



Appeal Decision

Site visit made on 6 February 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/Q9495/W/23/3330071

Askill, Fangs Brow to junction with B5289 Buttermere to Low Lorton at Brackenthwaite, Loweswater, Cumbria CA13 0SU

- 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 Thomason of J & G Taylor Farms Limited against the decision of Lake District National Park Authority.
 - The application Ref 7/2023/2014, dated 26 January 2023, was refused by notice dated 28 March 2023.
 - The development proposed is farm diversification scheme to create small scale campsite (part retrospective for siting of bell tent).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, after the appeal was made. This is a material consideration in the determination of the appeal. However, the changes are not directly relevant to the main issues in the appeal. I am therefore satisfied that the interests of the main parties would not be prejudiced by the changes.
3. At the time of my visit, I saw the bell tent with associated ground works and retaining wall, picnic table and decking with hot tub. I also saw a banked up linear area to the side of the track, corresponding roughly to the location proposed for the siting of a motorhome together and some further changes in ground levels roughly where the levelled camping plateaus are proposed. While I have taken into account what I observed, nevertheless I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues are:
 - i. Whether the proposal would be an appropriate form of development in the open countryside; and
 - ii. The effect of the proposal on the character and appearance of the area, in particular the Lake District National Park (the NP) and the English Lake District World Heritage Site (the WHS).

Reasons

Development in the countryside

5. Policy 02 of the Lake District National Park Local Plan 2020-2025 Adopted May 2021 (the LP) sets out the Authority's spatial strategy. This seeks to focus development in accordance with the hierarchy of settlements. Outside of settlements, proposals in the open countryside are supported in certain circumstances including where there is a demonstrable essential need for a rural location or it helps to sustain an existing business.
6. The proposal is described as a farm diversification scheme. I acknowledge the difficulties facing upland farmers, particularly in the current economic climate. However, little substantive evidence, such as financial accounts or business plans, has been provided either in relation to the existing farming business or the proposed camping business. The proposal fails to demonstrate that the agricultural business would not be viable in the absence of the campsite or that the income generated by the campsite would make any significant contribution to the viability of the farm.
7. Therefore, I conclude that the proposal would not be an appropriate form of development in the open countryside. It would conflict with the farm diversification and rural development aims of LP Policies 02 and 19.

Character and appearance

8. The appeal site is an enclosed field to the south of Askill Farm, on the valley side to the north of Loweswater Lake. It is crossed on the diagonal by the farm access track. Boundaries comprise stone walls, post and wire fences, and lengths of sparse hedgerow with trees. There is what appears to be the remains of a former traditional field barn along the southern boundary and a corrugated, pitched roof shed in the north-west corner. It is in a sparsely developed area of countryside characterised by scattered traditional farmsteads surrounded by enclosed grazing land, with hedgerows and trees on the lower valley slopes and open fells above.
9. Where proposals would affect the NP, public bodies have a duty to have regard to the purposes of the NP, namely to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the NP by the public. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NPs, which have the highest level of protection in relation to these issues.
10. The WHS is a designated heritage asset of the highest significance, internationally recognised to be of Outstanding Universal Value. Paragraph 205 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
11. The Authority's evidence indicates that the appeal site is in the Newlands Valley Area of Distinctive Character (ADC), which is Area 15 in the Lake District National Park Landscape Character Area Assessment and Guidelines Supplementary Planning Document (April 2021) (the SPD). The Newlands Valley is in WHS Valley: Borrowdale and Bassenthwaite. However, based on the

evidence before me, the appeal site is in ADC Area 8: Loweswater, which is in WHS Valley: Buttermere.

12. The Loweswater ADC covers Loweswater Lake, with its attractive wooded shores, the surrounding enclosed valley land and the open fells to the north and south. It is relatively tranquil, farmed landscape with scattered rural settlements and vernacular farmsteads and buildings. The strong sense of tranquillity is vulnerable to potential increases in tourist-related activity and associated traffic.
13. The wider Buttermere Valley comprises a primarily farmed landscape with key attributes of Outstanding Universal Value relating to agro-pastoral farming and the early conservation movement and to a lesser degree, aesthetic inspiration. The significance of the WHS, insofar as it relates to the appeal, is associated with the extraordinary beauty and harmony of the agro-pastoral, mountain landscape and the opportunities for quiet enjoyment.
14. The proposal would be the permanent retention of the bell tent and elevated hardstanding platform, the conversion of the corrugated shed into a facilities building to serve the campsite, and the creation of three level plateaus for tent pitches and an area of hardstanding for the parking of cars and motorhomes. The proposal would be physically and visually widely separated from and poorly related to the farmstead building group.
15. The campsite would be screened from some views by local topography and vegetation. However, the bell tent is, and hence the proposal would be, readily visible from numerous locations in the surrounding area. These include on the highway approach from the direction of Mockerin, the public rights of way immediately to the south, east and north of the appeal site, the nearby byway to Mosser Fell, and the surrounding open fells. In views towards the Lake from the fells to the rear, the proposal would significantly detract from the substantially unspoilt panoramic and scenic views of the Lake, the surrounding countryside and the fells. From every location where it was visible, the proposal would be a discordant and visually obtrusive feature in the otherwise harmonious and traditional agro-pastoral landscape.
16. There would be a significant adverse visual impact arising from the cumulative effect of the bell tent, camping paraphernalia, parking and movement of vehicles, artificial lighting and generally increased levels of activity including sitting out and hot tub use. There would also be a marked change and an increase in sound levels compared to the existing use of the field by grazing livestock. The visual impact and associated noise and disturbance would significantly detract from the tranquillity of the area and diminish the opportunities for quiet enjoyment. By virtue of the harm to the natural beauty and harmony of the agro-pastoral landscape, and the reduction in opportunities for the quiet enjoyment and understanding of the spectacular landscape, the proposal would be contrary to the purposes of the NP and it would harm the significance of the WHS.
17. The field would continue to be grazed when not in use for camping. However, while the intensity of use might be expected to vary through the year, the appellant is not proposing to restrict the opening times during the year. In any case, the bell tent would be a permanent feature in the landscape. It is a substantial structure, with solid wooden door and metal chimney flue and it sits on an large elevated hardstanding platform with a curved retaining stone wall.

Notwithstanding its siting close to a field boundary, it would be a discordant and visually obtrusive feature, even more so at times of the year when vegetation was not in leaf. In this regard, the large bell tent, with heating and hot tub, could be suitable for use for much of the year, with associated car parking and visitor activity. Similarly, motorhomes could be present at times of the year when visitors with temporary tents would be absent. Consequently, the continuation of grazing would not mitigate the adverse effects.

18. The sloping topography of the appeal site may render parts of it suboptimal for camping. However, the proposal would allow for unrestricted camping across the site. Even if the number of tents and the pitches for such were restricted, for the reasons set out above the bell tent and the parking of cars and camper vans on the hillside would nevertheless be incongruous and detrimental to local distinctiveness and the strong sense of place.
19. My attention has been drawn to hedgerow planting and enhancement works in the area, part-funded by the Authority. While additional boundary and tree planting might function to soften and screen the proposal in some views, vegetation is temporary and it should not be relied upon to screen harmful development. Taking into account the primarily deciduous nature of native tree and hedge species, planting would not screen the proposal during the times of the year when vegetation is not in leaf. Satisfactory mitigation for the adverse impacts of the proposal could not be addressed by a landscaping scheme or secured by the imposition of planning conditions.
20. In accordance with paragraph 205 of the Framework, I attach great weight to the conservation of the WHS, as a designated heritage asset. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The appellant considers that the proposal would be beneficial because it would provide a tourism site in an area not well-served by camp sites, thereby contributing to the tourism and visitor economy, it would be farm diversification to support the agricultural business, and the re-use of the metal shed would result in visual enhancement.
22. The economic benefits to the wider visitor economy have not been quantified but, taking into account the scale of the proposal, this would be a limited public benefit. It has not been robustly demonstrated that the proposal is necessary to ensure the future of the farming business. Therefore, notwithstanding the importance of grazing livestock in terms of the maintenance of the landscape and habitats, the additional income would be primarily a private benefit. LP Policy 02 supports the re-use of buildings where they contribute positively to the landscape character or historic environment. In this case, the corrugated shed is not a vernacular field barn constructed in traditional materials and it does not make a positive contribution to landscape or scenic beauty. Its re-use would not be a public benefit. The public benefits would not be sufficient to

outweigh the considerable importance and weight that must be attributed to the harm to the significance of the WHS.

23. Given the above, I conclude that the proposal would harm the character and appearance of the area, with particular regard to the Lake District National Park and the English Lake District World Heritage Site. Accordingly, it would conflict with LP Policies 01, 02, 05, 06, 07 and 18. These require, among other things, that proposals conserve and enhance the extraordinary harmony and beauty of the landscape and its Special Qualities, including attributes of Outstanding Universal Value; that they are of a scale and nature appropriate to the character and function of the area, reinforcing local character and distinctiveness; that they conserve and enhance the significance of the WHS; and that high quality tourism development should improve the quality of visitor experiences, and be consistent with landscape character. It would also conflict with the aims of the Framework, including in relation to sustainable rural tourism that respects the character of the countryside and the protection afforded to National Parks and designated heritage assets.

Other Considerations

24. The appellant has recently purchased Askhill and his family are living in a static caravan close to the farmstead buildings while the dwelling is renovated. The bell tent was constructed for the appellant to use when he visits for part of the week or for use by visiting family members. Even if the bell tent and associated works were justified on this basis, it does not weigh in favour of the proposal.
25. The appellant agrees that the works are unauthorised and the proposal requires planning permission. However, he appears aggrieved in relation to the Council's processing and subsequent refusal of the planning application. The Planning Practice Guidance is clear that pre-application advice, including in this case by the Council's enforcement team, cannot pre-empt the decision making process or a particular outcome in the event that a formal planning application is made. There is little evidence that the Council behaved unreasonably during the processing of the application. These are not in any case matters for the appeal or that weigh in favour of the scheme.
26. The appellant suggests that the proposal would be less intrusive than a certified site for camping and caravanning, which could operate without planning permission. However, no details have been provided to demonstrate the operation of the appeal site as a certified site if the appeal should fail, or that the permanent bell tent and associated ground works would be part of a certified site. As this is not demonstrably a fallback position, it is not a material consideration that weighs in favour of the scheme. Furthermore, while the Council may approve camping sites and farm diversification schemes elsewhere, each scheme must be considered on its individual merits.
27. I note the suggestion that the Duke of Edinburgh scheme would be interested in the proposed campsite. Even if substantive evidence had been provided in this regard, such as a letter of support, this would not outweigh my findings in relation to the main issues in the appeal. The absence of third party objections is similarly a neutral factor that weighs neither for nor against the proposal.

Conclusion

28. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
29. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR