



Appeal Decision

Site visit made on 10 December 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/K0940/W/24/3346032

Ewe Dale Farm, Pennington, Ulverston, Cumbria LA12 0NX

- 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 S Parr against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/0245/FPA.
 - The development proposed is the change of use of land for the siting of pods and a camping area, and the change of use of an existing building for toilets and laundry for the site (including a small extension to the rear).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above is taken from the Council's decision notice, following agreement by the parties that it more accurately identified the appeal site than the one supplied on the planning application form¹.
3. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). Although some sections and paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issue in this appeal. The parties would not therefore be prejudiced by reference to the revised Framework.

Main Issue

4. The main issue in relation to this appeal is whether the proposal is in a suitable location for tourist accommodation, including its effect on the character or appearance of the area.

Reasons

Suitable Location

5. Policy DM18 of the South Lakeland Development Management Policies, Development Plan Document (DMDPD) 2019, seeks to support proposals for tourist accommodation that are sited in appropriate locations and are of an appropriate scale and design, to ensure that they will not have a detrimental impact on their surroundings. The policy provides criteria for new caravan and camping sites and extensions and intensifications to existing sites.
6. The parties dispute whether the proposal should be considered as a new site or an extension to an existing one. I am referred to a previous planning

¹ Email from the Council dated 4 December 2024 and email from the appellant dated 9 December 2024.

approval for 3 holiday lodges on land close to the appeal site². It is suggested that the lodges are caravans in planning terms. I have been provided with basic details for the previous permission including the design and access statement, decision notice, site layout and caravan detail document³. However, it is not for me as part of this s78 appeal, to consider whether the existing lodges are in compliance with the previous approval and are thus lawful.

7. I observed 3 lodges during my visit. No details of the size of the lodges in situ have been provided. Nor do I have evidence to indicate that the larger lodges were formed from two separate sections assembled on site, such that they could be considered as twin unit caravans. I am not aware if a caravan site license exists for the lodges.
8. Timber cladding extends down to floor level so it was not possible to determine if wheels were in place underneath, or if the lodges are built directly onto or secured onto the concrete pad. Internal partitions appeared to form through-walls continuing to the outside of the structure. It was not clear whether the unit could be picked up and moved in its entirety without causing damage and no evidence has been presented to address this.
9. On the evidence before me, I am unable to determine the size and mobility of the lodges. Consequently, it is not readily apparent that the lodges meet the definition of a caravan⁴. I shall therefore consider the proposal under both parts of Policy DM18 for completeness.

New Caravan and Camping Sites

10. Policy DM18 of the DMDPD supports proposals for camping pods and tent-pitches where the site is sustainably located within or adjoining a principal, key or local service centre, or in other locations where the proposal is to support the diversification of agricultural or other land-based rural business *and* [my emphasis], it is demonstrated that the development makes an ongoing contribution to sustain the long-term future of the diversifying business.
11. The appeal site is located in the countryside outside of any defined settlement or centre, which would provide facilities and services for future occupiers accessible by means other than the private car. No case has been made that the proposal is to diversify an existing agricultural business. I do not consider the provision of holiday accommodation to be land-based i.e. dependant on the land in the same way a forestry or agricultural business would be.
12. Even if I could consider holiday accommodation to be a land-based rural business, there is no evidence before me by way of a business plan and audited accounts to demonstrate that the proposal would make an ongoing contribution to *sustain* [my emphasis] the business that is diversifying. It seems to me that complementing and developing a business is fundamentally different to sustaining which is the policy requirement.
13. If considered as a new caravan and camping site, the proposal would conflict with criterion (1) and (2) of Policy DM18 of the DMDPD.

² Planning application reference SL/2012/0171 for the siting of three holiday lodges with associated forestry, road and non-mains drainage works, granted 23 May 2012.

³ As supplied within appendices 1-4 of the appellant's final comments and the appellant's email to the Planning Inspectorate dated 9 December 2024.

⁴ As described in s29(1) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended including s13 in relation to twin units.

Extension and Intensification of Existing Caravan Site

14. If I accept the appellant's position that the proposal should be considered as an extension to an existing caravan site it is required to comply with 8 criteria set out in Policy DM18. These include amongst other things, that the development should be of a scale and design appropriate to the locality, not have an adverse landscape impact on the countryside and be capable of being effectively screened by existing landform, trees or planting.
15. The proposal involves the siting of 12 camping pods around the eastern and southern periphery of an extensive field that is mostly undeveloped. A former manege causes a small incursion into this area, which would be altered and extended to form a car parking area that would also support a proposed camping site. The Council does not object to the conversion of the existing building to an amenity block but this is only necessary to support the proposed camping use.
16. The appellant advises the appeal site is located within the former Cumbria County Council character area 9(d) Ridges character type which includes distinct ridges, extensive areas of heathland moorland, improved pasture with distinctive stone walls and woodland with small belts of trees⁵. This rung true from my observations, with the area surrounding the appeal site including wide open fields and only very occasional scattered farm groups or dwellings.
17. The existing building group at Ewe Dale Farm consists of 5 holiday cottages and 3 lodges⁶. They nestle into the landscape being located to the bottom of the rising Harlock Reservoir dam wall and in amongst mature tree planting, as acknowledged in the Outline Landscape and Visual Impact Notes (OLVIN). The appeal site has a more managed and manicured appearance. Nonetheless due to its open, verdant character, it relates visually to the surrounding undeveloped fields that form the pastoral character of the countryside, rather than the existing building group.
18. The circumstances which led to the approval of wind turbines to the north of Harlock Reservoir are unknown. Even so, I observed that they have a vertical presence within the landscape. This is in contrast to the sprawling impact that the proposal would have, extending built development out into exposed open countryside.
19. Notwithstanding the individual small scale of the proposed pods and muted colours, they would quadruple the number of the existing lodges. The cumulative impact from the pods and their regimented positions spread around 2 sides of the field would result in significant visual intrusion, contrasting with the undeveloped openness and greenness of the grazing land bordering the appeal site. Those pods sited at the southern extreme of the field would be particularly visually and physically separate from the existing building group. Internal lighting of the pods during the hours of darkness or inclement weather would accentuate the visual prominence of the development on the landscape, particularly in views from the west, towards which the fully glazed elevations would face.
20. Whilst the OLVIN refers to the former manege as a yard, I have not been presented with any evidence that it can be used for the parking of vehicles. Its extension and formal use as car parking for the proposed pods and campsite

⁵ As referenced in the Outline Landscape and Visual Impact Notes dated 19 January 2024.

⁶ As described at paragraph 3.6.1 of the appellant's statement of case.

would result in a considerable amount of hardstanding forming a greater incursion into the field.

21. When the camping area is also in use, the proposal would effectively fill a wide-open field with development and activity, in a location where such occurrence is rare. In this regard, the proposal would be intrusive and erode the extent of improved pasture, a feature of the Ridges character type.
22. Due to the elevated position of the reservoir, the appeal site would not be particularly visible from the north. However, I observed that the proposed pods, campsite and parking area would be highly visible in proximity from the public right of way (PROW) that exists in an elevated position beyond the eastern boundary. This chimes with images C1-4 within appendix 2 of the OLVIN. Medium distance views would also be possible from the main roads to the south and west, as well as Moor Road. Whether or not they are minor roads, they nonetheless provide public vantage points.
23. I observed that in all of these views, the appeal site is conspicuous and not well screened by existing topography or planting. The proposed development would not always be seen in the context of the existing building group⁷. In stating that the proposed development at the point of construction would have no greater impact than negligible adverse, it seems apparent that the OLVIN acknowledges that the scheme would have an adverse impact. However, I find that the OLVIN diminishes views as being glimpsed or partial, such that it underplays the visibility of the appeal site and consequently the landscape impact of the development. The change in the perceived character of the site will be significant, contrary to the view of the appellant.
24. The OLVIN advises that the existing planting to 3 sides of the appeal site is in the early stages of establishment and I observed that it provided little screening during the wintertime. Even during the summer months when the planting would be in leaf it would not effectively screen the proposed development from public views, particularly those from the elevated PROW. The existing planting to the west is likely to be less effectual being on land which slopes down away from the appeal site.
25. Supplementary landscaping is proposed to improve the situation. Both it and the existing landscaping, would still take a considerable amount of time to establish, to make a meaningful contribution to filtering and screening views of the proposed pods and car parking, which would be in place all year round. This is likely to be significantly longer than the 15-year post-construction period suggested in the OLVIN.
26. Landscape harm would be apparent for a prolonged period and even then, I am not convinced on the basis of the evidence presented that the proposed landscaping would adequately mitigate the sprawling and encroaching nature of the development on the countryside. Even so, criterion (c) of Policy DM18 is clear that sites should be capable of being effectively screened by *existing* [my emphasis] landform, trees or planting, such that proposed landscaping cannot be solely relied upon to assimilate development into its context.
27. I acknowledge that the Landscape Officer did not raise an objection to the proposal. However, their consultation response only appears to consider the

⁷ As exemplified in Image C7 of appendix 1 to the LVIA.

impact on existing trees, as well as the need for additional planting⁸. It is not apparent that they considered the landscape impact of the proposal. The lack of objection from the landscape officer does not alter my view that the proposal would cause landscape harm, a view I note is shared by the planning officer in the delegated report.

28. For the above reasons, I find that a significant adverse effect would be exerted on the character and appearance of the area. Policy DM18 of the DMDPD requires all of the criterion (a-h) to be met. In failing to comply with criterion (a-c), it follows that the proposed development would have a detrimental impact on its surroundings. Therefore, the proposal would fail to comply with the criterion of Policy DM18 that would be applicable to an extension of an existing caravan site.

Conclusion – Main Issue

29. The Framework seeks to support a prosperous rural economy including the sustainable growth and expansion of all types of business in rural areas. It seeks to enable the development and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside⁹. Support in the Framework for rural economic development is not therefore unqualified but subject to siting and landscape considerations. In this regard Policy DM18 is consistent with the Framework in seeking to direct new tourism development to locations where there are existing services, facilities and transport choices, or to support an agricultural or land-based business. It also seeks to ensure that proposals are appropriate in terms of landscape impact.
30. Given my findings above, the proposed development would not be sited in an appropriate location or support an agricultural or land-based business. It would not be effectively screened by existing landform, trees or planting and would have a significant adverse effect on the character and appearance of the area. Whether the appeal site should be considered as a new caravan and camping site or an extension to an existing one, either way the proposal fails to comply with the relevant criteria of Policy DM18 of the DMDPD. It also fails to accord with criterion (b) and (c) of paragraph 88 of the Framework, as set out above.

Other Matters

31. The scale of development in relation to drainage matters is not necessarily the same consideration in relation to landscape impact. This does not affect my findings.
32. The lack of harm with regard to the living conditions of neighbouring occupiers and highway safety are neutral matters, weighing neither for, nor against the proposal. The protection and enhancement of biodiversity is to be expected of new development.
33. The economic benefits of the scheme have not been quantified. However, the proposal would add to the range of accommodation options and there would be an economic benefit arising from increased overnight visitor stays and spending within the area. Given the distance to shops, facilities and tourist

⁸ As set out in an email from the Council to the appellant dated 4 March 2024, contained in appendix 2 of the appellant's statement of case.

⁹ Paragraph 88(b) and (c) of the Framework.

attractions, some of the visitor spending is likely to be more regional than local. Nonetheless, the economic benefits would be of moderate weight.

Planning Balance and Conclusion

34. I have found that the proposed development would not be sited in an accessible location or support a rural-based business. The scale and layout of the proposal would also cause significant harm to the character and appearance of the area. It is clear that this harm would not be outweighed by the moderate economic benefits.
35. The proposed development would conflict with the development plan and there are no material considerations including the advice in the Framework, which would outweigh this conflict. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR