
Appeal Decision

Site visit made on 12 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/Q9495/W/23/3315875

Newlands Valley Campsite, Stair, Keswick, Cumbria CA12 5UF

- 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 S Harryman against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/2011, dated 30 December 2021, was refused by notice dated 4 August 2022.
 - The development proposed is change of use – an agricultural field to a campsite for tents only.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the area with particular regard to the site being within the Lake District National Park (NP) and The English Lake District World Heritage Site (WHS). The second is the suitability of the site for the proposal with regard to flood risk and the third is whether there would be any unacceptable adverse impact on highway safety with particular regard to visibility splays.

Reasons

Character and appearance

3. The appeal site is set to grass and of pastoral use and character, set amongst other land with similar characteristics within the lower bowl of the Newlands Valley, immediately adjacent to Newlands Beck which runs along a large part of the western boundary of the site. The site also has a remarkably tranquil character. The strong sense of tranquillity is identified as a sensitive attribute of the Newlands Character Area¹.
4. Even while the trees are in leaf, the site is clearly visible at close quarters from the right of way on its western side and from the Portinscale to Stair/Newlands Road to the south-west of the site access by reason of the limited hedging here.
5. Given that the site is well sized, regardless of visibility from Catbells itself, it is likely that the appeal site is visible or visible in part from other public and non-public locations, including those set higher up above the valley. The evidence

¹ Lake District National Park Landscape Character Assessment and Guidelines April 2021.

- indicates that this would be the case. The tents would be likely to be multicoloured, rather than just green which would increase their visibility.
6. The proposal would be likely to introduce a significant amount of activity within the area, be that through an increase in vehicle movements to and from the site or that associated with general use and enjoyment of the site by holidaymakers. Given that the site would be for tents only, there would often be little containment of such activity, much of which would take place outside within the field. These impacts could only be mitigated so far, even with the active management measures proposed.
 7. This activity, which would be likely to persist through a large part of the year would be in sharp contrast to the existing tranquil nature of the site and area and would result in significant harm to the landscape character of the Newlands Valley.
 8. The impacts as a result of this proposal would be likely to far exceed those associated with the time limited previous openings of the site which have been identified as being carried out under permitted development.
 9. The Outstanding Universal Value of the WHS is partly based on the attribute of a landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions which give it its special character². The field in its existing use therefore contributes positively to the significance of the WHS.
 10. The introduction of tents and associated vehicles to the site for large parts of the year would jar considerably with the beauty of the landscape. The proposal would subsequently detract from the heritage significance of the WHS. The harm to the significance of the WHS would be less than substantial. Paragraph 202 of the Framework³ requires such harm to be weighed against any public benefits of the proposal.
 11. The public benefits of the proposal would largely fall with the provision of a camp site, which would add to the diversity of holiday accommodation from which users would inevitably spend money within the local area. The proposal would also provide financial support to the appellants through the diversification of the existing farm business.
 12. However, given the degree of harm I have found that would arise from the appeal scheme to a heritage asset of the highest significance, such benefits are not sufficient to outweigh this harm.
 13. For the same reasons identified above, the proposal would detract from the landscape and scenic beauty of the NP. This is a matter the Framework requires great weight to be afforded to⁴.
 14. There would be a significant adverse impact on the character and appearance of the area. The proposal would therefore fail to accord with policies 01, 02, 05, 06, 07 and 18 of the Lake District National Park Local Plan (2021) (LDLP) which amongst other things require new camping sites to be appropriately screened and consistent with the landscape character. They also require well designed proposals that protect heritage assets and that the extraordinary harmony and

² World Heritage Site nomination of English Lake District

³ National Planning Policy Framework 2021.

⁴ National Planning Policy Framework 2021, Part 15.

beauty of the Lake District landscape and its special qualities, including the attributes of Outstanding Universal Value, will be conserved and enhanced.

Flood Risk

15. The appeal site is located immediately adjacent to Newlands Beck. It is located within flood zone 3 which means that it has a high probability of suffering from flooding.
16. The Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
17. Despite the conclusions of the Flood Risk Assessment⁵, the proposal is a type which should be subject to the sequential test.
18. The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
19. No sequential assessment including an assessment as to whether there are other more sequentially preferable sites available for the development at lesser risk of flooding has been supplied.
20. The proposal therefore conflicts with Policy 03 of the LDLP which amongst other things seeks to increase the resilience of the Lake District to all types of flood event in line with the approach of the Framework.

Highway Safety

21. I have been provided with a visibility splays technical note⁶. I note that there is good visibility of the road to the south-west, meaning that the suggested visibility splays to the west, for east bound traffic, appear to be achievable as a result of the geometry of the road the lack of hedging on this side of the access.
22. However, I am advised that the visibility splay required to the east of the access, using obtained speed data and MFS⁷ guidance for west bound traffic is 31 metres.
23. The report concludes that the required visibility splays can be achieved. However, the thick boundary hedging to the eastern side of the access means that the suggested visibility splay to that side of the access is not available.
24. Whilst I note the identified low background traffic flow, this may not always be the case, particularly as the traffic survey was undertaken during the winter when vehicular activity in the area may have been lower than it could be in the peak tourist season.
25. There is therefore nothing to assure me that there would be no unacceptable adverse impact on highway safety as a result of the lack of the suggested visibility splay to one side of the access. The proposal would therefore conflict with Policy 08 of the LDLP which advises that development will only be

⁵ Flood Risk Assessment, Flood Flow Ltd, April 2021.

⁶ Visibility Splays Technical Note Version 1 (12.05.23) Newlands Valley Campsite.

⁷ Manual for Streets.

permitted where adequate infrastructure exists relevant to the development proposed without prejudicing existing users.

Planning Balance and Conclusion

26. 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