



Appeal Decision

Site visit made on 29 October 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/M0933/W/24/3343639

The Pastures Log Cabin Park, Templands Lane, Allithwaite, Westmorland and Furness LA11 7QY

- 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 Cotter on behalf of Woodset Ltd against the decision of Westmorland and Furness Council.
 - The application Ref is 2023/1136/FPA.
 - The development proposed is siting 4 holiday lodges, extension of access drive to car hardstandings and foul water connection.
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Decision

1. The appeal is allowed and planning permission is granted for siting 4 holiday lodges, extension of access drive to car hardstandings and foul water connection at The Pastures Log Cabin Park, Templands Lane, Allithwaite, Westmorland and Furness LA11 7QY in accordance with the terms of the application, Ref 2023/1136/FPA, subject to the conditions in the attached schedule.

Preliminary Matters

2. Subsequent to the Council issuing its decision the Allithwaite and Cartmel Neighbourhood Development Plan 2022 – 2032 (April 2024) (ACNDP) has been adopted as part of the Development Plan. The parties were given the opportunity to comment on the implications of the adopted ACNDP for this appeal, and I have taken into account any comments raised.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no final document has been published and it is subject to potential change in the future.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

6. The Pastures Log Cabin Park (herein referred to as 'the Park') is located between the settlements of Cartmel and Allithwaite, within land designated as open countryside. According to the submissions the Park currently contains 60no. lodges which are accessed via a series of internal roads leading off the main vehicular access from Templands Lane.
7. The topography of the surrounding landscape undulates and the Park as a whole is located on naturally rising land, especially when viewed from the north and west. Nevertheless, the Park largely assimilates into the wider rural landscape, as a result of its raised location and the surrounding mature vegetation which predominantly screens the Park and its lodges. However, I observed on my visit that a number of lodges on the Park are currently visible from some public vantage points to the north, east and west.
8. The appeal relates specifically to an undulating parcel of green land in the southwest corner of the Park. At present a low, and what appeared to be a recently planted, hedgerow separates the appeal site from a row of existing lodges to the east. On the eastern side of this hedgerow, and therefore largely outside the appeal site, the land is clearly well-kept and maintained as a result of its relationship to the nearby lodges.
9. However, I observed that on the western side of the hedge, and therefore within the appeal site, the land appeared wild, unkept and generally unmanaged. Nevertheless, whilst acknowledging that the appeal site is currently free from any built development such as access roads or lodges, I found that it still clearly forms part of the Park.
10. In coming to this view, I note that the existing low hedge currently provides a soft boundary which separates the built development on the Park, along with the associated maintained landscaped areas, from the appeal site. However, whilst on site I found that the appeal site is visually and spatially connected to the Park, with the much denser vegetation on the southern and western edges of the appeal site representing the natural boundaries of the Park.
11. The appeal proposal seeks to install 4no. holiday lodges on the site, with an existing access drive extended to serve these lodges. A section of the low-lying hedgerow would need to be removed to allow for this access and each lodge would have an area of hardstanding for the parking of a vehicle. The submitted plans also show that a new hedgerow and section of trees would be planted to the north of the proposed lodges, and additional planting would take place to reinforce the western boundary of the appeal site which already contains relatively mature vegetation.
12. The Council asserts that the appellant has not provided any robust justification or evidence of need for the proposed lodges. However, my attention has not been drawn to any relevant policies within the South Lakeland Local Development Framework Core Strategy (2010) (CS), the Local Plan Development Management Policies (2019) (DMP) or the ACNDP, which require justification or evidence of need for tourism accommodation.
13. Moreover, CS Policies CS1.1, CS4 and CS7.6, along with DMP Policy DM18, together acknowledge the important role tourism plays to the local economy and in principle support the enhancement and expansion of tourism

development. Additionally, paragraph 88 of the Framework supports sustainable rural tourism and leisure developments which respect the character of the countryside.

14. Consequently, the principle of 4no. additional lodges at the Park would not be inconsistent with these policies, or the Framework, subject to other criteria being met and in particular those relating to character and appearance.
15. As mentioned earlier, the appeal parcel is not flat and the proposed lodges would be sited towards the southern end of the site, on a downward slope away from a raised crown directly to the north. Being located on this downward slope reduces the visual impact and prominence of the proposed lodges from within the Park itself, and being located adjacent to a row of existing lodges the appeal proposal would represent a natural and logical extension to the existing lodges at the southern end of the Park.
16. Furthermore, the size, scale and timber design of the lodges would be in-keeping with the other lodges within the Park, and the extended road would be a low-lying feature. As such, the proposed development would not be highly prominent or visually harmful when viewed from within the Park itself.
17. With regard to views from outside the Park, the application was accompanied by a Landscape and Visual Assessment (LVA) which was prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition. The LVA includes an assessment of the proposal from six viewpoints and I visited all these viewpoints during my site visit, which took place in October when much of the surrounding vegetation had lost its leaves.
18. Viewpoint 1 (V1) is taken from a field gate situated on lower land to the north of the Park. A number of existing lodges situated to the north of the appeal site, and on a downward slope, can be seen from this viewpoint between existing trees. However, the ground of the appeal site, which is situated on a downward slope beyond the crown of the hillside, cannot be seen from this viewpoint. This crown would therefore largely screen the proposed lodges from V1, and the application includes additional planting to the north which would further screen any potential views from this location.
19. As such, I find that the impact of the proposal from this viewpoint would be negligible at most, and the proposed lodges would be less visually prominent than the existing lodges that can currently be viewed from V1.
20. Viewpoint 2 (V2) is located to the east of the Park, on Templands Lane. From this point the roofs of some of the lodges that are situated to the east of the appeal site can be seen through the treeline, however when these trees are in full leaf less of these lodges would be visible from this location.
21. From this viewpoint it is likely that the upper sections of the proposed lodges would also be visible, most prominently proposed Plots 1 and 2, however any view would be a fleeting one between the trees. Furthermore, the proposed lodges would be situated further away from this viewpoint than the existing lodges to the east which can already be seen from this location. Consequently, the proposed development would have a negligible impact from V2.
22. Viewpoint 3 (V3) is also situated on Templands Lane, but to the south of V2. The top of an agricultural building between this viewpoint and the appeal site is visible from this location, but the existing lodges on the Park were screened

from this viewpoint by existing trees and these same trees also screen the appeal site from V3. Based on my observations on site I do not consider that the proposed development would be visible from V3 and thus the proposal would have no visual impact from this location.

23. Viewpoint 4 (V4) is taken from a barn on the highway to the northwest of the appeal site. From this viewpoint a number of existing lodges on the Park are clearly visible, including some which are oriented lengthways in relation to this viewpoint, which increases their visual prominence.
24. As a result of the intervening rising landform, existing vegetation and additional vegetation to be planted, I find that the proposed lodges would not be visible from V4. Whilst I acknowledge that the new landscaping to the north of the proposed lodges would be visible from this viewpoint, given the surrounding vegetation cover I do not consider this to be harmful. I therefore find the proposed lodges would have no visual impact from V4.
25. Viewpoint 5 (V5) is located to the north of V4 and my observations from V5 were very similar to those observed from V4. As such, I also find the proposal would have no visual impact from V5.
26. Viewpoint 6 (V6) is a long-distance view taken from the village of Cartmel to the north. Due to the distance and change in land levels the Park was not discernible from this viewpoint. Furthermore, as a result of the lodges being situated beyond the crown of the hillside when viewed from this location, as well as the additional planting to the north of the proposed lodges, the proposal would not be visible from V6 and thus would have no visual impact.
27. I note the Council has commented that key viewpoints from the west, and from the Public Right of Way (PRoW) to the south, have been missed from the LVA. The Council's submission does not however provide any specific viewpoints they consider to be particularly important. Nevertheless, during my site visit I walked along the nearby PRoW, the highway to the south¹, as well as the length of the two highways to the west, which run parallel to each other for a section before merging to the north of the Park.
28. Due to the natural topography of the landscape there were no views of the appeal site, or the Park in general, from the road to the south. Views from the majority of the PRoW to the south are also screened by a combination of the change in land levels and the mature trees situated beyond the southern boundary of the appeal site.
29. At the western end of the PRoW, beyond the cluster of residential dwellings to the southwest of the Park, there are views towards the appeal site. However, at this point the PRoW is set at a significantly lower level than the appeal site and the mature vegetation situated on this sloping ground, as well as the additional planting proposed along the western boundary of the appeal site, would screen the development from this section of the PRoW.
30. In terms of views from the two highways which run to the west of the Park, the above mentioned mature trees on the sloping ground would prevent any views of the proposed lodges from the south west. From views directly to the west, whilst the screening effect of these trees somewhat reduces, they still provide significant screening of the appeal site. Furthermore, the proposal

¹ Boarbank Lane, which then becomes Green Lane

includes new planting along this boundary and whilst I accept this may take time to fully mature, any views would be brief and of the top sections of the proposed lodges only. Additionally, given the design, colour and material finish of the proposed lodges, they would largely blend into the surrounding wooded landscape when viewed from this direction, especially given the distance from these highways to the appeal site.

31. As such, there could potentially be a period of time whereby a small proportion of some of the proposed lodges may be visible from sections of these highways directly to the west. Nevertheless, any such views would be fleeting and very limited, and for a temporary period of time whilst the proposed new landscaping matures. Furthermore, I find that from these locations the proposed lodges would be significantly less visually prominent on the landscape than some of the existing lodges on the Park which are clearly visible from other viewpoints I observed during my site visit.
32. In view of all the above, from my observations on site, and taking into account the location of the proposed lodges, the surrounding topography and existing landscaping, as well as proposed landscaping, I have found nothing to dispute the conclusion of the submitted LVA that the magnitude of change on the surrounding landscape character would be negligible and the degree of significance on the visual amenity of the area would be negligible to none.
33. As such, I conclude that the proposed development would not have a harmful effect upon the character and appearance of the surrounding countryside. I therefore find no conflict with CS Policy CS8.2, DMP Policies DM2 and DM18 and ACNP Policies AC1 and AC3, where they together seek to ensure, among other things, that development proposals do not have an adverse impact on the landscape, character and visual amenity of the countryside; respond positively to the characteristics of the parish, the landscape and natural environment; protect and enhance landscape character through their siting, scale, design and materials; and be capable of being effectively screened by existing landform, trees or planting, and recognising that additional effective landscaping may be required.

Other Matters

34. My attention has been drawn to Policy AC7 of the ACNDP. In order to manage the impact of second homes and holiday homes on the local community this policy seeks to control the occupancy of new homes as 'Principal Residence' within an area defined by a map included within this policy. The appeal proposal however seeks permission for holiday lodges on an established holiday park, and the appeal site does not in any case fall within the area defined by this map. Thus, I find that Policy AC7 of the ACNDP has less relevance in respect of this appeal.
35. The Parish Council has raised concerns over the number of chalets and lodges within the Parish and the impact this is having upon local infrastructure and services. Whilst I note these concerns, I have limited substantive evidence before me in respect of this matter, and the proposal seeks only a modest increase in the number of lodges at the Park. Furthermore, and as mentioned earlier, both local and national policies acknowledge the important role that tourism plays within rural areas, and in support of the rural economy.

36. I note interested parties' comments relating to restrictive covenants at the appeal site. These are however private land use considerations and are not matters that I can take into account in the determination of this appeal. It would be for the appellant to be satisfied that they can legally build on the site and not breach any restrictive covenants. Furthermore, I have very limited evidence before me that the appeal site is unsuitable for building on due to the rock beneath the ground.
37. Third parties have raised concerns over the impact of the proposal on highway safety, including matters relating to the additional traffic, the narrow access road and the delivery of the lodges and building materials. In this regard the additional vehicular movements associated with 4no. lodges on the wider highway network would be negligible and the Highway Authority has not raised any objection in respect of vehicles accessing the site. As such, and based on my observations on site, I have no evidence that the appeal proposal would have a harmful impact upon highway safety.
38. I am alert to potential noise and disturbance arising from the construction works associated with the appeal scheme. Whilst this would be for a temporary period only, I have included a condition restricting the hours of operation on site during the construction phase of the development.
39. In respect of wildlife and Biodiversity Net Gain (BNG), the Council has stated that they are satisfied that the submitted BNG Assessment demonstrates that a 12% increase in BNG is achievable on this site as required by the relevant Development Plan policies. The delivery of this can be secured by planning condition.
40. I am aware of a previously allowed appeal decision² at the Park. However, limited information has been provided in respect of this appeal and in any case matters relating to the impact of a proposal on the character and appearance of the surrounding area are very much site specific. Furthermore, this appeal was determined prior to the adoption of the DMP, and the latest version of the Framework. These matters therefore limit the weight I attribute to this appeal decision in my determination of this proposal.

Conditions

41. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 56 of the Framework, and the advice contained in the Planning Practice Guidance, and I have edited to improve precision and enforceability.
42. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
43. I have also included a pre-commencement condition which requires the submission of details in respect of surface water management and the disposal of foul water (3). This pre-commencement condition is necessary to reduce the risk of flooding at the site and within the surrounding area.
44. To ensure the lodges are occupied appropriately for holiday use, conditions are necessary to ensure that the lodges are not occupied as a person's sole or principal residence (4) and that a registration is kept of the holiday occupiers by the owner/operator of the site (5).

² Appeal Ref: APP/M0933/W/16/3150210

45. In order to safeguard the character and appearance of the surrounding area, a condition requiring the submission of full details, or samples, of the external materials to be used on the proposed lodges and the hardsurfaced areas has been included (6). Furthermore, to avoid impact on the character and appearance of the surrounding landscape it is necessary to remove permitted development rights relating to the construction of any other buildings, structures, erections, motorhomes or touring caravans from the site (7).
46. To ensure there would be no adverse impact on the character and appearance of the surrounding landscape a condition has been included which requires the approved landscaping works to be carried out prior to occupation of the proposed development and replacement planting provided for any vegetation which is removed, dies, damaged or becomes diseased within five years of planting (8). Additionally, a condition requiring any external lighting to be installed on site to first be approved in writing by the Council is also necessary to protect the character and appearance of the surrounding landscape (9).
47. As detailed earlier, in order to ensure the appeal proposal achieves BNG a condition has been attached requiring the measures detailed within the submitted Biodiversity Net Gain Assessment to be carried out prior to occupation of the development and maintained thereafter (10).
48. In order to provide suitable access to the proposed development a condition has been added which requires the vehicular access road to be provided prior to occupation (11). Whilst not suggested by the Council, I have included a condition restricting the hours of operation during the construction phase of the development to protect the amenity of nearby occupiers (12).

Conclusion

49. For the reasons given above, and having regard to all matters raised, the proposed development would accord with the development plan when taken as a whole and there are no material considerations that indicate it should be determined other than in accordance with it. I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans / documents:

Location and Land Ownership Plan - 1018-2-100 Rev4
Proposed Layout Plan - 1018-2-300 Rev3
Proposed Detailed Layout Plan - 1018-2-301 Rev4
Proposed Sections - 1018-2-500 Rev3
Proposed Sections – Extended A-A Section - 1018-2-501 Rev2
Proposed Planting Plan - 1018-2-700 Rev3
Planting Schedules – 1018-2-701 Rev 0
Sewage Treatment (Waste Water System) – 1018-2-800 Rev 1
Winchester Lodge – R002/17 Rev A
- 3) No development hereby approved shall commence on site until details of both the surface water management, and the disposal of foul water, systems have been submitted to, and approved in writing by, the Local Planning Authority. The approved surface water management and disposal of foul water systems shall be provided and implemented prior to the first occupation of the development and retained as such thereafter.
- 4) The lodges/caravans hereby approved shall not be occupied other than as holiday accommodation only. They shall not be occupied at any time as a person's sole or principal residence.
- 5) The owner/operator of the site known as 'The Pastures' as outlined on the Site Location Plan shall maintain an up-to-date register of the names of all of the individual lodge/caravan owners and occupiers and their main home addresses, and shall make the following information available to the Local Planning Authority upon request:
 - copies of the register;
 - a copy of the licence between the site owner / operator; and
 - the lodge / caravan owner /occupier for each pitch.
- 6) Notwithstanding any description of materials in the application or on the approved plans, no above ground construction works shall take place on the development hereby permitted until details / samples of the materials to be used in the construction of the external surfaces of the development, and the external surfacing of all new hardstanding areas and roads, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the

express permission of the Local Planning Authority shall be obtained for the construction and siting of any buildings, structures, erections, motorhomes or touring caravans (whether temporary or otherwise) to be placed or parked on the site.

- 8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with an alternative timetable that has first been agreed in writing with the Local Planning Authority prior to development commencing on site. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
- 9) No external lighting shall be installed unless a lighting scheme, including details of the design, size, luminance level and shielding arrangements has been first submitted to and approved in writing by the Local Planning Authority. Any external lighting shall only be installed, and retained thereafter, in accordance with the approved lighting scheme.
- 10) The development shall commence in strict accordance with the Biodiversity Net Gain Assessment Proposed 4 Lodge Extension (Report 0523/4; dated 24th May 2023) prepared by South Lakes Ecology. The detailed biodiversity enhancement measures must be carried out before any part of the development is occupied or in accordance with an alternative timetable that has first been agreed in writing with the Local Planning Authority prior to development commencing on site. The biodiversity enhancement measures of the development shall be maintained thereafter for the lifetime of the development.
- 11) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the details shown on the approved plan.
- 12) During the construction phases of the development hereby approved, no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 - 18:00 Mondays to Fridays (inclusive) and 08:00 - 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

*****End of Conditions*****