



# Appeal Decision

Site visit made on 5 March 2024

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> April 2024

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**Appeal Ref: APP/K0940/W/23/3328309**

**Land at Gawthwaite Farm, Gawthwaite, Ulverston, Cumbria LA12 8EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Messrs S and WD Smith against the decision of Westmorland and Furness Council.
  - The application is Ref: SL/2023/0340.
  - The development proposed is described as two 3-bedroom houses with garages.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in outline, with all matters except access reserved for future determination.
3. Since the appeal was lodged, revisions have been made to the National Planning Policy Framework (the Framework). However, in terms of the main issues for this appeal, these do not extend beyond formatting changes.
4. The decision notice makes reference to harm to the setting of the neighbouring Lake District National Park. However, the appeal site falls beyond the boundaries and jurisdiction of that designation and its purposes. Furthermore, neither the Framework, nor the development plan covering the appeal site include policies which expressly relate to the setting of the National Park. The scope of the main issues are framed accordingly.

## Main Issues

5. The main issues are:
  - the effect on the character and appearance of the area
  - the effect on the setting of the English Lake District World Heritage Site (WHS); and
  - the suitability of the appeal site as a location for new housing, with particular regard to the adopted spatial strategy.

## Reasons

### *Character and appearance*

6. The appeal site comprises an enclosed grassed and roughly compacted stone land parcel currently used for the external storage of some miscellaneous

items. Situated within a small cluster of 5 dwellings just off the A5092, the site is located on an exposed hillside on the periphery of the small roadside hamlet of Gawthwaite. To the other side of the A5092 are 12 dwellings which make up the main concentrated built form of the hamlet.

7. Overall, Gawthwaite has retained a distinctly simple, small scale, rural character and appearance with buildings constructed in a vernacular style with local natural materials. The surrounding area is intermediate moorland and plateau ridge and improved pasture which reflects the agro-pastoral land-use system and tradition of the area. Here settlements are scarce, being limited to isolated farmsteads and hamlets along the side of the ridges. These features contribute positively to the distinctive harmonious scenic quality of the area.
8. The appeal site is visible from the surrounding road network and the Cumbrian Way walking route which runs down the access track serving this small built cluster. It forms part of the expansive historic agricultural landscape which forms part of the immediate rural setting to the neighbouring NP and the English Lake District WHS.
9. The existing dwellings are clustered around the appeal site and have a more dispersed grain than those on the other side of the A5092. Although some of these former agricultural buildings have been converted to form further dwellings, they do retain some characteristics reflective of their former use. Their more peripheral dispersed positioning is reflective of their original roles as a traditional Cumberland farmstead grouping and a Mission Room. These credentials assist in the understanding and appreciation of the historical and cultural values of the extensive rural landscape within which the appeal site is situated.
10. The appeal proposal would be read as part of the smaller peripheral building group. However, it would significantly reduce the spacing between the existing buildings which is characteristic of this particular grouping. This would visually undermine the more dispersed pattern of development which currently exists here relative to the main more concentrated body of Gawthwaite located across the A5092.
11. The existing mature tree cover beyond the site provides some screening on approach from lower ground to the north east. However, as that tree cover falls outside of the appellant's control, its ongoing retention could not be relied upon as a means of mitigating the prominence of the appeal proposal. In any event, the surrounding rising topography and absence of tree cover around much of the site would allow uninterrupted views of the proposed development. This would cause the proposed dwellings to be very prominent in the landscape from short and medium distance views, particularly when viewed from higher ground.
12. This impact could be reduced through the imposition of a planning condition which restricts the height of the proposed dwellings to a single storey. Furthermore, appropriate detailing for the external appearance and layout of the proposed dwellings could be secured through the reserved matters process. However, such measures would not be sufficiently capable of overcoming the spatial and visual concerns to a degree which would enable the development to successfully assimilate within this exposed sensitive landscape.

13. For these reasons, the appeal proposal would harm the character and appearance of the area.
14. Contrary to Criterion 3 of Policy DM13 of the South Lakeland Development Management Policies Development Plan Document (the DMPDPD), the proposal would not be visually well-contained within existing landscape features. Furthermore, the appeal proposal would not represent suitable infilling in line with Policy CS1.1 of the South Lakeland Local Development Framework Core Strategy (the SLCS). Consequently, the appeal proposal would be contrary to these policies.

#### *Setting of the Lake District WHS*

15. The Council has claimed that the appeal site falls within the setting of the English Lake District World WHS. The Framework recognises that a WHS is a heritage asset of the highest significance, which is internationally recognised to be of Outstanding Universal Value (OUV). Furthermore, as an irreplaceable resource, it should be conserved in a manner appropriate to its significance, so that it can be enjoyed for its contribution to the quality of life of existing and future generations. Any harm to, or loss of, its significance from development within its setting, should require clear and convincing justification.
16. The Framework makes clear that the significance of this particular designated heritage asset is derived not only from its physical presence, but also from its setting. The UNESCO World Heritage Committee (WHC) Operational Guidelines seek protection of "*the immediate setting*" of each WHS, of "*important views and other areas or attributes that are functionally important as a support to the Property*" and suggests designation of a buffer zone wherever this may be necessary which forms part of the setting of the WHS.
17. The significance of the WHS is set out in the adopted Statement of Outstanding Universal Value (SOUV) for the designation. The Framework includes explicit reference to the importance of the OUV of a WHS and states that this classification forms part of its significance and should be taken into account in all relevant decision-making. The International Council on Monuments and Sites (ICOMOS) Guidance advises that any heritage impact assessment should focus on OUVs, and a conclusion reached on the overall impact of the proposals on individual attributes and on the whole WH property. Furthermore, as the WHS Management Plan required for any such designation is enshrined in policy, it should be given weight accordingly.
18. The Planning Practice Guidance (PPG) states that an applicant proposing change that might affect the OUV, integrity and, where applicable, authenticity through development affecting the setting of a WHS, needs to submit sufficient information with their application to enable assessment of the potential impact. Despite the absence of details confirming any buffer zone, by virtue of its close proximity and prominence, the appeal site falls within the wider setting of the English Lake District WHS.
19. The SOUV for this particular WHS, which has been agreed and adopted by the WHC, is not before me and no representations have been received from Historic England. The starting point for my assessment is therefore national policy and guidance. The Framework states that the OUV of a WHS is "*cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future*

*generations.*” The PPG states that the effective management of a WHS involves the identification and promotion of positive change that will conserve and enhance its OUV, authenticity, integrity and with the modification or mitigation of changes which have a negative impact on those values. These coupled with the UNESCO Operational Guidelines and my site visit observations, I have discerned that the significance of this WHS is historic and culturally derived. This includes the contribution that the constraints of the vast mountainous terrain, the agro-pastoral farming activity, settlement patterns and distinctive scenic, harmonious and cultural landscapes continue to make to the authenticity and integrity of the natural and culture attributes of this internationally important designation.

20. I have already concluded that there would be harm to the character and appearance of an area which falls within the setting of this WHS. At the very least, this harm would relate to historic patterns of development, an attribute that is of functional importance to the understanding and appreciation of the historic and cultural significance of this WHS as a rural farming area. It would therefore follow that the appeal proposal would not conserve or enhance the setting of the WHS. Although the effect of the proposed change would be relatively minor in scale, on a cumulative basis, its acceptance could have a significant effect on its OUV.
21. In applying the policy approach to heritage set out in the Framework, the appeal proposal would cause less than substantial harm to the contribution which the setting makes to the attributes of the OUV of the English Lake District WHS. I afford great weight to that harm. The main parties have not drawn my attention to any public benefits to justify that harm. However, the appeal proposal would make a limited contribution to the general housing land supply in the area. There would also be a limited benefit to the local economy during the construction and occupation phases of the development. These each carry limited favourable weight.
22. In applying the Framework, when weighing the identified heritage harm against these public benefits, that harm would not be outweighed. This indicates that the identified adverse heritage effect to the significance of this WHS is unjustified. Consequently, the appeal proposal conflicts with the Framework in this regard.
23. In conclusion, the appeal proposal would not conserve or enhance the setting of the WHS. Such an outcome would harm the significance of the WHS and its OUV. There are no compelling public benefits which would outweigh that harm.
24. In view of my heritage findings, the appeal proposal conflicts with Policy CS8.8 of the SLCS and Policy DM3 of the DMPDPD.

#### *Spatial Strategy*

25. Collectively, Policies CS1.1, CS1.2 and LA1.1 of the SLCS and Policy DM13 of the DMPDPD seek to deliver development in line with the adopted spatial strategy. Gawthwaite falls within the lowest order of the adopted settlement hierarchy set out in Policy CS1.2, namely ‘smaller villages, hamlets and open countryside’. Policy LA1.1 of the South Lakeland Local Plan Land Allocations Development Plan Document (the LADPD) defines development boundaries within which it is expected that the development needs of those settlements will be met. However, these do not extend to Gawthwaite. Nonetheless, the

adopted spatial strategy makes provision for new small-scale infilling and rounding off development to be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets scattered across the District.

26. In terms of the spatial approach to new development set out in Policy CS1.1, the appeal site does not relate to the use of existing buildings or previously developed land within a settlement. However, Policy DM13 of the DMPDPD lends support in regard to the growth of small villages or hamlets comprising a recognised settlement of normally 10 or more dwellings, in contiguous clusters and without significant open areas between buildings. The provisions of that policy expressly exclude groups of houses arising solely or mainly from the conversion of farms in isolation. Furthermore, the exact scale and level of development supported is dependent on their individual character, the impact on environmental capacity and infrastructure provision, and the desire to meet the need for affordable housing as locally as possible.
27. The cluster of dwellings within which the appeal site falls is derived mainly from a former farm complex located next to, but not forming part of the settlement of Gawthwaite. During my site visit, I observed that such a spatial pattern is characteristic of this extensive historic rural landscape. However, the A5092 continues to provide a strong physical break between what the Council regards as the settlement of Gawthwaite and those more peripheral buildings opposite. Incrementally, those developments have begun to dilute the more peripheral character of this traditional small building group. Admittedly, the relationship of the appeal site with the properties across the A5092 has been strengthened. Nonetheless, the differentiation between this hamlet and those peripheral rural buildings currently remains discernible. The proposed increased concentration and infilling of that dispersed built grouping would erode that important historic differentiation. That is something which the spatial approach seeks to avoid.
28. In terms of accessibility, Gawthwaite does not have any services or facilities. Neither is the appeal site well located to housing, jobs, other services and infrastructure. Furthermore, the evidence before me does not indicate that the proposed development would be served by public transport or routes which would encourage journeys by foot or cycle. Rather, there would be a high reliance on private motor vehicles. The need to travel would not be minimised given the very limited opportunities for sustainable transport modes to encourage a shift in travel behaviour.
29. Overall, the appeal scheme would not represent a suitable infill opportunity within a settlement. Neither would it promote a sustainable pattern of development. The development plan makes provision for exceptions to be made to the adopted spatial strategy to support the rural economy and local needs. However, the submitted evidence does not provide justification for an exception to be made to a proposed development which is counter to the adopted spatial strategy.
30. For all of these reasons, the appeal proposal would not be supported by Policies CS1.1, CS1.2 and LA1.1 of the SLCS and Policy DM13 of the DMPDPD and as such would conflict with the adopted spatial strategy for the area. Consequently, the appeal site would not be a suitable as location for new housing, with particular regard to the adopted Spatial Strategy.

## **Conclusion**

31. In view of the conflict with the adopted spatial strategy and harms to the character and appearance of the area and the significance of the WHS, the appeal proposal would conflict with the development plan when read as a whole. The matters weighing in favour of the appeal scheme would not outweigh that conflict. Consequently, the appeal should be dismissed.

*C Dillon*

INSPECTOR