



Appeal Decision

Site visit made on 13 June 2023

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/M0933/W/22/3312848

Land South of Cark Manor, Cark in Cartmel, Grange over Sands, LA11 7PE

- 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 Tangerine Holdings against the decision of South Lakeland District Council.
 - The application Ref SL/2022/0330, dated 30 March 2022, was refused by notice dated 24 October 2022.
 - The development proposed is the erection of a storage building and incidental parking area.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, South Lakeland District Council merged with Barrow-in-Furness Borough Council and Eden District Council to form Westmorland and Furness Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the rural area
 - the effect of the proposal on the setting of the nearby Grade II listed buildings.
 - whether the development would be consistent with policies relating to flood risk.

Reasons

Principle of the development

4. Policy CS1.2 of the adopted South Lakeland Core Strategy (CS) sets out the development strategy for the District. Cark is defined as a local service centre, a settlement within which some housing and employment development of an appropriate scale may be permitted. The Policy goes on to say that exceptionally, new development will be permitted in the open countryside

where it has an essential requirement for a rural location, where amongst other things it is needed to sustain existing businesses.

5. The appellant has argued that the appeal scheme complies with this policy as the storage building would support an existing business. I understand that the building is required to store maintenance equipment. Whilst I accept it is important to maintain the character and quality of the grounds, it has not been adequately demonstrated why the existing storage arrangements are unsuitable and why the new building in this location is essential to sustain the business. Furthermore, the appellant indicates that the proposed incidental car parking is for guests at the Manor. However, this appeal site is some way from the Manor itself and would be unlikely to be used on any frequency. Additionally, there is no evidence before me of a lack of car parking close to the property to justify why it is needed.
6. Given the above, I am not persuaded that the development proposed is needed to sustain the business. It therefore fails to comply with CS Policy CS1.2.

Character and appearance

7. The appeal site is located within the countryside outside the defined settlement boundary of Cark. It has a verdant appearance and together with its undeveloped nature, provides an attractive setting to the River Eea and the village as a whole. The site is bounded by a hedgerow along Sunny Bank to the south and a stone wall around 1.2 metres high to the eastern boundary. When viewed from the eastern corner, the proposed building, car parking and hardstanding areas would detract from the rural views out of the village.
8. Given its height and scale, the proposed building would only be partially screened by the existing hedgerow along the highway frontage. It would form an incongruous feature, adversely affecting the rural character. The increased activity on the site, albeit at a generally low level, as well as lighting, would detract from the rural environment.
9. I note that the appellant has chosen the appeal site for the storage building because it is in a convenient location close to the listed Cark Manor, but also in a position where it does not impact on its setting. I acknowledge that the design and materials of the building are appropriate to a rural area. However, due to its prominent location, these considerations do not outweigh my concerns that the development would cause harm to the character and appearance of the area.
10. The proposal would therefore conflict with Policies CS1.1, CS1.2, CS8.2 and CS8.10 of the South Lakeland Core Strategy and Policies DM1 and DM2 of the Development Management Policies Development Plan 2019. These policies seek to protect and enhance landscape and settlement character and ensure development is of a design enhancing the quality of the landscape.

Heritage matters

11. The appeal site lies within the setting of several listed buildings. These include the Grade II listed Cark House to the south of the site, the Grade II listed bridge over the River Eea to Cark Farm, the Grade II listed bridge over River Eea to Cark House and walls and the Grade II listed bridge over River Eea to Low Row Cottages, West End. Cark Manor and flat, located approximately 90m north of the site, is also Grade II listed. I have therefore had regard to section

- (66)1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Act, which requires special regard be paid to the desirability of preserving listed buildings and their settings.
12. Cark House which lies in landscaped grounds to the south of the appeal site, forms an early to late 18th century three storey farmhouse constructed in stone rubble with ashlar dressings and a slate roof. Its significance derives from its architectural interest and its historic association with agriculture at the edge of Cark.
 13. The listed bridges over the River Eea date from the 18th century and are constructed in stone rubble with dressed stone and segmental arches and parapets. The bridge to Low Row Cottages is possibly later, built in the 19th century. Their significance relates to their association with the river, their method of construction and materials.
 14. Cark Manor is a late 18th century house with some modern late 18th century and 19th century extensions and is set back to the north of the appeal site. It forms a two storey building in rough cast stone with slate roof, sashed windows, a veranda with three fluted Tuscan columns, and a Tuscan porch. The property has a substantial curtilage with attractive landscaped grounds. Its significance derives from its architectural interest with Tuscan influences.
 15. Cark House and the listed bridges have a historic, predominantly residential setting. The proposed storage building would have a utilitarian appearance at odds with the nearby stone built heritage assets. The verdant and undeveloped nature of the appeal site makes an important contribution to the setting of the nearby listed buildings. The proposed building, with hardstanding and car parking, would form an incongruous feature in this context, causing harm to their setting. Due to the nature of the development and its impact, I consider the harm would be less than substantial.
 16. Turning to the impact on the setting of Cark Manor, I have taken account of the distance between the building and the appeal site, together with the intervening landscaping and boundary treatments. I do not consider that the proposal would cause harm to its setting or how the heritage asset is experienced.
 17. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It also indicates that harm or loss of significance can occur from development within the setting of a designated heritage asset. As I have found less than substantial harm to the nearby heritage assets, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
 18. The appellant has argued that the storage building is important to the continued use of Cark Manor and the other listed buildings on the wider site to ensure their continued operational use and viability. I acknowledge that the preservation and continued use of a heritage asset is in the public interest. I also recognise that the continuation of the business at Cark Manor would contribute to the local economy. However, in this case no evidence has been presented to demonstrate any current difficulties, how the appeal proposal would specifically contribute in this regard and what alternative options have been explored. Accordingly, I give this matter limited weight.

19. The limited public benefits outlined above, do not outweigh the great weight given to the identified harm. Consequently, I find that the appeal scheme would fail to preserve or enhance the setting of the listed Cark House and nearby bridges. The development would fail to comply with the Act and the aims and objectives of section 16, of the Framework, Policies CS1.1, CS1.2, CS8.10 of the Core Strategy and Policies DM1, DM2 and DM3 of the Development Management Policies Development Plan. These policies seek to conserve and enhance the historic environment and support local distinctiveness.

Flood risk

20. The appeal site is located within Flood Zone 3 (high probability) and Flood Zone 2 (Medium probability) according to the Environment Agency Flood Zone Map, being at risk of flooding from the River Eea. I acknowledge that the proposed built development is located in the lower flood risk area, with the car parking and compost bays in the higher risk area.
21. Policy CS8.8 of the Core Strategy directs new development to areas within Flood Zone 1. Development within Flood Zones 2 or 3 would be acceptable only when it is compatible with national policy and when the sequential test and exception test, where applicable, have been satisfied. This Policy predates the Framework; however it is still broadly consistent with it and attracts significant weight.
22. The National Planning Policy Framework (the Framework) in paragraph 162 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. It goes on to state that the strategic flood risk assessment will provide the basis for applying the test.
23. The appellant has submitted a Flood Risk Assessment which includes a sequential test as required by national and local plan policy. It is argued that as the proposed development is specifically required to serve Cark Manor, there are no sequentially preferable sites. However, Cark Manor is on a sloping site with the house and much of the garden within Flood Zone 1, therefore at a lower risk of flooding. The appellant does not explore other locations within the wider site for the storage building and explain why they have been discounted or are not suitable. I accept that the setting of the listed building will be a consideration and that this must be balanced against flood risk matters. However, in the absence of any such evidence, I am unable to conclude that there are no other areas of land at lower risk of flooding suitable for the proposal.
24. I acknowledge that a storage building and car park would be classed as less vulnerable development in the Flood Risk Vulnerability Classification set out in Annex 3 to the Framework. Planning Practice Guidance advises that development proposals in this category are not required to undertake an Exception test. This Classification though does not remove the need to undertake a Sequential Test. This must be applied first to guide development to the lowest flood risk areas.
25. In summary, I am not satisfied that the sequential test has been met. The proposal is therefore not consistent with the advice in the Framework in

assessing developments in areas at risk of flooding and also Policy CS8.8 of the Core Strategy which supports the same approach.

Conclusion

26. I have found that the appeal proposal would cause harm to the character and appearance of the area, would fail to preserve or enhance the setting of nearby heritage assets and that it would not be consistent with national and local plan policies relating to flood risk.
27. The proposal does not accord with the development plan and there are no other material considerations that indicate the proposal should be determined other than in accordance with it.
28. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR