



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: 18th March 2024

Appeal Ref: APP/Q9495/W/23/3328963

Windermere Road, Staveley, Kendal, Cumbria LA8 9PL

- 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 David Brockbank against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/5600, dated 16 September 2022, was refused by notice dated 10 March 2023.
 - The development proposed is the formation of a field access to Big Meadow off Windermere Road, Staveley, and closing up of existing access off Brow Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, after the appeal was made. The Framework is a material consideration in the determination of the appeal. On the basis that the revisions are not directly relevant to the main issue, I am satisfied that the interests of the main parties would not be prejudiced by the changes.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to Staveley Conservation Area (the CA), the Lake District National Park (the NP) and the English Lake District World Heritage Site (the WHS).

Reasons

5. The appeal relates to a proposed field access from Windermere Road and an existing field access from Brow Lane. These are respectively to the south and north of a large agricultural field referred to as 'Big Meadow' (the Meadow) and which is enclosed by dry stone walls. The Meadow lies at the western edge of Staveley, where it is enclosed by roads and predominantly residential development but seen within the visual context of the elevated undeveloped countryside that surrounds the rural settlement.
6. The CA encompasses the large historic village of Staveley on the banks of the River Kent at the edge of the Lake District NP. The Conservation Area Appraisal

and Management Plan (February 2011) (the CAA) describes the Meadow as an elongated green lung reaching almost to the heart of the village and that is an important focal space for the many buildings around its edge. It is a substantial and important area of green space that brings the countryside into the heart of the village and the close connection with the surrounding landscape is an important component of the CA as a whole. The CAA also identifies that most boundaries are formed by traditional stone walls, the loss and alteration of which detracts from the character and appearance of the CA. Given the above, the significance of the CA, insofar as it relates to the appeal, is associated with the vernacular boundary walls and the functional and visual connection of the Meadow to the surrounding countryside.

7. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest level of protection in relation to these issues. 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.
8. World Heritage Sites are designated heritage assets of the highest significance, internationally recognised to be of Outstanding Universal Value (OUV). 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).
9. In this case, the appeal site is in the Kentmere Valley, which is one of the smaller eastern valleys of the WHS Windermere Valley. In contrast to the more rugged and unenclosed northern fells, it is a lower altitude, more settled, wooded and enclosed landscape. The strong sense of enclosure and network of vernacular stone walls are sensitive attributes of the landscape.
10. The OUV of the WHS is based on attributes of the landscape grouped into three themes relating to its exceptional beauty shaped by agro-pastoral traditions; its inspiration for artistic and literary movements and the generation of globally influential ideas about landscape; and its role as the catalyst for key developments in the national and international protection of landscapes. The Windermere Valley has important attributes for all three themes. Given the above, I find that the significance of the WHS, insofar as it relates to the appeal, to be primarily associated with its spectacular and inspirational landscape and its persistent and distinctive agro-pastoral farming traditions.
11. The proposed field access would breach the distinctive continuous stone boundary wall that encloses the Meadow on its southern side. It would be prominently sited immediately adjacent to Windermere Road, which is the main road into the village. Consequently, it would be readily visible, including in important views across the Meadow to the cliff-like face of Reston Scar and in views of the Meadow looking south and east from Brow Lane.
12. Agricultural field gateways are a feature of the farmed landscape. However, it is the prevalence of traditional stone walling, rather than the gaps, that makes a strong positive contribution to sense of place and local distinctiveness. In this case, the gap in the wall would measure roughly 6m and walls would extend into the field to either side of it to a depth of 10m, tapering to terminate at a

new access gate roughly 4.5m wide. I accept that the specification and design may be in accordance with Cumbria Highways standards, in order that vehicles do not obstruct the highway when opening and closing the gate. Nevertheless, the proposal would not be a typical rural field gateway such as are formed from generally modest, simple gaps in walls. It would be a discordant and visually obtrusive feature that would be out of keeping with the traditional field gateways that characterise the Lake District landscape.

