



Appeal Decision

Site visit made on 5 April 2022

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2022

Appeal Ref: APP/Q9495/W/21/3284121

The Samling, Windermere, LA23 1LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Peter Danson, the Samling Hotel, against the decision of the Lake District National Park Authority.
 - The application Ref 7/2021/5349, dated 22 April 2021, was refused by notice dated 17 June 2021.
 - The application sought planning permission for the proposed conversion of vacant Bank Barn for hotel use without complying with conditions attached to planning permission Ref 7/2020/5394, dated 2 September 2020.
 - The condition in dispute is No 2 which states that the development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details: Drawings no. 2112-LOC Rev.C; 2112-002 Rev.B; and 2112-05 Rev.D - Bat, barn owl and nesting bird survey by Envirotech Ltd (report ref. 6172). - Details of finish to southern terrace within email from Richard Wooldridge dated 01.09.2020 and attached photograph of the slate surface - Arboricultural Impact Assessment by Yew Tree and Garden dated 23.06.20 - Construction method statement by hpa dated 23.06.20.
 - The reason given for the condition is: for the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Procedural Matter and Background

2. Planning permission was granted in 2020 for the conversion of the appeal property for hotel use. This was subject to a number of conditions including condition 2 relating to the approved plans. The appeal seeks the omission of drawing number 2112-005 (Rev D) from the approved plans list in the condition, and its replacement with drawing numbers 2112-100A and 2112-101A.
3. These drawings seek to amend the design of the fenestration, in particular to include an enlarged first floor window on the building's south elevation, and changes to the doors on the north elevation. This background, along with the reason for refusal for the application for the variation of condition 2 to allow these alternative fenestration details, has led to my identification of the main issue below.

Main Issue

4. The main issue is the effect that the variation of the condition would have on the character and appearance of the host building and the surrounding area, having regard to the site's location in the Lake District National Park and the English Lake District World Heritage Site.

Reasons

5. The appeal property is a barn situated to the north east of the Samling Hotel. It is on elevated ground with woodland to the west and is within the Lake District National Park. National Parks have the highest status of protection in relation to landscape and scenic beauty. Under the National Parks and Access to the Countryside Act 1949, the two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. In accordance with paragraph 176 of the National Planning Policy Framework (the Framework), I attach great weight to conserving and enhancing the landscape and scenic beauty in the National Park, as well as to the conservation and enhancement of wildlife and cultural heritage there.
6. The site is also within the English Lake District World Heritage Site (WHS). World Heritage Sites are designated heritage assets of the highest significance. These are recognised as such for their Outstanding Universal Value (OUV) and have an exceptional cultural and/or natural significance. Having regard to paragraph 199 of the Framework, in considering the impact of proposed development on the significance of the WHS as a designated heritage asset, I attached great weight to the asset's conservation.
7. The OUV of the WHS is set out in a statement which finds that the area exhibits an extraordinary beauty and harmony. It indicates that the harmonious beauty of the English Lake District is rooted in the vital interaction between an agro-pastoral land use system and the spectacular natural landscapes of mountains, valleys and lakes of glacial origins. It recognises that the stone-walled fields and rugged farm buildings in their spectacular natural backdrop, form an harmonious beauty.
8. Thus I find that the significance of the WHS, in so far as it relates to this appeal, is derived from its historic interest as an extraordinary and spectacular landscape as well as from its architectural interest relating to its rich cultural and vernacular built heritage including its rural farm buildings. I am mindful that its importance as a heritage asset is of the highest significance to be taken in to account in determining planning applications.
9. The appeal building is a traditional bank barn originating in the 19th century and constructed of stone and slate. Set into the hillside it uses the topography to allow use over two floors and is a characteristic structure of traditional farming in Cumbria. Despite its current condition, the appeal building is a good unaltered example of this simple functional building type and retains its vernacular features and historic openings, including a distinctive winnowing door on its south elevation. The first floor of the barn would have been used historically to store cereal and the door would have served to separate the grain from the chaff through a cross wind.

10. Set well away from the hotel building in an elevated position on the hillside, the appeal building relates closely to surrounding countryside. It is seen in views on approach from the south up the steep track as well as from further afield. Although it is not listed, I find that the special interest of the barn, insofar as it relates to this appeal, is drawn from the integrity of its distinctive functional form, including the use of traditional materials along with the arrangement and size of its modest openings. These features are illustrative of its former function and play an important role in understanding the historic use of the building.
11. As a traditional bank barn surrounded by open land and typical of traditional farming in the Lake District, the character and appearance of the barn contribute to the landscape character and scenic beauty of the area. Thereby the building also contributes positively to the extraordinary beauty and harmony of the WHS and its significance as a heritage asset.
12. Turning to the effect of the proposal, whilst the Authority raises no objections to the proposed amendments to the doors on the barn's north elevation, it is concerned about the proposed alterations to the fenestration on its south elevation. The approved plans show the existing lintel and window size of the barn's winnowing door to be retained. The proposal seeks to amend the design of the approved scheme to insert a much larger glazed window at first floor level. This would be around 6.9 metres wide and 3.2 metres high and would include a smaller inset oak framed section of glazing.
13. The appellant explains that the large area of glass would maximise views to Lake Windermere, and that the inset frame is intended to replicate the size and position of the historic winnowing door. I appreciate that the design rationale is purposefully bold to ensure that it can be readily identified and interpreted as a modern intervention, whilst also incorporating a nod to the historic winnowing door. I also understand that it is intended to be more obvious and honest than previous proposals for the opening.
14. Nevertheless, the proposed window would fill the full height of the first floor level of the barn's south elevation and result in more than half of its width being glazed. A good deal of stonework would be lost to the considerable expanse of glazing and the largely unbroken robust and solid nature of the barn's first floor would be lost. This being so, the proposal would be appreciated as a substantial opening to the traditional building, which is characterised by minimal openings particularly at first floor level. In my view it would be experienced as an unduly dominating modern feature that would completely overwhelm the barn's south elevation.
15. The feature intended to represent the winnowing door would be a framed outline within the wider area of glass. However, whilst I acknowledge the aim of this addition to the window, the distinctive proportions, treatment, traditional materials and features of the winnowing door would be completely lost. The frame component would be set within the non-traditional context of glazing rather than a stone wall and would not appear as a true aperture with any function or substance as an authentic opening in its own right. As such, I am not persuaded that the intended reference to the winnowing door would be evident.

16. In practical terms the full extent of the glass window, albeit incorporating the frame feature, would be read overwhelmingly as the new much more considerable opening on the appeal building. Thus, any real sense of the existing opening and its historic purpose would be lost. I am not convinced that the provision of an interpretation board would address this matter to any meaningful extent.
17. Taking all these factors into account, for the reasons given I consider that in seeking the revised fenestration details, the proposal would appear as an intrusive feature on the barn and in the surrounding landscape. It would undermine the vernacular character and appearance of the building, lead to a loss of its important features and erode its agricultural character and relevance. Consequently, it would harm the character and appearance of the barn and the surrounding area and, whilst relatively localised in its extent, would fail to conserve or enhance the local landscape of this part of the National Park and undermine its special qualities. Accordingly, since I have found that the landscape and scenic beauty of this part of the National Park would be eroded, it follows that the understanding of the OUV of the WHS would be reduced and the significance of that heritage asset would also be harmed.
18. I therefore conclude on the main issue that the variation of the condition would be harmful to the character and appearance of the host building and the surrounding area, having regard to the site's location in the Lake District National Park and the English Lake District World Heritage Site.
19. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As a WHS of international importance, any harm to it would require compelling justification and substantial public benefits.
20. Paragraph 200 of the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
21. The appellant considers that the proposal would bring the building back into a long term sustainable viable use. It is also argued that the provision of hotel accommodation would have economic benefits to the long term viability of the hotel, ensure more capacity for visitors to the NP, and result in wider economic impacts. That said, since I have seen nothing to indicate that the barn's conversion to a hotel use would not be possible in the absence of the appeal proposal, I am mindful that these benefits would also arise from the approved scheme.
22. I appreciate that enhanced views from the appeal building have been the appellant's long held aspiration, and that an enlarged window was discussed with the Authority as part of the approved planning application, but later removed from the proposal. I also accept that the view from the approved window would be somewhat limited by its size and proximity to nearby trees. However, I am not convinced that more extensive views from a single window would enable visitors to better connect with and appreciate the landscape, or

understand the barn's role in its wider context to any significant degree. I am content that opportunities to experience and appreciate the barn in its surroundings would still be possible in the absence of the appeal proposal. Thus, these benefits attract only very limited weight.

23. Additionally I have had regard to the appellant's concern that light to the permitted window would be limited. However, I have seen nothing to suggest that any concerns were raised by the Authority in relation to the standard of living accommodation that the approved scheme would provide for future occupiers in terms of daylight and sunlight. I also note that the approved plans include the glazing of the former doors on the building's northern elevation which would provide light to the same room. Whilst I accept that the proposal would increase the amount of light to the barn, I afford this benefit of the proposal only minimal weight in the circumstances described.
24. No other public benefits have been put forward. Thus, I find that overall the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have identified.
25. The proposal would therefore be contrary to Policy 01 of the Lake District National Park Local Plan (Local Plan) which states that the extraordinary harmony and beauty of the Lake District landscape and its special qualities, including the attributes of OUV, will be conserved and enhanced. It would conflict with Local Plan Policy 02 which seeks to support and maintain the vibrancy and sustainability of settlements distinctiveness and sense of place, and with Local Plan Policy 05 which aims to protect the spectacular landscape and ensuring it is not compromised by new development. The proposal would also be at odds with Local Plan Policy 06 which requires development to reinforce the importance of local character by having regard to scale, height, density, layout, appearance and materials, and with Local Plan Policy 07 which seeks to conserve and enhance the significance of heritage assets.
26. Furthermore there would conflict with the provisions in the Framework which aim to conserve and enhance both the natural and historic environments, particularly the landscape and scenic beauty in National Parks and the significance of World Heritage Sites.

Other matters

27. I aware that the appeal proposal has been informed by a heritage assessment, was one of a number of options considered by the appellant's heritage assessor and was selected having regard to the guidance from Historic England as well and local and national planning guidance. Whilst the appellant suggests that the Authority did not consider the heritage assessment in determining the application, I have seen no evidence to suggest that this is the case. It is referred to in both the officer's report and in Authority's appeal statement.
28. Although I note the appellant's concern that the Authority did not produce its own heritage assessment (or provide comments from a conservation officer/professional at planning application or pre- application stage) I am not aware of any requirement for them to do so. Comments were provided to support the appeal from the Authority's Built Environment Officer to which the appellant has responded. In any event, I confirm that I have considered the proposal on its own merits, having regard to all the submitted evidence, and have made my own assessment as to its impact.

29. The appellant refers to the permitted enlargement of windows at the nearby Dutch Barn on the same wider site associated with the Samling Hotel. However, I am not aware of the full circumstances that led to that development and so cannot be sure that they are the same as in the case before me. In any event, being located on lower ground closer to the main hotel complex and of a different architectural style, that barn does not share the same siting, character or appearance as the appeal building. Accordingly, it is not a reason to allow development that I have found to be harmful.

Conclusion

30. For these reasons, I conclude that the appeal should be dismissed and the condition should be retained.

E Worthington

INSPECTOR