



Appeal Decision

Site visit made on 10 April 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/Q9495/W/23/3332448

Land to the West of Portinscale, alongside A66, CA12 5RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Holly Clark of E. Clark & Son Ltd. against Lake District National Park Authority.
 - The application Ref is 7/2023/2098.
 - The development proposed is described as: 'Erection of agricultural shed and access track from existing field access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the National Park Authority's failure to reach a decision within the relevant statutory timeframe. However, the National Park Authority has made provided an appeal statement outlining that had it been in a position to do so, it would have refused permission for the development proposed.

Main Issue

3. The main issue is whether the appeal site is an acceptable location for the proposed development having regard to the development plan policies and the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a group of fields within open countryside lying to the north of a lane that adjoins the A66. The fields form part of an attractive, undulating, pastoral landscape with the Lakeland fells forming the backdrop. The fields include several small groups of trees and are dissected by a public right of way running roughly east-west.
5. The site lies within the Lake District National Park which has the highest status of protection in relation to landscape. Policy 01 of the Lake District National Park Local Plan (2021) (the LP) seeks to ensure that the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities are conserved and enhanced. LP Policy 05 seeks to ensure development proposals do this through ensuring that the highest level of protection is given to the landscape, and that the type, design, scale and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity. LP Policy 06 seeks to ensure such proposals achieve design excellence and contribute to local distinctiveness.

6. Having regard to the above, Policy 02 of the LP sets out that, proposals for new development in the open countryside of the National Park will only be supported where, amongst other things, it is demonstrated that there is an essential need for a rural location or that it is necessary for and designed to support agriculture.
7. The building would serve Braithwaite Farm, an agricultural enterprise with a number of existing buildings on a farmstead some 700 metres away to the west of the appeal site. I have been provided with little information regarding this existing farm business or a specific business case for the building and track justifying their necessity, particularly given that such an undertaking is likely to represent a change in the way this area is farmed in relation to the rest of the holding. I accept that the fields are remote from the farmstead, however this is likely to be the case for much of the farmland in the wider area. In that regard, I note that large, isolated, modern farm buildings are not common features of the landscape here. I am mindful of the support in the Framework for the development and diversification of agricultural and other land-based rural businesses. Nevertheless, whilst I accept that a building and track in this location may be convenient, I have not been provided with a convincing argument that they are necessary for the purposes of the agricultural business.
8. The appellant has sought to assimilate the building into its surroundings through the use of natural stone in sections of the external walling. However, it would nonetheless have the proportions of a modern agricultural building of considerable scale that would appear at odds with its highly open, isolated and undeveloped setting. As a result, it would become an incongruous feature that would erode the pastoral character, tranquillity and beauty of the landscape in a highly prominent location, adjacent to a public right of way. The incongruity of the building would also be experienced in views from the lane to the south of the group of fields.
9. That the proposed building would require the installation of a lengthy track cutting across the field, would significantly add to the landscape impact of the proposal. I am provided with little detail of the construction of the track or its likely appearance. However, given the aforementioned topography, its proposed route would require it to cross the contours of the fields, adding to its wider prominence in views from the lane and farther afield. It would also extend across the public right of way and would be highly visible for most of its length. In all of these views it would likely be easily apparent as a discordant and urbanising, man-made feature that would fundamentally alter the unspoilt appearance of the landscape, at odds with the character and appearance of the area.
10. I accept that there may be benefits from reduced fuel consumption and heavy vehicle traffic on nearby roads, as well as to the business itself, however, based on what is before me, such benefits would be relatively minor compared to the significant harm that would arise to the landscape. The benefits to the business are also not clearly evidenced, as reasoned above. In that regard, I am mindful of the great weight that should be given to conserving and enhancing landscape and scenic beauty in National Parks.
11. As such, for the above reasons, the appeal site would not be an acceptable location for the proposed development having regard to the development plan policies and the proposal would cause harm to the character and appearance of

the area. As such, it would conflict with Policies 01, 02, 05 and 06 of the LP, described above.

12. In addition, it would not accord with provisions in the Framework which aim to conserve and enhance both the natural and historic environments, particularly the landscape and scenic beauty in National Parks.

Other Matters

13. I note that the appeal site is within a World Heritage Site (WHS), a designated heritage asset of the highest significance. The National Park Authority references the site's location within the WHS but it has not provided any information regarding the outstanding universal value or significance of the WHS. Furthermore, it does not explicitly identify any effects of the proposal on these matters in its statement. From the very limited information that I have before me, I am unable to undertake a meaningful assessment in respect of the effect on the outstanding universal value or significance of the WHS. However, given that I am dismissing the appeal for other reasons, I have not pursued this matter with the parties.

Conclusion

14. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR