



Appeal Decision

Site visit made on 28 June 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/Q9495/W/22/3290728

The Swan Hotel, Keswick Road, Ambleside LA22 9RF

- 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 The Inn Collection Group against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5743, dated 10 November 2020, was refused by notice dated 16 July 2021.
 - The development proposed is the change of use of land and construction of new car park in association with the Swan Hotel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the Council's consideration of the planning application, the appellant provided amended plans showing an alternative layout of a car park. This included a larger area incorporating a greater number of visitor and staff parking places and a servicing area. I have considered the scheme on the basis of the revised proposals and on which the Council made its decision. For the avoidance of doubt, the relevant plans are drawing numbers: 703-09 Rev B and 703-10 Rev A.
3. There is some dispute between the main parties as to the status of a previous planning permission relating to part of the site. It is not for me, under a section 78 appeal, to determine whether or not a previously approved development remains lawful. To that end, it is open to the appellant to apply for a determination under s191 or 192 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191 or 192 regardless of the outcome of this appeal.
4. The duty under Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires a 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. In this regard I have sought the additional comments of the main parties and have considered their responses accordingly.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the locality with particular regard to its location within the Lake District National Park and the English Lake District World Heritage Site
 - the setting of the Swan Hotel, a Grade II Listed Building
 - the living conditions of nearby residential occupiers.

Reasons

Character and appearance

6. The site is an area of a gently inclined roadside field bordered partly by traditional dry-stone walls, partly by more formal stone walling incorporating pillars and iron railings, and hedging. It is currently laid to pasture in the lower valley field landscape. In the locality, development is generally clustered about road junctions. Along the local stretch of the A591, roadside development is sporadic and interjected with open agricultural fields.
7. The proposal includes the formation of a new access on to the A591 by creating a break in the existing dry-stone wall at the northern extent of the hotel garden area. The flanking wall would be realigned to provide suitable visibility splays. The access would lead to a new parking and servicing area formed with a permeable surface. According to the appellant, this would replace an existing car park located to the south of the hotel. Additionally, the proposal would provide parking for other types of vehicles elsewhere on the site, including space for secure cycle parking.
8. The site lies within the Lake District National Park (the NP). Paragraph 176 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. It states that these areas have the highest status of protection in relation to these issues. In addition, great weight must be given to the important consideration of the conservation and enhancement of wildlife and cultural heritage. The Framework requires that the scale and extent of development within these areas should be limited.
9. In regard to cultural heritage, the NP coincides with the Lake District World Heritage Site (WHS). The area was inscribed on the basis of its Outstanding Universal Value derived from the cultural significance of the farming history, and the influence on and of the landscapes which include the impressive mountainous setting. The Framework recognises WHSs as irreplaceable assets of the highest significance which must be conserved in a manner appropriate to their significance.
10. The proposed location of the car park would be largely exposed and create an expanse of hardstanding providing up to 55 visitor spaces, 10 staff spaces and a delivery area. The car park would lie outside of the established landscaped boundaries of the existing site and be bordered by new fences. As a site rising from the level of the road, the parking area and vehicles upon it would be readily seen from the roadway. The area would be visible both through the newly formed access and above the height of the roadside wall. Furthermore, it