13. By virtue of its design, the proposed access would have more in common with a residential driveway than a rural field gateway. The planting of trees to either side of the walled corridor would emphasize the intrusion of walls into the field rather than integrating the gateway into its surroundings. The regimented planting would not be in keeping with the generally scattered in-field or boundary trees that characterise the rural landscape.
14. The existing field access along Brow Lane would be closed up, so there would be no increase in the number of breaches of the wall around the Meadow. Nevertheless, the Brow Lane access is not prominent in the important CA views looking across the Meadow from Windermere Road or Brow Lane. Taking into account the incongruous design of the proposed access, neither the net increase in the extent of stone wall nor the closure of the Brow Lane access would mitigate the adverse visual impact. Consequently, the loss of a section of the continuous stone wall that encloses this important greenspace, coupled with the creation of a highly discordant and suburban form of gateway, would harm the character and appearance of the area.
15. Given the above, I find that the proposal would fail to preserve the significance of the CA. Furthermore, it would detract from the traditions of the distinctive agro-pastoral landscape, thereby failing to conserve the landscape and scenic beauty of the NP and, by extension, the significance of the WHS. In accordance with the Framework, I give this harm great weight in relation to the NP and, in relation to the designated heritage assets, considerable importance and weight in the planning balance of these appeals.
16. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise 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 of the proposal, I find the harm to be less than substantial but nevertheless of considerable importance and weight.
17. 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 the proposal would be beneficial because it would improve pedestrian safety on Brow Lane including past the primary school, it would improve the accessibility of the field by large farm vehicles and there would be a net gain of stone wall.
18. Brow Lane is a narrow road enclosed by stone walls. Vehicles meeting a tractor and trailer along Brow Lane will be required to reverse. However, this is a common occurrence when vehicles meet one another on narrow rural roads. While road users may have to wait while agricultural vehicles manoeuvre in and out of the Meadow, and the field gate is opened and closed, this is again not

unusual in the countryside. Large farm machinery and trailers currently use the wide residential access to Sunny Brow Farm, on the opposite of Brow Lane to the access, to manoeuvre in and out of the Meadow. This may inconvenience the residential neighbours at times, but it is a long-standing arrangement and there is little evidence that it harms highway safety or residential amenity.

19. My visit did not coincide with peak travel times to and from the school nor did I meet, on foot or by car, a large farm vehicle. Nevertheless, I observed that Brow Lane is a somewhat sparsely developed road and it is well used by walkers. While there is no footway between Windermere Road and School Lane, there are opportunities, including around residential accesses, for vehicles to safely pass vulnerable road users. In this regard, there do not appear to be any particular circumstances to set Brow Lane apart from other narrow rural roads in and around small settlements. Moreover, there are footways on the more densely developed part of Brow Lane passing the school, between School Lane and Silver Street and parking is restricted around the school entrance.
20. The appellant's concerns in relation to the inconvenience to other road users and the safety of pedestrians is commendable. However, taking into account the generally low volume and speed of traffic, there is little compelling evidence that the existing arrangement results in significant conflict between road users or compromises highway safety. Nevertheless, I do accept that there would be some public benefit in removing large farm vehicles from residential roads, including around the school.
21. At the time of my visit, there was little on-street parking along Brow Lane between the Windermere Road junction and School Lane. There was greater on-street parking around the eastern end of the Meadow, along Brow Lane between School Lane and Silver Street, along School Lane and around its junction with Brow Lane. I accept it would be easier and more convenient for the current tenant, who travels from Burton-in-Kendal, to access the Meadow directly from Windermere Road without travelling along Silver Street, School Lane and Brow Lane. However, these more congested residential roads, and the school, could apparently be avoided in any case if farm vehicles accessed Brow Lane at its western end, directly from Windermere Road. Notwithstanding the parking of some domestic vehicles close to properties at the west end of Brow Lane, there is little evidence that this route is impassable by farm vehicles. Indeed, the evidence suggests that this is the direction travelled by agricultural vehicles following their exit from the Meadow.
22. There is highway signage to advise that Brow Lane is unsuitable for heavy goods vehicles. However, it has apparently been used for many years without incident by large farm vehicles, including tractors, grass harvesting machinery, livestock and bale trailers. I acknowledge the importance of the agro-pastoral management of the Meadow, in terms of its contribution to the character and appearance of the area. Even accepting that Brow Lane might be a constraint in terms of the absolute size of farm machinery that could access the Meadow, there is little compelling evidence that the agricultural management of the field would cease in the absence of the proposal. The proposed net increase in the extent of stone walling would not be a public benefit, taking into account the incongruous form of the proposal. Therefore, I find the public benefits are limited and not sufficient to outweigh the harm that I have identified.

23. Given the above, I conclude that, on balance, the proposal would neither conserve nor enhance the character or appearance of the Staveley Conservation Area nor would it preserve the significance of the English Lake District World Heritage Site. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with policies 01, 02, 05, 06 and 07 of the Lake District National Park Local Plan 2020-2035 that seek, among other things, to ensure that the extraordinary harmony and beauty of the landscape are conserved, that design is appropriate and reinforces local character, maintaining local distinctiveness and sense of place, and that proposals conserve and enhance the significance of heritage assets. The proposal would also harm the special qualities of the Lake District National Park, in conflict with the afore-mentioned policies. As a result, the proposal would not be in accordance with the development plan.

Other Considerations

24. My attention has been drawn to third party objections to planning applications refs 7/2020/5451 and 7/2022/5208, with reference to School Lane and Silver Street. Full details of those applications have not been provided, but they appear to relate to proposals for new commercial development and the third party concerns relate to the increase in traffic and on-street parking demand. Neither those applications nor the related representations appear directly comparable to the existing agricultural use of the appeal site or the proposal.
25. My attention has been drawn to the domestic parking at the eastern end of the Meadow, within 40m of the proposed access. This does not breach the field boundary wall and the modest residential yard area is physically, visually and functionally well-related to the adjacent dwelling. The location of the gated access elsewhere in the Kentmere Valley is not specified, nor is its history explained. However, the photographs illustrate sweeping curved walls rather than the awkward, angular arrangement of the proposal and it appears to be in a very different surrounding rural context. Neither of these appears directly comparable to the proposal and they do not provide a justification for it.
26. There are third party representations both objecting to and supporting the proposal. While I have taken these into account, they do not alter my findings. The absence of an objection by the Highway Authority is a neutral factor.
27. The current tenant farms near Burton-in-Kendal and is not local to this area. Their desire to minimise travel time and the number of journeys is therefore understandable. I note that the suggestion that they may have to make more journeys with smaller vehicles as a result of the constrained nature of Brow Lane. However, it seems reasonable to assume that they would have been aware of the nature of the local highway network when they entered into the tenancy agreement. There is little evidence that the tenant's farming business would not be viable, or that the Meadow could not be managed, if the appeal should fail. I am in any case required to consider the proposal over its lifetime and, in this regard, I cannot be certain that future tenants would be similarly remote from the appeal site. The current tenant's personal circumstances do not weigh in favour of the proposal.
28. I note the suggestion that the existing field access could be improved to facilitate the movement, with less manoeuvring, of large modern agricultural machinery. While this would not avoid the need for agricultural vehicles to negotiate parked cars, or wait while oncoming traffic reversed, there is little

evidence that options to improve the existing access have been explored and reasonably discounted.

29. My attention has been drawn to Local Plan policy 19 which supports agricultural diversification where it sustains the operation, and does not compromise the working, of the farm business. The appellant acknowledges that the proposal is not related to farm diversification. Moreover, it has not been demonstrated the tenant's farm business would not be sustainable in the absence of the proposal. Neither this nor policies in the Framework that support the development and diversification of agricultural businesses, weigh in favour of the scheme.

Conclusion

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

Sarah Manchester

INSPECTOR