
Appeal Decision

Site visit made on 26 October 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Q9495/W/22/3301491

Black Bush Field, Grasmere Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Abbot against Lake District National Park Authority.
 - The application Ref 7/2022/5256, is dated 20 April 2022.
 - The development proposed is Stone track for farm access, brewery access to take HGVs out of the village, and to facilitate overflow carparking for the Grasmere Sports / Fred Whitton events twice a year instead of the temporary road panels that are installed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. They indicate that had they determined the application, it would have been refused. The Council has submitted a statement which sets out its areas of concern. These constitute the matters of disagreement with the appellant, and they therefore form the main issue in this case.
3. Concern has been expressed surrounding the quality of the submitted plans. Whilst they could, ideally, be clearer and in more detail, they are sufficient to enable me to make an assessment on the main issue. In any event the Council accepted the application as valid.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the setting of Grasmere Conservation Area (the Conservation Area).

Reasons

5. The stone track would effectively wrap around the sewage treatment works on the southern side of Grasmere, leading onto the southern side of Stock Lane. It is clear from the plans that a substantial section of the stone wall that currently lines Stock Lane would have to be removed to accommodate the mouth of the access and that other adjacent sections of the wall would have to be lowered to

- accommodate the 25m visibility splay that the evidence indicates is required in both directions.
6. Whilst the appeal site sits closely outside of the Conservation Area the appraisal and management plan¹ identifies Stock Lane as an important approach. It therefore falls firmly within the setting of the Conservation Area.
 7. The significance of the Conservation Area is varied. As well as historical associations and landscape setting, significance sits with the form, scale, detailing and materials of the buildings. This extends to the stone boundary and field walls. The dry-stone boundary walls at the site, fitted with characteristically slanted coping stones, therefore make a positive contribution to the significance of the Conservation Area.
 8. The well-established and uniform stone wall running along the southern side of Stock Lane positively frames views towards the Conservation Area and the fells beyond. The loss of a section of this wall would be highly apparent when travelling into Grasmere village along Stock Lane which forms one of the principle approaches either by vehicle or foot. The loss and alteration of a section of the wall would therefore detract from the setting of the Conservation Area, harming its significance.
 9. That harm would be less than substantial and Paragraph 196 of the Framework² states that such harm should be weighed against the public benefits of the proposal.
 10. There would be some public benefit in providing more of a dedicated access to what is clearly a well-established and successful business which provides local employment by altering the existing vehicular access to the brewery from Lake View drive which largely serves dwellings.
 11. However, the positive weight that can be afforded to this is limited in that there is no evidence that the brewery is associated with substantial regular vehicle movements or that the existing access arrangements are unsafe.
 12. Further, the evidence indicates that there may be other, less intrusive access options possible. Information on other co-uses for the access and track are limited in terms of their specific public benefits which limits the weight I can afford these matters. The sporting events appear to be annual only. There is nothing which indicates that existing jobs or future expansion would be compromised in the absence of this proposed access.
 13. Given the degree of harm I have found that would arise from the appeal scheme and the harm to the significance of the conservation area, the benefits would not be sufficient to outweigh the harm.
 14. The proposal would therefore fail to accord with Policy 07 of the Lake District National Park Local Plan (2021) (LP) which amongst other things states that the significance of heritage assets, including their setting should be conserved and enhanced.

¹ Grasmere Conservation Area Appraisal and Management Plan 2008.

² National Planning Policy Framework 2021.

Other Matters

15. I note that the track would be finished in local stone and that biodiversity benefits would be pursued through the provision of a hedgerow and through providing flower meadow habitat around the track. However, these matters, nor the use of locally sourced materials would outweigh the harm I have identified.
16. Even in the event there were a fall-back position in relation to prior notification/permitted development, there appears to be no disagreement between the parties that the new entrance would require planning permission. This is the area of the application that is of greatest concern and I therefore afford this matter limited weight. The lack of flood risk associated with the proposal (if any excavated material were to be moved off site) is a neutral matter.

Planning Balance and Conclusion

17. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR