
Appeal Decision

Site visit made on 20 November 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/Q9495/W/23/3319312

Site at High Green, Troutbeck, Windermere Easting (x) 341263 Northing (y) 503674

- 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 Highthwaite Ltd against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/5047, dated 24 January 2022, was refused by notice dated 9 February 2023.
 - The development proposed is Redevelopment of site to deliver 5no. local occupancy homes (Resubmission of application 7/2021/5604).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal includes wording that is not a description of development. Whilst I note this is a resubmitted proposal, the proposal could be best described as 'Redevelopment of site to deliver 5no. local occupancy homes' and I have considered the proposal on that basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the Area with particular regard to its location within the Troutbeck Conservation Area (the Conservation Area) and the English Lake District World Heritage Site (WHS).

Reasons

4. The appeal site is in Troutbeck, which is set within a valley-side location above Windermere. In terms of special interest, amongst other things the Conservation Area Appraisal (the appraisal) identifies Troutbeck as an example of a linear settlement comprised of scattered clusters of farmhouses and barns separated by tracts of open countryside.
5. A significant proportion of the south-western part of the appeal site is undeveloped and identified within the appraisal amongst areas labelled as areas of landscape value and important green open spaces (ALVIGOS).
6. I accept that the appeal site has limited or no visibility from the main route through Troutbeck village being set behind properties around Scot Brow and Townhead Brow. The appraisal does not identify important views across the

appeal site and the undeveloped land at the site within the ALVIGOS does not perform the same role as those within the appraisal that provide important components in views from the main road through Troutbeck further to the south-west.

7. I accept that the existing barns have a rather modern appearance, however barns on the fringes of the village are not out of place or character and are visible elsewhere within Troutbeck set within the near countryside framing the settlement. I also accept that the increase in the amount of built form on the site would be limited as would the incursion into the ALVIGOS with regard to footprint. The designs of individual dwellings would be broadly locally distinctive and appropriate materials would be used.
8. However, the appeal site is not without visibility and can be seen from surrounding land and property, likely more so in the winter when trees are not in leaf. The south-eastern part of the site can be seen through the boundary planting from the A592 which runs in a north/south direction to the east of the site.
9. The designated land therefore contributes positively to the appearance and therefore significance of the Conservation Area by assisting to preserve the broadly linear layout of Troutbeck as well as providing a buffer to preserve the rural character of Troutbeck in views from the A592.
10. The proposed development, which would extend partially into the ALVIGOS would substantially increase the depth of the built development within Troutbeck at this location. This would harm the significance of the Conservation Area which sits in part with its largely linear layout.
11. Further, it is likely that particularly during the winter, the two properties fully to the south-east of the access road would be apparent in views from the A592. This would harm the significance of the Conservation Area through introducing substantial built development into land within it that protects its rural character and appearance.
12. 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 character.
13. I am informed that Troutbeck is one of the classic farming landscapes in the Lake District, where the characteristic English Lake District field pattern of inbye fields surrounded by intakes on the lower fells is particularly evident and it reflects the importance of its agro-pastoral agriculture. In particular, the parts of the site identified as ALVIGOS contribute positively to the significance of the WHS.
14. The proposal would subsequently detract from the heritage significance of the Conservation Area and the WHS. That harm to the significance of those assets would be less than substantial. Paragraph 208 of the Framework¹ requires such harm to be weighed against any public benefits of the proposal.
15. The Framework advises that when considering designated heritage assets great weight should be given to their conservation. With regard to land within a

¹ National Planning Policy Framework Dec 2023.

Conservation Area I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

16. There would be conflict with Policies 01, 02, 05, 06 and 07 of the Lake District National Park Local Plan (2021) (LP). Amongst other things these require proposals that conserve and enhance the significance of heritage assets and development which maintains local distinctiveness.

Other Matters

17. A unilateral undertaking has been submitted relating to ongoing maintenance of the parts of the bridleways to be used. I have not considered this in detail given that the appeal is dismissed for other reasons.
18. I accept that limited harm has been identified in relation to broader landscape matters. There would be public benefits relating to the proposal including the economic contribution through matters including construction spend and local spend by future occupants. There would be a boost to housing supply.
19. The dwellings would be provided as local occupancy dwellings by being restricted to occupation by those with a local connection. This would be a significant public benefit of the proposal. However, even if the need for the houses of the type and size is significant as claimed by the appellant and acknowledging the claimed context of second and holiday homes within Troutbeck, the provision of these dwellings would not outweigh the harm that I have identified, which I have afforded substantial weight.

Planning Balance

20. I have identified conflict with the LP with regard to the Conservation Area and WHS. The harm that would be caused to the significance of the Conservation Area and WHS would not be outweighed by public benefits, which draws conflict with the Framework. This weighs against the scheme.

Conclusion

21. The proposal would conflict with the development plan and there are no material considerations which indicate a decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR