



Appeal Decision

Site visit made on 23 January 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/Q9495/W/23/3328126

Land opposite Plantation Filling Station, Plantation Bridge, Staveley, Kendal LA8 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Chadwick against the decision of the Lake District National Park Authority.
 - The application Ref 7/2022/5786, dated 15 December 2022, was refused by notice dated 24 February 2023.
 - The development proposed is erection of two local occupancy dwellings.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr D Chadwick against the Lake District National Park Authority. This application is the subject of a separate decision.

Preliminary Matters

3. The planning application was submitted in outline with the matter of access to be considered. I have determined the appeal on this basis.
4. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.
5. The main issues of this appeal have flowed from the Authority's reason for refusal. In addition, I have included the effect of the proposal on the English Lake District World Heritage Site (WHS) within the character and appearance main issue, given the importance placed on World Heritage Sites as heritage assets of the highest significance within the Framework¹. The main parties were given the opportunity to comment, and I have carefully considered their responses. I return to this matter later in my decision.

Main Issues

6. The main issues in relation to this appeal are;
 - i) Whether the appeal site would be a suitable location for housing having regard to the development plan;

¹ Paragraph 206b) of the Framework.

- ii) The effect of the proposal on the character and appearance of the area having regard to the appeal site's location within the Lake District National Park (LDNP) and the WHS; and
- iii) Highway safety.

Reasons

Suitable Location

7. The appeal site comprises a parcel of undeveloped agricultural land to the south-west of the A591, a main arterial route that links Windermere to Kendal. It lies opposite a petrol filling station and furniture shop which along with a loose collection of dwellings, form the area known as Plantation Bridge.
8. Policy 02 of the Lake District National Park Local Plan 2021 (LP) sets out the Authority's spatial strategy, directing the majority of growth and development towards existing rural service centres, with smaller developments permitted in villages or cluster communities. The parties agree that Plantation Bridge forms a cluster community.
9. Development in cluster communities is further required by Policy 02 to be small-scale to meet local needs, reinforce the distinctive settlement pattern of the area and utilise previously developed land (PDL), or to help sustain an existing business. It advises that exceptionally where the identified housing need is proportionately high, a greenfield site may be considered.
10. Being an undeveloped field, the proposal fails to utilise PDL. I must therefore consider whether there is a high housing need to justify the release of greenfield land.
11. Reference is made to a planning application for housing within Staveley² which it is suggested demonstrates a high housing need in the area. This proposal was predominantly for affordable housing on a partially allocated site, in a settlement defined as a rural service centre, such that the circumstances and policy position in respect of new housing are not comparable to that before me.
12. Moreover, the excerpt of the officer report provided, makes reference to affordable housing need as set out in the South Lakeland District Council Strategic Housing Market Assessment (SHMA) 2017³. Affordable housing is not the same as local occupancy housing, for which there is no specific figure of need identified in the officer report. Moreover, I have not been presented with the SHMA directly, or any other housing needs assessment. There is therefore insufficient evidence before me to demonstrate that there is a proportionally high or specific need for local occupancy housing in this location and importantly, that it requires the release of a greenfield site as an exception to meet this need. The granting of other planning applications for residential development is not a demonstration of housing need.
13. Setting this aside, the appellant nevertheless considers that the proposal would help to sustain existing services and facilities in Plantation Bridge and nearby Staveley. The Authority has clarified that this part of LP Policy 02 is to support development which would be directly connected to and support an existing building on the site of the proposed development⁴. This is not disputed by the appellant and in this case, there is no existing business on the appeal site.

² Planning application reference 7/2021/5448.

³ As contained within the appellant's statement of case

⁴ As set out within the Authority's statement of case.

14. Occupants of the proposed dwellings may utilise the filling station shop for convenience goods and therefore provide support for a nearby business. Even if it was the case that Policy 02 enabled housing development that would support businesses off-site, sustain is different to support. No evidence has been advanced to indicate that businesses within Plantation Bridge or further afield in Staveley require new housing to help sustain them. To the contrary, the petrol station will already have a wide catchment of customers given the nature of its use and its location on a major route through the National Park. The furniture comparison store is unlikely to be sustained by 2 additional dwellings given that such goods are generally purchased infrequently. From the evidence before me, the proposal would not be required to sustain an existing business on or off-site.
15. I find that the proposal would not be a suitable location for housing, and it would conflict with Policy 02 of the LP for the reasons set out above. It would also conflict with the aims of the Framework with regard to achieving sustainable development.