- would be prominent from the surrounding lanes and in more distant views from the encompassing higher ground about the valley.
11. The scale and position of the parking area would result in a significant degree of encroachment into the historic field pattern. It would undermine the sense of spacing between the hotel site and the nearest residential property to the north. This would erode the characteristic spacious distribution of development along the road frontage leading northwards.
 12. Visually, the large area would be subject to a significant degree of change in its character. During darkness hours a significant urbanising effect would persist due to a requirement to illuminate the site to assist users.
 13. I note the appellant's offer to accept a landscaping condition for the site to minimise its visual effects. Notwithstanding that the revised proposal reduced opportunities for an outer boundary landscape buffer such that further encroachment into the open area of the field would be required to provide it, I have little doubt that some planting could be incorporated to partially mitigate the visual effects. However, taken with the limited scope for planting within the internal layout and the inevitable timescale to achieve effective screening, I find the effects of new planting would be limited and insufficient to offset the scale of the urbanised area.
 14. In support of the proposal the appellant has referred me to 2 examples of hostelries nearby which benefit from roadside car parks set along the A591. Notwithstanding that the Swan Hotel already benefits from an enclaved roadside car park with established landscaping, I saw that those car parks are located to utilise the screening value of existing landscaping in order to minimise their wider effect on the landscape. Furthermore, they are located immediately adjacent to the buildings and the roadside to minimise encroachment from the combined effects of development. In any case, these do not appear to be recent additions and the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm.
 15. For the above reasons, I find that the proposed location and scale of the car park would be visually intrusive on the lower valley landscape. It would encroach into an important open area which contributes to the local characteristic scattered distribution of development on this section of the main road. It would thereby fail to conserve or enhance the natural and local environment of the valued landscape which in turn would harm a defining special quality of the NP.
 16. For similar reasons, it would erode an element of the landscape recognised for its exceptional beauty and a contributory factor to the significance and Outstanding Universal Value of the WHS. Whilst this harm would be no greater than less than substantial within the context of Paragraph 202 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. Paragraph 202 of the Framework advises that such harm should be weighed against the public benefits of the proposals. I undertake this assessment within the overall conclusion of this decision.
 17. Nonetheless, at this stage it is important to recognise that the effects of the proposal on the character and appearance of the locality would be contrary to Policies 01, 02, 05 and 07 of the LDLP. Amongst other things, these policies

seek to conserve or enhance the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities, the attributes of Outstanding Universal Value, and to direct development to locations which avoid sporadic development in the open countryside.

Listed Building

18. The Swan Hotel is a Grade II Listed Building. Its significance derives from its status as a good example of a Lake District coaching inn constructed using local techniques. Although significantly extended, the original building incorporates whitewashed stone rubble walls and retains many of its original architectural features and detailing.
19. The location of the hotel is distant from the main village area of Grasmere. It lies alongside a main north-south route through the centre of the Lake District. Here, distinct from development within the village, the purposely prominent building particularly benefits from the more open setting of the designated rural landscape.
20. Pursuant to my finding in relation to the landscape value of the NP and the WHS status, although the proposal would have no direct effect on the building, the presence of the laid-out car park and vehicles upon it would result in the erosion of the open rural landscape framing the primary aspect of the historic asset. It would be readily apparent from the surrounding road network, from within the hotel grounds and the wider landscape. It would thereby cause harm to the building's established setting.
21. I recognise that the proposal would replace the existing car park, which is also located within the building's setting. However, in the absence of detail of a proposal to remove or replace that facility, or ameliorate its own effect, this is a matter of limited weight against the identified harm.
22. In the context of Paragraph 202 of the Framework the harm would be no greater than less than substantial and should be weighed against the public benefits of the proposals. As above, I undertake this assessment within the overall conclusion of this decision. Nevertheless, for the reasons given, the proposal would be contrary to Policy 07 of the LDNP as it seeks to protect the setting of the area's heritage assets.

Living conditions

23. The location of the car park would lie within a short distance of 2 residential properties bordering the A591. The proposed vehicular entrance point would roughly align with the southern garden boundary of Helm Cottage, which lies on the opposite side of the road. Some views would be apparent from the first-floor side elevation windows serving non-habitable rooms and the side bedroom windows of the upper floor bays in the south elevation. Although this would change the outlook from within, I find the effect would not unduly impose on the living conditions of its occupiers as an overbearing form of development.
24. The intervening distance to the main parking area would ensure that any effects in terms of noise and disturbance would be limited. They would be largely undiscernible from the noise associated with traffic on the road. Some effects might be experienced as a consequence of the beams of existing vehicle headlights swinging across the eastern boundary during darkness hours.

However, these instances would be fleeting and substantially mitigated by the roadside wall and hedging. For similar reasons, views into the house would be generally more limited than those existing from the opposite pavement.

25. A detached residential property known as West View lies alongside the northern field boundary. The blank gable end of the building would face the location of the access. Some sideways views of the parking area would be visible in the rear outlook, however, these would be offset such that they would not dominate the main rear view. Intervisibility between the site and rear garden area would be restricted by the existing field wall.
26. As above, although the car park would potentially generate noise and activity associated with loading/unloading and vehicle doors slamming, the intervening distance and background noise of the road would limit those effects.
27. For the above reasons, I find that the effects on the living conditions of nearby residents would be limited and would not warrant a refusal of planning permission in the particular circumstances of the case. It would be consistent with the aims of Policy 06 of the LDLP and the Framework as they seek to protect the amenity of adjoining residents from the adverse impacts of noise and disturbance, visual intrusion, overlooking and light pollution.

Other Matters

28. In support of the proposal the appellant identifies that additional parking need is predicated on the expansion of facilities at the Swan Hotel, a wider business need for staff accommodation to serve sites elsewhere, and due to highway safety concerns in relation to the arrangements for entering and exiting the existing parking and servicing facilities.
29. I recognise that the proposal would provide greater parking provision for the intended increased accommodation at the hotel. This would facilitate the ongoing expansion and viability of the business and could offer additional opportunities for local employment. Additionally, the facilitation of accommodation to support other related businesses in the area would potentially enhance the viability of those businesses. These would be benefits of the proposed development.
30. The appellant asserts that the use of the existing car park access and exit is hazardous. The concerns arise due to its location close to a junction, local highway signage clutter and its position behind a small loop road where some driver confusion might arise. However, there is little evidence to support the claim that those site circumstances have led to highway safety concerns, or that the proposal would be less impactful than the formation of an additional access on the main road. Whilst I note reference to customer feedback in relation to the existing parking provision, there is little substantive evidence before me to support that claim.
31. At my site visit I saw that the site benefits from a degree of prominence, including signage on the building and along the edge of the highway to announce both the presence of the site and its associated parking area. This provides prior warning of the hotel's presence. About the junction, the main carriageway alignment provides good forward visibility. It is clearly marked out and, to the north, benefits from a marked strip between the opposing lanes to provide improved traffic separation.

32. In addition, considering the prominent 30mph speed limit signage and markings on the approaches, the carriageway narrowing on the main road, and the distances to other junctions, I saw little reason to anticipate an elevated risk associated with the use of the existing access arrangement. The Authority's highway advisor has raised little concern in this regard.
33. I recognise that additional parking facilities at the site could reduce parking pressure elsewhere in Grasmere. However, as this is not necessarily dependent on the specific detail or scale of the proposals before me, I find this is a matter of limited weight in favour of the development.

Planning Balance and Conclusion

34. The development would cause harm to the character and appearance of the locality. Pursuant to my finding in relation to the safety of the existing car park, I find the scale of the proposal would also be excessive; it would cause significant harm to the landscape and scenic beauty of the National Park. This is matter to which I must attribute great weight.
35. The proposal would cause harm to the significance of the English Lake District WHS, a heritage asset of the highest significance. It would adversely affect the setting of a Grade II Listed Building. These are also matters of great weight in the pursuit of the preservation of the significance of those heritage assets.
36. The proposal would support an existing business or businesses and sustain or enhance job opportunities in the area. In turn this could facilitate investment in the listed building. As some of that benefit could be provided using the existing parking facilities without further adverse impacts, this is a benefit limited to moderate weight. Some additional economic benefits would flow from the construction of the proposed development; however, these would be time limited. They are therefore a benefit of limited weight.
37. As a requirement of the development plan the mitigation of effects on ecological interests and the achievement of biodiversity net gain on the site is not a matter in favour of the proposal.
38. Taking all of the above together, whilst I have found in favour of the appellant in terms of the effects of the proposal on the living conditions of nearby residents, I find this, and the other considerations presented by the appellant, do not outweigh the totality of the harm identified. I find the weight of protection afforded to a designated heritage asset of the highest significance, the setting of the Listed Building, and the conservation or enhancement of the NP would not be outweighed in the particular circumstances of the case.
39. The scheme would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR