



Appeal Decision

Site visit made on 7 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/Q9495/W/22/3306921

Captains House, Bootle Station, Cumbria LA19 5YA

- 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 Luke Pinney (Captain's House Campervans) against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/4028, dated 5 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is Converting a small area of grazing to 5 campervan bays with average size of 40 square metres. Each bay has an electric hookup and freshwater and waste water facilities are available as well recycling.
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Decision

1. The appeal is allowed. Planning permission is granted for Converting a small area of grazing to 5 campervan bays with average size of 40 square metres. Each bay has an electric hookup and freshwater and wastewater facilities are available as well recycling at Captains House, Bootle Station, Cumbria LA19 5YA in accordance with the terms of the application Ref 7/2022/4028 dated 5 April 2022 subject to the conditions in the attached schedule.

Procedural Matters

2. The evidence indicates that the works at the site and change of use of the site have commenced. This accords with what I saw on my site visit. For the avoidance of doubt, my decision is based on the submitted plans, which appeared to broadly accord with my observations at the site.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the effect on the landscape.

Reasons

4. The site sits within a rather isolated, rugged and rural location, close to the coast within the south-western part of the Lake District National Park (NP) and the English Lake District World Heritage site (WHS). The site has a close relationship to surrounding grazing land and the appellant indicates that they hold a flock of sheep.
5. Whilst noting the positive landscape characteristics that have been brought to my attention there are particular aspects relating to the localised area resulting in differing characteristics to those identified.

6. The openness of the immediate area is somewhat restricted given the presence of very large, imposing agricultural buildings which are set closely to the north-east of the site. There are other interventions within the landscape including the tall tower which is clearly visible to the north and pylons to the east.
7. Further, signage and other paraphernalia associated with the southern end of the MOD firing range are visible to the north. This installation is also likely to adversely affect the tranquillity of the area when in use.
8. The land, which rises slightly, a short distance in from the coastline would be likely to screen views of campervans from points to the west. The agricultural buildings would serve a similar effect. The bunds and boundary walls offer good screening to the fixed physical facets of the bays and their associated equipment which is not clearly visible from outside of the site.
9. The upper portions of Campervans could be viewed from the coast path to the west, but it is also likely to be the case that motor vehicles are likely to be a commonly viewed feature in this location given the informal parking bays which sit at the top of the beach immediately to the north of the site.
10. The site, which is modest and only capable of hosting a maximum of five campervans does not therefore harm the landscape character of the area due to the particular characteristics of the immediate environment.
11. It also follows that the scheme does not detract from the heritage significance of the WHS nor does it detract from the landscape and scenic beauty of the NP.
12. The proposal therefore accords with Policy 18 of the Lake District National Park Local Plan (2021) (LP) where it does permit the creation of new caravan and camping sites for short term holiday letting where they contribute to the diversification of an agricultural or land-based rural business, where appropriately screened and where consistent with the landscape character and acceptable in terms of infrastructure impact.
13. There would be no conflict with policies 01, 02, 05 and 11 of the LP which amongst other things require well designed proposals and that the extraordinary harmony and beauty of the Lake District landscape and its Special qualities, including the attributes of Outstanding Universal Value, will be conserved and enhanced.

Other Matters

14. The site is located within 100m of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA).
15. I am required to undertake a Habitats Regulations Assessment to identify all impacts from the proposed development which are likely to have significant effects on the qualifying features of the European Site. The SPA amongst other things is designated on account of its varying habitat which supports a range of bird species.
16. Given that the site is set a short distance from the coast, I conclude that an impact pathway is present. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on protected habitats sites in combination with other plans and projects cannot be ruled out.

17. I am therefore required to carry out an Appropriate Assessment which must consider the conservation objectives for the affected European Sites and the effect the proposed development would have on the delivery of those objectives. In this regard I have afforded advice from the statutory nature conservation body (SNCB) within the evidence significant weight.
18. The main potential impacts would be those arising from disturbance resulting from the use of the site. However, the site is only small in scale and as a result, associated disturbance is likely to be very limited. For this reason and having regard to the advice of the SNCB, the proposal would be unlikely to adversely affect the notified interest features of the SPA.

Conditions

19. Given the situation at the site a standard time limit and plans condition are not necessary. Conditions are necessary in the interests of the character and appearance of the area limiting the site to 5 caravans (including motorhomes and campervans) only on a short-term letting basis.

Planning Balance and Conclusion

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

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The pitches hereby permitted shall not be used otherwise than for the accommodation of touring caravans (including motorhomes and camper vans). No individual caravan shall remain on the site for a period exceeding 21 consecutive days. No individual caravan shall remain on the site for a period in excess of 8 weeks in any one calendar year.
- 2) Not more than 5 caravans (including motorhomes and camper vans) shall be sited at any one time on the land edged red on the submitted site location plan.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Orders revoking and re-enacting that Order) no land within the ownership or control of the applicant, other than land edged red on the site location plan accompanying this approval, shall be used for the siting of touring caravans (including motorhomes and camper vans).