Character and Appearance

16. Located within both the LDNP and the WHS the appeal site is both a designated heritage asset and afforded the highest level of protection for its landscape and scenic beauty.
17. The appeal site falls within the Cunswick and Scout Scar Area of Distinctive Character as set out in the Lake District National Park Landscape Character Assessment and Guidelines (2021). It advises that this area is characterised by open rolling low fell and farmland, interspersed with occasional woodland. As part of a larger field, the appeal site contributes positively to this pastoral landscape which is publicly visible in localised views from the A591.
18. In considering the impact of development on the significance of the WHS as a designated heritage asset, I attach great weight to the asset's conservation as directed by paragraph 205 of the Framework. The significance of the WHS is derived, in part, from its historic interest as a spectacular and inspirational landscape combined with its continuous and distinctive agro-pastoral traditions and rich cultural and vernacular architectural heritage. Being an undeveloped agricultural field, the appeal site contributes positively to the aesthetic and cultural value of the WHS.
19. It is suggested that Plantation Bridge has a linear character with buildings fronting the road system⁵. However, I observed that it is predominantly formed by the cluster of dwellings and other buildings that lie between the A591 and Winter Lane to the north-east, albeit dissected by the Windermere to Oxenhope railway line. Dwellings are generally single or 1.5 storeys, without a uniform position and are separated by generous gardens or tree planting, such that there is an overwhelmingly sporadic, spacious and rural character, rather than the developed character suggested by the appellant.
20. The age and circumstances of the 3 dwellings to the north-west of the appeal site are unknown but nonetheless they are somewhat of an anomaly to the general layout of the cluster settlement. Their presence along with the position of the filling station on the opposite side of the road does not automatically mean that the appeal site is suitable for housing. I observed that the visual context for the appeal site is the rolling, enclosed pastures that it forms part of,

⁵ Appellant's final comments.

rather than the backdrop of the dwellings to the north-west, or the built form opposite.

21. Design and scale are not matters for consideration at this stage. Nevertheless, the description of development and the proposed site plan are clear that the proposal would result in the creation of 2 dwellings with an associated access road. Any proposed dwelling is likely to include the provision of a domestic garden and car parking. Gently undulating in nature and rising from the road towards the rear of the site the proposal is likely to require excavation and land retention measures or a higher slab level.
22. The proposed development would appear as a partial and arbitrary incursion into a larger field in north-western views from the A591, across the low-lying pasture in the foreground. This would particularly be the case given the retention of the field access from the A591 alongside the south-eastern plot, which is likely to require some form of enclosure for demarcation and security purposes.
23. From my observations and in the absence of a landscape visual assessment to demonstrate that the appeal site could satisfactorily absorb the development proposed, I find that the proposal would result in a conspicuous and urban form of ribbon development that would contrast unfavourably with the bucolic pastures of which it forms part. Whilst the roadside trees would be retained, they would offer little mitigation for the visual impact of the proposed dwellings in views from the A591, especially those from the south-east. Consequently, the proposal would harm the character and appearance of the area and while localised, nonetheless it would fail to conserve or enhance the local landscape of this part of the LDNP.
24. The Authority's position on the impact of the proposal on the WHS is ambiguous. I am advised that the reference to Policy 07 of the LP in reason for refusal 2 was a mistake. The Authority further identifies that the visual and landscape impacts of the proposal would adversely impact on the extraordinary beauty and harmony attributes of the WHS, but simultaneously suggests that it would not conflict with policy. This is despite Policy 07 seeking to conserve and enhance the significance of heritage assets including the WHS. Conserve in this context means sustaining, and not harming, an assets significance.
25. Notwithstanding the appellant's checklist setting out that the proposal would have a neutral impact on the WHS, it would appear to me that if the landscape and beauty of this localised part of the LDNP is harmed, the identified significance of the WHS would be similarly incrementally diminished. Although the harm would be limited given the size and extent of the proposal, it nonetheless amounts to less than substantial harm, to which I am required to give considerable importance and weight. The Framework further directs me to weigh such harm against the public benefits of a proposal.
26. The proposal would increase the supply of local occupancy homes but as discussed above, this would be at the expense of developing a greenfield site without evidence of a proportionally high need. Consequently, I consider that the public benefits of the proposal would not be sufficient to outweigh the considerable importance and weight to be given to the harm to the significance of the WHS.
27. For the above reasons, the proposal would have an adverse effect on the character and appearance of the area including the LDNP and the WHS. It would therefore conflict with Policies 01, 05, 06 and 07 of the LP. Together

these policies seek amongst other things, that development is appropriate to the character of its location, that the extraordinary harmony and beauty of the landscape and its special qualities are conserved and enhanced, and that the significance of heritage assets is conserved and enhanced. Conflict is also found with the aims of the Framework in respect of the natural and historic environments which have the highest status of protection.

Highway safety

28. The parties dispute whether the proposed upgrading of an existing field gate to provide access to the dwellings from the A591 would result in a highway safety risk. Having regard to the submitted site plan, the access would be positioned behind the wide highway verge, which would enable good visibility in both directions and allow egressing vehicles to wait off the highway until it is safe to leave the access. The Highway Authority (HA) appears to suggest that additional land would be required from the neighbouring farm to prevent the need for a new access onto the A591⁶. However, the HA response is not particularly clear given that the proposal would utilise an existing field access.
29. The A591 is a well-trafficked and fast road, such that vehicles slowing down to gain access to the appeal site would have a causal effect on the traffic behind. Nevertheless, the A591 is relatively straight in this location enabling good forward visibility. Traffic travelling behind any vehicles approaching the appeal site from either direction would have sufficient visibility and time to react to changing speeds. This is already the situation for other accesses within the vicinity of the appeal site. A deceleration lane as suggested by the HA would therefore appear unnecessary, particularly given the relatively low level of traffic that would be using the site once developed.
30. The existing field gate is likely to be used less frequently than an access serving 2 dwellings. Nonetheless, no evidence has been presented to indicate that the limited scale of the proposal would result in a significant number of vehicle trips per day that would be to the detriment of highway safety.
31. An interested party refers to there being a central filter lane and hatched area to serve the filling station and a neighbouring property which would impede access to the appeal site when travelling from the Windermere direction. No evidence has been presented to indicate that a large amount of traffic regularly queues in this filter lane. Vehicles approaching the filter lane would have a clear line of sight of drivers wanting to cross the oncoming traffic. This would be a similar situation to the access to Heathfield, where vehicles have to cross an existing filter lane to reach the property. Furthermore, I note that the HA did not raise any specific concern regarding the position of the filter lane, nor any suggested conflict with the access to the appeal site being opposite the well-used filling station.
32. Although an interested party suggests that nearby residents have difficulty leaving their properties with vehicles due to the volume and speed of traffic, there is no substantive evidence that it is unsafe. Paragraph 115 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the evidence before me, it has not been demonstrated that there would be an unacceptable impact on highway safety. Given the limited scale of the

⁶ Consultation response of Cumbria County Council as provided within the appellant's final comments.

development and the specific road conditions in this location, the impact on the road network could not be described as severe.

33. I find that the proposed development would not be harmful to highway safety. As such, the proposal complies with Policy 08 of the LP which seeks to ensure new development is adequately supported by infrastructure⁷. It would also comply with paragraph 114 of the Framework which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

34. It is suggested that the proposal would contribute to the self-build need in the area. As of October 2022, there were said to be 66 people on the Self Build Register, of which 26 are within part 1 and 9 of those have requested a site within the central and south-east distinctive area⁸. The Authority does not dispute this position. Be that as it may, it is not evident whether the appellant is listed on the Register, nor is there any indication of how the plots would be delivered or secured by a suitable mechanism for the purposes of self-build. This matter would therefore attract no more than limited weight.
35. Reference is made to the support provided to the proposal by the Highway Authority at the pre-application enquiry stage. Be that as it may, the Planning Practice Guidance is clear that pre-application advice cannot pre-empt the democratic decision-making process⁹.

Planning Balance and Conclusion

36. I have found that the proposed development would not be harmful to highway safety. This weighs neutrally in the planning balance. The provision of self-build units would attract no more than limited weight. Therefore, these matters do not outweigh my findings in respect of the location of the development and the effect upon the character and appearance of the area, with regard to the LDNP and WHS. For the reasons given, having regard to the development plan as a whole and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR

⁷ As referred to in the officer report and a copy of which was provided with the appeal questionnaire.

⁸ As set out in the appellant's statement of case.

⁹ Paragraph: 011 Reference ID: 20-011-20140306.