



Appeal Decision

Site visit made on 19 December 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/Q9495/W/23/3324950

Gatesgarth Farm, B5289 Buttermere To Gatesgarth, Buttermere, Cumbria CA13 9XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd against the decision of the Lake District National Park Authority.
 - The application Ref 7/2022/2312, dated 14 December 2022, was refused by notice dated 6 April 2023.
 - The development proposed is Installation of 25m communications mast, antennas, ground-based apparatus and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. However, I have had regard to policies of the Lake District National Park Local Plan¹ (LP) and the National Planning Policy Framework (the Framework), only in so far as they are a material consideration relevant to matters of siting and appearance.
4. Since the appeal was lodged, a revised Framework has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
5. Revised plans are provided as part of the appeal for accessing the appeal site. While I note this demonstrates that access is feasible, my consideration of the appeal scheme relates to siting and appearance only.

¹ Living Lakes Your Local Plan Lake District National Park Local Plan 2020-2035, Adopted May 2021.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation upon (a) the landscape and scenic beauty of the Lake District National Park (LDNP), and (b) the cultural heritage of the LDNP and the English Lake District World Heritage Site (WHS).

Reasons

Landscape and scenic beauty

7. Located beyond the southeast edge of Buttermere, the appeal site and immediate surroundings, comprise pasture on rising land from the valley floor, towards the surrounding high fell, which includes Fleetwith Pike. It lies adjacent to the highway (B5289), which extends towards Honister Pass to the east and Buttermere village to the northwest. To the immediate southeast is a coppice of trees, with Gatesgarth farm beyond, along with a public car park, both of which lie at a lower ground level. The wider setting of the rising fells creates a sense of enclosure to the valley floor.
8. The proposed installation would provide increased emergency service and commercial coverage in the area, as part of two government-backed programmes, the Emergency Services Network (ESN) and the Shared Rural Network (SRN). With regards to the latter, the appeal scheme is designed to allow for three operators to place equipment on the mast. These technical requirements have influenced the design and height of the mast, which would negate the need for separate installations by multiple operators. There is no dispute that the proposed installation is the minimum scale necessary at this location to meet these technical requirements.
9. The broader siting of the installation has been determined by the target area for improved coverage, which is the stretch of the B5289 heading east, up Honister Pass. It would not be possible to position the proposed installation outside the LDNP or WHS and provide the necessary coverage. Additionally, a number of ecological designations have further constrained siting options, as well as the topography of the area and a lack of natural screening, which is particularly noticeable on Honister Pass itself. The living conditions of occupiers of dwellings at Gatesgarth farm have also required consideration.
10. The site lies within the LDNP and the purposes² of a national park include conserving and enhancing natural beauty. The Authority's Landscape Character Assessment³ (LCA) states that the pastoral character of the Buttermere Valley remains intact, with sheep farming still the principal occupation. The northwest ridge of Fleetwith Pike, which runs down to nearby Gatesgarth farm, is noted as a highly recognisable and distinctive characteristic of the valley, which contributes to a strong sense of place. Whilst a strong vernacular character results from use of local building materials, form and detailing, the LCA recognises that a general absence of built elements and main roads contributes to an overall strong sense of tranquillity and remoteness within the area.
11. LCA guidance for managing landscape change includes maintaining a strong local vernacular by designing new buildings to fit in, retaining the general absence of built elements and maintaining overall rural character, protecting

² National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995.

³ Lake District National Park Landscape Character Assessment and Guidelines, Revised April 2021

- open views from interruption by tall developments and maintaining strong sense of openness and tranquillity throughout.
12. The proposed installation would be sited adjacent to the existing road and the ground-based equipment would be contained within a stone wall compound, a traditional material, providing partial screening. The lattice tower type mast would be positioned close to a group of mature trees, with a line of trees in the foreground when approaching from the west. However, all of these trees would be smaller than the proposed mast, and whilst in some views, these trees would provide a backdrop or partial screening of the mast, this would not be the case in other views. Whilst not a solid structure, the size and utilitarian form typical of such masts could not reflect the local vernacular and it would not assimilate into its setting, appearing at odds with the pastoral character of the area, which is devoid of other man-made vertical features.
 13. The siting would be close to an electricity substation approximately 65m from the appeal site, and so I am advised that overground cabling would not be necessary. The proposal would also be positioned near to Gatesgarth Farm, which includes several large agricultural buildings and dwellings, parking and ice cream kiosk, as well as a nearby bus stop, and car park to the opposite side of the road.
 14. However, the appeal site is separated from these man-made elements by a substantial group of trees and it would sit on higher ground, while the farm complex and car park are low lying. As such, even though the appeal scheme would be in proximity to existing built form, it would increase the extent that the built form impacts on the landscape, detracting from the perceived naturalness of it, and the strong sense of remoteness which is recognised as a distinctive characteristic.
 15. Further, while the appeal scheme would generally be afforded a backdrop of the rising fells, from some locations, as represented in the Landscape and Visual Appraisal (LVA) Photomontage No 1, the mast would be a notable man-made feature in the foreground of the highly recognisable Fleetwith Pike. As demonstrated in Photomontage No 3, the mast would partially skyline, detracting from the strong sense of enclosure to the valley bottom provided by the fells themselves.
 16. As such, whilst the mast would be small scale in comparison to the surrounding fells and the sense of remoteness and exposure on the fell tops would not be materially affected, given the openness within the valley and the inability of the proposal to assimilate into its landscape setting, the appeal scheme would be harmful to the intact pastoral character of the Buttermere Valley and its overall strong sense of tranquillity and remoteness. These landscape effects overall would be moderate to substantially adverse.
 17. The LVA includes a zone of theoretical visibility (ZTV) and a range of viewpoints have been selected to consider the visual effects of the development. These viewpoints predominantly relate to the nearby road and public rights of way/open access land within the area, including a circular route around the lake, which the LVA states is well used.
 18. The LVA concludes that from the selected viewpoints, the potential effects on the visual amenity of receptors ranges from negligible to moderately adverse. However, LVA Table 4.2 suggests that this conclusion is based on receptor

sensitivity ranging from low to medium. Given that the receptors of these viewpoints are largely represented by users of recreational routes, many of which will be visitors to an area of national and international designation, my own view is that these receptors would be of high sensitivity and so the potential effects on visual amenity are likely to be greater.

19. Along the adjacent road forming part of the Buttermere lakeshore walk, the proposed mast would be seen at close range, and would form a significant new feature, resulting in a large change in the view, particularly towards the notable features of Fleetwith Pike and Haystacks. Given the proximity of this utilitarian structure and its contrasting appearance with the natural surroundings, it would be incongruous, having a significant adverse impact on the visual amenity of recreational along this stretch of road, where it would not be fully screened by trees.
20. Despite having a backdrop of the fells, the tower would also appear prominently as an exposed vertical, manmade structure, when approaching along public footpaths to the south and from the lake edge. There is no evidence before me to suggest that these public vantage points are reached less frequently than others. Existing trees would only afford screening of the tower at closer range. While this approach would also afford views of the existing farm complex, these buildings are low lying in comparison, and many reflect the traditional vernacular style of the agro-pastoral landscape. They do not jar the eye in the same manner that the appeal scheme would, given the naturalness of the valley and the lack of other tall structures. As such, for this area, I cannot agree with the appellant that telecommunication infrastructure is a common feature that would appear untoward to passersby.
21. Whilst I accept that these visual effects would gradually reduce over distance and that they would be reversible, they would be long term and substantial. Given the size of the mast, the proposed stone wall to the compound would provide limited mitigation visually. I note the appellants willingness to amend the colour finish as suggested in the LVA. Even so, a muted colour finish would not address concerns relating to the scale and utilitarian appearance of the mast.
22. Overall, the siting and appearance of the proposed installation would harm the landscape and scenic beauty of this part of the LDNP. LP Policies 01, 02, 05 and 06 collectively and amongst other matters, seek to ensure that new development is of a scale and nature appropriate to local character, which conserves and enhances the extraordinary harmony and beauty of the Lake District landscape. Paragraph 180 of the Framework requires decisions to protect and enhance valued landscapes. As the siting and appearance of the proposal would harm the landscape and scenic beauty of this part of the LDNP, it would conflict with these policies and the requirements of the Framework in this regard.

Cultural heritage

23. As well as the National Park purpose to conserve and enhance cultural heritage, the Buttermere valley lies within the WHS designation. It is therefore a heritage asset of the highest significance, recognised internationally to be of outstanding universal value (OUV). Nomination documents⁴ for the Buttermere

⁴ Buttermere Summary Description and 8. Buttermere Description, History and Development.

valley state that despite modern development, the pastoral character of the Buttermere Valley remains intact, and its landscape character reflects the primary importance of agro-pastoral agriculture. A key attribute of OUV evident in Buttermere is the extraordinary beauty and harmony of the landscape.

24. The harm identified to the landscape and scenic beauty of the LDNP, would also adversely impact on the extraordinary beauty and harmony of the landscape, a key attribute of OUV. Both parties agree that for the purposes of the Framework, this harm would be less than substantial and from the evidence before me, I have no reason to disagree. LP Policy 07 seeks to conserve and enhance the significance of heritage assets. As the siting and appearance of the proposal would harm the WHS, it would conflict with this policy. I will consider this harm against the public benefits in my Heritage Balance below.
25. The appeal site is not within a conservation area and no listed buildings have been brought to my attention. A Romano-British farmstead scheduled ancient monument, approximately 600m north of the proposal has been highlighted, however, the Authority has raised no concerns in this respect and I have no reason to disagree.

Heritage Balance

26. As the appeal scheme would cause less than substantial harm to the heritage significance of the WHS, paragraph 208 of the Framework requires that less than substantial harm to the significance of a designated heritage asset is balanced against any public benefits.
27. Paragraph 118 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology. The appellant advises that digital connectivity is a key objective of the Local Plan, the aim being that people and businesses should experience complete coverage in every valley.
28. The proposed installation would provide improved emergency service and commercial mobile coverage for the upper sections of the Buttermere Valley. I am advised that the ESN would replace the previous Airwave system which now lacks the technical capability required for the three emergency services, while the SRN would improve 4G mobile coverage for people living, working and travelling in the area where mobile coverage is limited.
29. I have had regard to the existing and predicted radio coverage maps for the ESN, along with incident data and advice from Cumbria Constabulary. The mapping demonstrates that the appeal scheme would significantly improve ESN coverage for the emergency services. I also note the support from third parties in this regard.
30. Similar mapping has been provided showing existing radio coverage and new SRN coverage for the Mobile Network Operators, which also demonstrates a substantial increase in coverage. The opportunities for better connectivity could help to address the digital divide and improve rural prosperity, as well as tackling social isolation, financial exclusion, and poorer health outcomes, through improved access to online services for healthcare, education, banking, as well as enabling remote working and a better visitor experience. The

Authority accepts that these are important public benefits that carry significant weight. Buttermere Parish Council recognises these benefits also, as do a number of representations from the public in support of the scheme.

31. Therefore, the proposal has the potential to deliver many social and economic benefits. These benefits of the proposal would foster the economic and social well-being of the local community in accordance with the National Park duty and LP objective. The opportunities for delivering these benefits could be lost if planning permission is refused. As is demonstrated in the appeal decisions provided by both parties, in some cases, the public benefits of such infrastructure will be sufficient to outweigh any identified harm, whilst in other cases, they will not. Each case must be assessed on its individual planning merits.
32. It is a matter of dispute between the main parties as to whether alternative options for siting the installation and thereby delivering the associated benefits, have been exhausted. The evidence before me indicates 17 discounted options. This has discounted upgrading existing masts at Buttermere YHA and Honister Slate Mine as they would not cover the required stretch of the B5289. The evidence also suggests that potential installation on existing buildings has been considered, but none are of a suitable height. A number of the discounted sites are beyond the search area and so would not provide the required coverage for the target area.
33. Option F, the wooded area adjacent to the appeal site, is discounted due to the loss of mature trees and the potential to impact on residential amenity. However, data from the LVA suggests that this is not ancient woodland and the number of trees requiring removal and their overall quality/value as part of this group, is not provided. Nor is the proximity/relationship of this option to the existing house demonstrated. The appellant accepts that this option would benefit from extensive screening. The information before me does not allow me to conclude that this site should be discounted.
34. Option G relates to the car park north of the farm. I am advised that a mast here would need to be taller, albeit it would be positioned at a lower ground level. It would most likely result in the loss of some parking, although it is unclear how this would then restrict vehicle movements. However, whilst parking demand is likely to be high, the area is served by public transport and additional parking exists further east, adjacent to the highway. Whilst the adjoining watercourse is a designated Site of Special Scientific Interest, which would no doubt require careful consideration, the evidence before me does not demonstrate that this would restrict such an installation. A mast here would be seen immediately with the car park and farm buildings, as well as mature trees. As such, this information is not conclusive in terms of discounting this option.
35. Option I, land within Gatesgarth Farm, is discounted due to a lack of practical space and that a proposal of the type required would be 'highly inappropriate along the agricultural properties'. I noted at my visit that the farm has extensive areas of hardstanding as well as public parking and picnic tables. No substantive evidence is before me which demonstrates this lack of practical space and it is unclear why the proposal would be otherwise inappropriate in relation to the agricultural property, sufficient to discount this option.

36. Option Q is the wooded area at Lower Gatesgarth, discounted due to tree loss and proximity to ecological designations. Again, this is not ancient woodland and the number of trees requiring removal and their overall quality/value as part of this group, is not provided. Nearby ecological designations would need consideration but the information before me does not conclusively demonstrate that this would restrict such an installation. Therefore, the information available is not conclusive that this site should be discounted.
37. Given that alternative options for siting the proposal have not been fully exhausted, which could deliver the same or similar public benefits as the appeal scheme, I am unable to conclude that the benefits of the proposal would be so significant, that they would outweigh the less than substantial harm to the WHS that I have identified would result from the siting and appearance of the proposed installation.

Overall Balance and Conclusion

38. The siting and appearance of the proposed installation would result in harm to the landscape and scenic beauty of the LDNP and the cultural heritage of the LDNP and WHS. The public benefits of the proposal, as identified above and relating to the improvement of communications infrastructure, are significant. However, having had regard to the analysis of alternative sites, this information does not demonstrate conclusively that all alternative locations for siting the proposal have been exhaustively assessed. I am unable to conclude therefore that the benefits of the proposal overall would outweigh the identified harm and so the appeal scheme would not represent sustainable development.
39. For these reasons, the appeal is dismissed.

S Brook

INSPECTOR