



Appeal Decision

Site visit made on 18 September 2024

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2024

Appeal Ref: APP/Q9495/D/24/3339142

Chesters Lodge Chalet 4, Lake Bank, Cumbria LA12 8EZ

- 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 Stephen Clapp against the decision of Lake District National Park Authority.
 - The application Ref 7/2023/5365, dated 15 June 2023, was refused by notice dated 28 November 2023.
 - The development proposed is outhouse to area south of Chesters Lodge to be used as a gym/studio.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, with particular reference to the significance of the English Lake District World Heritage Site and the site being within the South Distinctive Area of the Lake District National Park; and future harm to trees protected by a Tree Preservation Order.

Reasons

World Heritage Site and National Park

3. The appeal site is in an area classified as open countryside. It is located within an enclave known as the Lake Bank Estate. I understand that this was originally a farm, though chalets have now been constructed within the grounds. Chesters Lodge, which provides holiday accommodation, is the southernmost chalet, with land extending to the southern tip of the area associated with Lake Bank. This comprises an area of uneven land with a range of trees which is of natural and undeveloped appearance. It is bordered by a modest drystone wall, which separates it from the area of common land to the south, southeast and west. This wider area is part of Blawith Fells.
4. This area is within the English Lake District World Heritage Site (WHS), a designated heritage asset, and also Lake District National Park (NP). The WHS is acknowledged as having one of the world's finest cultural landscapes, and as having attributes of Outstanding Universal Value which must be conserved and enhanced. In this regard Policy 01 of the Lake District National Park Local Plan

- (the Local Plan) sets out that all development proposals should protect or enhance the authenticity, integrity and significance of the Lake District.
5. I was able to observe on my site visit that the wider landscape associated with Blawith Fells is a rough textured mixture of moorland and hummocky grassland landscape, punctuated by rocky outcrops. This forms part of the South Distinctive Area of the NP. Views from footpaths on higher ground to the west of the appeal site reveal Coniston Water to the northeast, with the trees associated with Lake Bank forming part of its wooded landscape setting. The number of accessible points from which to view the appeal site in its context are extremely limited, and may not be well used. Nonetheless, there is some visibility of the roof and part of the walls of Chester's Lodge from such vantage points.
 6. The proposed gym/studio building would be of modest size and of similar appearance to Chester's Lodge, with either black stained timber clad or black composite clad elevations and a flat roof. Noting the uneven ground around the area proposed for its siting, it would be raised on posts and would rise to over 4 meters in height. Whilst smaller than Chester's Lodge and of reasonably reserved design it is likely that there would be some limited visibility of the appeal building from vantage points to the west. It is possible that this would be exacerbated a little further by light pollution from this building, noting particularly the full height double glazed doors proposed on the front elevation. The use of blinds or curtains could assist but would not entirely mitigate the risk of some light pollution.
 7. The appeal proposal would introduce further built form into this natural woodland area. In detracting from the distinctive appearance of this important cultural landscape, albeit to a modest degree, it would undermine the heritage significance of the WHS. The degree of harm would be less than substantial in heritage terms. In these circumstances the National Planning Policy Framework (the Framework) paragraph 208 requires such harm to be weighed against any public benefits arising from the proposal. I return to this point as part of the overall planning balance and conclusion.
 8. It is also relevant to refer to paragraph 182 of the Framework which sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks which, along with the Broads and Areas of Outstanding Natural Beauty, have the highest status of protection in relation to these issues.
 9. There would be some modest conflict with the provisions of the Local Plan Policy 01 which seeks to protect the extraordinary harmony and beauty of the Lake District landscape, and also Policy 05 which requires that the highest level of protection is given to the landscape. The appearance of the proposal in this location means that there would also be some modest conflict with Policy 06 which refers to reinforcing the importance of local character by having regard to scale, height, density, layout, appearance and materials.
 10. The Decision Notice also refers to Policy 02, which sets out that the spatial strategy supports development which is of a scale and nature appropriate to the character and function of the location in which it is proposed, and which contributes towards meeting the needs of the local community. Again, I return to this point as part of the overall conclusion.

Effect on trees

11. The appeal site is located within an area of woodland protected by the Land at Crake Valley Water Yeat Tree Preservation Order (TPO) 2020. Such a woodland classification is used where the collective protection of trees as a wider unit is appropriate, as opposed to individual protection. In this case I have noted that the woodland area formed by these trees is clearly visible from the common area rising to the west of the appeal site, contrasting with the moorland landscape, and forming part of the wooded landscape setting in views over Coniston Water to the northeast.
12. The Arboricultural Impact Assessment (AIA) Report sets out that the proposed development would involve the removal of two Ash trees which are suffering from ash dieback disease. The appellant refers to having obtained consent to fell these trees.
13. There would be some modest incursion by the appeal building into the Root Protection Areas (RPAs) of two mature Oak trees. The Council does not disagree with the AIA conclusion that, as the appeal building would be sited on posts, with tree protection fencing used during construction, it would not cause harm within the RPA of these trees.
14. However, these trees would be in close proximity to the appeal building, with a significant degree of overhang into what is currently this modest woodland glade setting. Were this proposal to proceed, it is highly likely that there would be pressure to manage or even remove these closely spaced trees due to actual or perceived conflict with the appeal building. This in itself would erode the special qualities of this woodland area which, as I have already noted, forms part of the unique landscape setting of this part of the WHS and NP.
15. Buildings can and do co-exist with trees in a range of circumstances. However, noting the great value and sensitivity of this landscape, it is important to seek to avoid possible sources of conflict, in accordance with policy provisions.
16. I therefore conclude that in terms of its effect on trees, the appeal proposal has the potential to cause conflict with the provisions of the Local Plan Policy 05 in terms of the high level of landscape protection in place, and Policy 04 in terms of the need to protect important habitats, sites and species.

Planning balance and conclusion

17. In considering the heritage balance, and whether there are any public benefits that would outweigh the identified heritage harm, the appellant has suggested that the gym facility would be beneficial to the visitors of Chesters Lodge. However, such benefits would be entirely private, with the facility provided enjoyed solely by private occupants. The level of occupancy of this property by private occupiers does not alter this conclusion. Further, noting the provisions of Policy 02, the provision of a private gym would not contribute towards meeting the needs of the local community.
18. I have noted the modest nature of the proposal. However, of over-riding importance in this case are the policy provisions seeking to safeguard the highly sensitive environment of the setting of the appeal site within the WHS and NP.

19. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR