



Appeal Decision

Site visit made on 17 April 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal Ref: APP/Q9495/W/23/3329270

Mansion House, Brandlingill, Cumbria CA13 0RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stewart against the decision of the Lake District National Park Authority.
 - The application reference is 7/2023/2109.
 - The development proposed is change of use of land to garden land including planting, gates, paths, tennis court and greenhouse/garden shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A late representation was received from an interested party. Both main parties were given the opportunity to comment on this late representation and so I am satisfied that my consideration of these comments would not be prejudicial to any party.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area, which includes the Lake District National Park (LDNP), and the English Lake District World Heritage Site (WHS).

Reasons

4. As the appeal site lies within the LDNP, I am mindful of the requirement to seek to further the purposes of the LDNP, which includes conserving and enhancing its natural beauty and cultural heritage. Paragraph 182 of the National Planning Policy Framework (the Framework) advises that National Parks have the highest status of protection and that great weight should be given to conserving and enhancing their landscape and scenic beauty.
5. Additionally, the WHS is a heritage asset of the highest significance. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
6. The Nomination Documents (ND) for the Buttermere Valley in which Brandlingill lies, indicate that the landscape character of the Buttermere valley reflects the primary importance of agro-pastoral agriculture and there are many attributes which demonstrate this. Inbye field patterns are one such attribute, and the ND

Cultural Landscape Map records this field pattern within the Brandlingill area. This indicates that the significance of the WHS derives in large part from the integrity of the landscape character where it reflects agro-pastoral agriculture.

7. The appeal site comprises grassland contained by a combination of post and wire mesh fencing, mature hedgerow, stone walls and a metal field gate. Mature trees line the western boundary and part of the southern boundary, with some additional trees positioned within the eastern section of the site. An embankment indicates some engineering of the landform, however, the natural rise in topography from south to north remains apparent. While there is dispute as to whether the site is, or has been used for grazing sheep, its physical features combine to give the appearance of a typically enclosed field for grazing, giving the site a pastoral character.
8. Due to the demarcation of the appeal site by walls and trees, as well as the set back of Mansion House from the road, and the separation provided by its driveway, there is very little, other than a set of disused steps, which gives any suggestion of a functional link between the appeal site and Mansion House. Rather, the appeal site appears as one of many fields comprising the rolling pastoral landscape, which is interspersed by the housing of this small rural hamlet. The rural and pastoral character of the appeal site positively contributes to the distinctive character of the area.
9. The appeal scheme seeks to change the appeal site to garden land, with formal works to the western portion. These works would include the creation of footpaths leading to a seating area with box hedging, planting beds, a tennis court, a vegetable allotment area, and a greenhouse/garden shed. In combination, these works would domesticate the appearance of a large portion of the appeal site, while the remaining area could be subject to other domestic paraphernalia and associated domestic activities.
10. Given the size of the site, which extends to over half a hectare, its prominent position on rising land adjacent to the road and public footpath, and its separation from Mansion House, the appeal scheme would appear as an incongruous domestic encroachment into the countryside, that would erode the distinctive rural character of the site, harming the positive contribution it presently makes to the rural character of the area. As such, it would not constitute an appropriate domestic extension in this countryside location.
11. The appellant suggests that the flattened area of land within the appeal site was previously used as a grassed tennis court for Mansion House, however, the information supporting this is anecdotal only.
12. Additionally, I have been provided with an extract of the UK land utilisation survey of 1931, which highlights the appeal site as 'Gardens etc'. However, I have not been provided with any background information explaining why or how this information was prepared. Further, the subheadings to this category include 'new housing areas, nurseries and allotments', as well as 'houses with gardens sufficiently large enough to be productive of fruit and veg'. It is not clear which subcategory it was considered that the site fell into. None of this information convinces me that the appeal site has historically formed garden land associated with Mansion House. Therefore, I am unable to conclude that the integrity of the LDNP would not be undermined by the harm to rural character that would result from the proposed change to domestic use.

13. For the above reasons, the proposed development would harm the character and appearance of the area. The proposal would conflict with Policies 01, 02, 05 and 06 of the Lake District National Park Local Plan (LP)¹, which collectively and amongst other matters, seek to ensure that the extraordinary harmony and beauty of the Lake District landscape and its special qualities, are conserved and enhanced, by ensuring that the scale and nature of new development is appropriate to the character of the location, and contributes to local distinctiveness. Further, the proposal would be contrary to Paragraph 180 of the Framework, which requires decisions to protect and enhance valued landscapes.
14. As the proposal would result in harm to the character and appearance of the area, the significance of the WHS, which is derived in large part from the integrity of the landscape, would be negatively impacted also. Therefore, the proposal would fail to conserve or enhance the attributes of Outstanding Universal Value of the WHS, contrary to LP Policy 01. This harm would be less than substantial in the terms of the Framework. I will return to this matter below.

Other Matters

15. The proposal would be located within Flood Zone 1, which has the lowest probability of flooding. The appeal site is not within a Conservation Area and there are no protected trees or public footpaths crossing the site. The proposal would not harm the living conditions of occupiers of nearby dwellings. These are neutral matters that do not weigh for or against the appeal scheme.
16. My attention has been drawn to a grade II listed building, Brandlingill Farmhouse. This farmhouse sits to the south of the appeal site and its frontage benefits from an open aspect facing east, overlooking rolling fields. To the north, the property benefits from a garden and outbuildings contained by high stone walls and mature trees. The Authority has raised no concerns with regards to any impact on the significance of this listed building derived from its setting. Given the presence of intervening trees, which would provide a physical buffer between the proposal and Brandlingill Farmhouse, I have no reason to disagree.
17. I note the response from the Forestry Commission regarding ancient woodland, however, there is no evidence before me to suggest that any ancient woodland would be directly or indirectly impacted by the proposal and so I have not considered this matter further.

Heritage Balance and Conclusion

18. I have identified above that the appeal scheme would be harmful to the character and appearance of the area, which includes the WHS. I attach considerable importance and weight to conserving the WHS. Framework paragraph 208 requires that less than substantial harm to the significance of a designated heritage asset is balanced against any public benefits. No public benefits have been brought to my attention that would outweigh the identified harm to the significance of the WHS.

¹ Living Lakes Your Local Plan Lake District National Park Local Plan 2020-2035, Adopted May 2021.

19. As such, the appeal scheme would conflict with the development plan, and there are no other material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR