



Appeal Decision

Site visit made on 30 July 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/Q9495/W/24/3342041

Easter Crag, Ghyll Head, Windermere, Cumbria LA23 3LN

- 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 Andrew McFarlane against the decision of the Lake District National Park Authority.
 - The application reference is 7/2023/5510.
 - The development proposed is erection of a new dwelling together with the creation of a new access and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be in a suitable location for housing having regard to the development strategy for the area;
 - the effect of the proposal on the landscape and scenic beauty of the Lake District National Park and the outstanding universal value (OUV) of the Lake District World Heritage Site (WHS); and
 - whether suitable biodiversity mitigation has been demonstrated.

Reasons

Development Strategy

4. Policy 02 of the 2021 adopted Lake District National Park Local Plan 2020-2035 (the Local Plan) defines the spatial strategy for the area. It sets out the level and type of development that is appropriate for different places based on a settlement network of Rural Service Centres, Villages and Cluster Communities.
5. Policy 02 defines a Cluster Community as a small settlement or group of small settlements which collectively or individually, have limited local services and facilities, or have easy access to such services in an adjacent Village or Rural Service Centre. The supporting text of the policy helps to define a Cluster

Community. It states that it should have two or more local services or community facilities, such as public houses, community halls and places of worship or have easy access to such services in an adjacent Village or Rural Service Centre.

6. Ghyll Head comprises a small number of dwellings and the Ghyll Head Outdoor Education and Activity Centre. There are two bus stops located on the A592 which are within a reasonable walking distance of the site. However, in my view, this does not mean that Ghyll Head has 'limited local services and facilities' as set out in Policy 02, or 'two or more local services or community facilities' as described in the supporting text.
7. The appellant identifies that five buses run daily from one of the bus stops to Bowness which, together with Windermere, is a defined Rural Service Centre, while the Council states that it is nine. The journey time is identified as around seven minutes. While no details are provided on the timings of the bus service, it would provide some limited choice in transport options to Bowness and Windermere for parts of the day, being mindful that opportunities to maximise sustainable transport solutions vary between urban and rural areas. It would be theoretically possible to walk or cycle to Bowness and Windermere as claimed by the appellant. However, the distance, the unlit nature of the road and lack of pavement for a notable part of its length would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather.
8. My attention has not been drawn to any definition of an 'adjacent' Village or Rural Service Centre for the purposes of Policy 02. The dictionary definition includes the descriptions 'very near', 'next to', and 'touching'.
9. The site lies around three miles to the south of Bowness. There is some development along the A592 between Bowness and the road to Ghyll Head. This is more concentrated closer to the southern edge of Bowness, around Storrs and further to the south with the development around the Storrs Hall Hotel. Otherwise, the development has a dispersed character with areas of open countryside notable in gaps between the built form. The location of Ghyll Head off the A592 and its position at a higher level exacerbates the sense of detachment from Bowness and the development along the road. In my judgement, these factors, along with the separation distance, means that Ghyll Head appears as detached from Bowness, with little or no physical or visual relationship with its built form. On this basis, the site would not lie within a settlement that is 'adjacent' to the Rural Service Centre of Bowness and Windermere. Consequently, it would not satisfy the definition of a Cluster Community in Policy 02.
10. The Cultural Heritage Map within the WHS nomination document may identify the site as lying within an area classed as 'settlement'. However, this document is not part of the development plan, and it does not alter my findings above.
11. Areas outside of Rural Service Centres, Villages and Cluster Communities are open countryside where development is supported by Policy 02 only in a limited number of circumstances. There is no evidence before me to suggest that the proposed development would meet any of these circumstances.
12. While the proposed dwelling would not be considered as an isolated home in the countryside in the context of paragraph 84 of the Framework, there would

be conflict with Policy 02 of the Local Plan as summarised above. Due to this conflict, I conclude that the proposal would not be in a suitable location for housing having regard to the development strategy for the area.

Landscape and Scenic Beauty of the Lake District National Park

13. Legislation¹ sets out the requirement to seek to further the statutory purposes of National Parks. Paragraph 182 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in this respect.
14. The appeal site lies to the west of the appellant's dwelling at Easter Crag. The Authority describes the site as lying within distinctive area 49: Lower Windermere, sub-type K1: Forest. The area is characterised by expanses of dense semi-natural broadleaf and coniferous woodland with a generally strong sense of enclosure and rough grassland clearings. Sensitivities of the landscape include extensive areas of semi-natural woodland and the small-scale and intimate landscape pattern, which is vulnerable to the introduction of large-scale elements or loss of existing landscape features.
15. Based on the information within the Preliminary Ecological Appraisal² (the PEA) and Pre-development Arboricultural Report³ (the Arboricultural Report) submitted with the scheme and my site visit observations, the site mainly comprises an area of grass that has colonised the site, with some ruderal vegetation along the stone wall that lies between the site and the road. The Authority considers that the site consists of an area of cleared woodland, as evidenced by tree stumps that can be seen within previous images of the site. The Arboricultural Report identifies two small beech trees within the site.
16. The landscape characteristics described above are apparent within the surrounding area. This includes the broadleaf trees along the southern boundary of the site which gives the area a wooded character. This woodland provides an attractive and verdant backdrop to the site and to the hamlet and contributes to a sense of enclosure from the wider landscape, notwithstanding that it does not cover an extensive area.
17. The proposal would not extend the built form of Ghyll Head beyond that on the opposite side of the road. However, a dwelling on the site would change its character from an open and green space to one containing a large amount of built development and driveway which would take up much of its area. This would have an encroaching urbanising effect on the site, regardless of whether or not it is the garden of Easter Crag. The positive contribution that the woodland along the southern boundary makes to the character and appearance of the area would be significantly diminished as the trees would be only partially visible and would be viewed in the context of built development. This would also reduce the sense of enclosure provided by the woodland. Some tree planting is proposed along parts of the site boundary, but it would not adequately mitigate the harm to the character and appearance of the area.
18. The Authority confirms that the glamping accommodation in the woodland to the east of the site benefitted from permitted development rights established

¹ National Parks and Access to the Countryside Act 1949 (as amended)

² Prepared by Envirotech NW Ltd, reference 8635

³ Prepared by Treescapes Consultancy Ltd, 28 July 2023

through a Lawful Development Certificate. As such, the lawful status of the development would have been under consideration and not its planning merits.

19. While being similar to the general scale and building line of other houses in Ghyll Head, the rear wall of the proposed dwelling would be very close to the rear boundary of the site. The limited extent of the plot would be accentuated by the proximity of Ghyll Head Beck and the woodland on its southern steeply sloping bank to the rear elevation, including the lower terrace which would partly project out over the beck. The proposed dwelling would therefore have a cramped setting on the site which would exacerbate the loss of openness.
20. The design of the proposed dwelling would partly use Lakeland stone, render, and a slate roof which are materials commonly used in the National Park. However, a large expanse of timber is proposed on the southern elevation. The 2023 Lake District Design Code (the Design Code) states that the use of certain materials including timber are only likely to be acceptable where used sparingly as part of a cohesive design solution and where the context of the site and character of the landscape means that its use would not compromise sense of place. A large expanse of flat roof is proposed. The Design Code sets out typical roof pitches in the Lake District, advising that shallow roof pitches are rare and are therefore unlikely to reflect or contribute to local character. The southern elevation also includes two large, glazed balustrades.
21. The use of a large area of timber cladding, coupled with the flat roof and expansive glazed balconies would be a jarring contrast with the other nearby properties which are predominantly of a vernacular architectural form. While the Design Code does not preclude contemporary architecture, it remains necessary that such development reflects local distinctiveness. These features would be on the elevation facing away from Ghyll Head Road which would reduce their prominence from public vantage points. Nonetheless, the limited extent of public visibility does not obviate the need to achieve a design that supports local character.
22. The Council's reason for refusal on this issue includes a concern that the appeal proposal, if permitted, would set a precedent for future development in other woodlands. However, there is no clear evidence to indicate there is a likelihood of this happening. I have considered this appeal on its individual planning merits and any future proposals for developments in woodland would have to be considered in a similar way.
23. For the reasons set out above, I conclude that the proposal would not reinforce local character but would materially harm it. As such the proposal would have an adverse effect on the landscape and scenic beauty of the Lake District National Park. It would therefore fail to further one of the National Park purposes.
24. Consequently, the proposal would conflict with Policies 01, 05 and 06 of the Local Plan. In summary, and amongst other matters, these policies seek to ensure that the extraordinary harmony and beauty of the landscape and its special qualities are conserved and enhanced, and that development is appropriate to the character of its location. There would also be conflict with the aims of the Framework in respect of National Parks as summarised above.

OUV of the Lake District WHS

25. The OUV of the WHS is in part attributed to the extraordinary beauty and harmony of the physical, natural, and cultural landscape of mountains, lakes, valleys, and woodland; and rich cultural and vernacular architectural heritage.
26. In my view, if the landscape and scenic beauty of this localised part of the Lake District National Park is harmed, the significance of the WHS would be similarly incrementally diminished. Although the harm would be limited given the size and extent of the proposal, it nonetheless amounts to less than substantial harm to the WHS, which the Framework identifies as a heritage asset of the highest significance. I give this harm considerable importance and weight.
27. The proposed dwelling would boost the supply of local occupancy homes and there would be temporary construction employment and additional residents supporting local services and facilities. However, the benefits in these regards from one house would be modest. The public benefits in this case are not therefore sufficient to outweigh the harm that would be caused to the WHS. They do not represent clear and convincing justification for harm to or loss of significance of the designated heritage asset, as required by paragraph 206 of the Framework.
28. The proposal would therefore be contrary to Policies 01 and 07 of the Local Plan which seek to conserve and enhance the attributes of OUV and the significance of heritage assets. There would also be conflict with the Framework objectives for the historic environment as summarised above.

Biodiversity Mitigation

29. The PEA sets out mitigation/recommendations. I accept that a number could be secured by condition such as tree protection measures, a landscaping scheme, precautionary working methods during construction, bat boxes and roosting features, and bat friendly planting.
30. However, some of the mitigation/recommendations would not be achievable due to the proximity of the proposed dwelling to Ghyll Head Beck. This includes the 10-metre buffer zone (at a minimum) identified in the PEA to protect the overall biodiversity value of Ghyll Head Beck and prevent any resting places for otters or other mammals from being disturbed. The PEA also states that the taller vegetation cover directly along the edge of the beck should be retained. While measures could be put in place during construction to minimise the risk of sediment entering the watercourse, this would not address the issue of the buffer.
31. It would also be difficult to achieve the PEA recommendation for small buffer zones of lightly coppiced trees around the edge of the existing woodland (where site dimensions allow) to protect this habitat from the open semi-landscaped matrix that would be adjacent, or to control the internal lighting used in the dwelling. This adds to the concerns about the extent that the recommended mitigation and enhancement measures could be incorporated.
32. The PEA states that there was 'no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development *following the mitigation proposed*' (my emphasis). Given my reasoning above, I cannot conclude that suitable biodiversity mitigation has been demonstrated. This is

contrary to Policy 04 of the Local Plan and the objectives in the Framework for conserving and enhancing the natural environment.

Other Matters

33. The site lies close to a Grade II listed building which comprises two properties known as Ghyll Head Cottage and the Homestead, which date from the mid-18th century with later additions. The significance of the listed building is in part derived from the evidence it provides of the architectural style and building techniques of the time. Given the residential nature of the development and that the proposed dwelling would sit at a lower level than the listed building, I am satisfied that its setting would be preserved.

Conclusion

34. For the reasons given, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR