inspired artistic and literary movements and generated ideas about landscape that have had global influence, and which has been the catalyst for key developments in the approach to national and international landscape protection.
7. Borrowdale is notable for the quality of its mature woodlands. In this regard, the appeal site and its undeveloped woodland character makes a significant positive contribution to the extraordinary beauty and harmony of the surrounding landscape. As such, it is a component of the attributes of the Outstanding Universal Value of the Borrowdale and Bassenthwaite valley and thereby contributes to the overall significance of the WHS.
8. The proposal would involve the siting of a seasonal touring caravan to provide additional visitor accommodation at the site, diversifying the current offer to customers of the youth hostel. The proposal also includes an area of gravel hardstanding and an electric hook up to serve the caravan. In addition, the accompanying plan² shows three solar powered lights mounted on 1 metre high timber posts. The siting of a caravan at this location would be unescapably apparent, and in stark contrast with the site's natural woodland character. A caravan with its associated domestic paraphernalia would substantially alter the character and appearance of the site, resulting in a harmful urbanising effect that would diminish its visual qualities. While reasonably localised in its extent, the proposal would fail to conserve or enhance the natural beauty of the National Park.
9. As a consequence, the proposal would incrementally harm the extraordinary beauty and harmony of the area, thereby diminishing the significance and Outstanding Universal Value of the WHS. In the terms of the National Planning Policy Framework (the Framework), the harm would be less than substantial owing to its localised effects. The Framework requires the harm to be weighed against the public benefits of the proposal. The development would diversify the tourism offer in this part of the National Park with some limited economic benefit. However, beyond this no other public benefits are advanced in support of the appeal. Accordingly, the public benefits are not of sufficient weight to outweigh the great weight and importance that I attach to the harm to the WHS.
10. Taking the above points together, I find that the development would have a significant harmful effect on the character and appearance of the surrounding area, having regard to the site's location within the Lake District National Park and the WHS. It would therefore be contrary to Policies 01, 02, 05, 06 and 18 of the Lake District National Park Local Plan 2020-2035 which together require, among other things, that development be appropriate to the character of its location, that the extraordinary harmony and beauty of the landscape including attributes of Outstanding Universal Value is conserved, design excellence in all

² Drawing No. BOR-AP1.02

development, to conserve and enhance the significance of heritage assets, and that proposals for caravans and camping is consistent with landscape character.

11. The proposal would also conflict with the associated policies of the Framework, including those relating to the historic environment and those relating to the protection of valued landscapes and the great weight afforded to conserving and enhancing landscape and scenic beauty in National Parks – areas which have the highest status of protection in these regards. In addition, the proposal would be inconsistent with the statutory purpose for which the Lake District National Park is designated, that primarily being to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, as set out at Section 11 of the National Parks and Access to the Countryside Act 1949 (as amended).

Other Matters

12. The appeal site is located adjacent to the Borrowdale Woodlands Special Area of Conservation, a European designated site. Despite this important habitat designation, I have been provided with little evidence regarding the site's designation or the habitats it supports. Nevertheless, The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. That responsibility falls to LPAs when considering applications for planning permission or Planning Inspectors when considering an appeal.
13. In this regard, the LPA has raised concerns regarding the effect of increased visitor pressure on the adjacent woodland. Consequently, the Habitats Regulations require the Competent Authority to undertake an 'Appropriate Assessment' to consider the conservation objectives of the affected European designated site and the effect the proposed development would have on the delivery of those objectives. However, I am mindful that Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary when the Competent Authority is minded to approve planning permission. Thus, given my finding on the main issue in this case, it is not necessary for me to consider this matter further.
14. The appellant makes much of their claim that they have a 'planning exemption' for the siting of caravans by exercising their permitted development rights in this regard. However, the scope of this permitted development right appears to be limited and I have not been presented with a Certificate of Lawfulness to substantiate the appellant's assertions in this regard. Furthermore, the fact that the proposal would replace an existing landpod does not justify the harm that has been identified. Accordingly, these matters attract little weight and do not provide grounds on which to allow the appeal.

Conclusion

15. For the reasons set out above, I have found the proposal to be contrary to the policies of the development plan and no material considerations of sufficient weight have been advanced to outweigh that conflict. Therefore, I conclude that the appeal should not succeed.

J M Tweddle

INSPECTOR