



Appeal Decision

Site visit made on 2 January 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/Q9495/W/23/3333663

Adjacent to Wellbank Cottage, Bootle Station, Millom, Cumbria LA19 5TB

- 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 Roy Nuttall against the decision of Lake District National Park Authority.
 - The application Ref is 7/2023/4057.
 - The development proposed is change of use and the conversion of an existing construction workshop/storage facility to form a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission (ref 7/2018/4086) was granted in November 2018 for construction of a new portal frame building for building materials, vehicles, plant and equipment and household storage. The permission was subject to conditions, including that if the building was not used in association with the appellant's business it should be removed within 12 months. The appeal seeks to retain the building in residential use, once the appellant retires.
3. On 12 December 2024, the revised National Planning Policy Framework (the Framework) was published. However, the changes are not directly relevant to the main issue and I am satisfied that the interests of neither party would be prejudiced by my taking it into account in determining the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Lake District National Park (the NP) and the English Lake District World Heritage Site (the WHS).

Reasons

5. The appeal site is part of a loose cluster of buildings that comprises 2 detached dwellings and outbuildings. The group is widely separated from both the Rural Service Centre of Bootle and Bootle Station, and it is surrounded by farmed land. Between the settlements, Church Lane is a typical rural road enclosed by hedgerows, unlit, without footways and with only scattered development. Consequently, the appeal site is in the open countryside.
6. Policy 02 of the Lake District National Park Local Plan 2020-2035 Adopted May 2021 (the LP) sets out the Authority's spatial strategy. This supports the overall vision for the Lake District and it directs development in accordance

with the settlement hierarchy. Outside of settlements, proposals in the open countryside are supported in certain circumstances including where there is a demonstrable essential need for a rural location, it helps to sustain an existing business, or it would be the appropriate reuse of an existing building. Proposals for the reuse of buildings are supported where, among other things, the building contributes to the landscape character or historic environment and the proposal would significantly enhance landscape character.

7. In this case, there is no demonstrable need for a rural dwelling in this location and the change of use to residential would not support an existing business.
8. In terms of landscape character, the appeal building is in Area 52 Ravenglass and Bootle Area of Distinctive Character¹, in the south west of the NP and in WHS Eskdale Valley. It is a low-lying, open landscape between the high fells and the sea, characterised by more intensively farmed land and improved pasture. The remoteness of the Eskdale Valley and the long history and continuing influence of agro-pastoral farming, the dominant land use, is illustrated through field patterns, farmsteads and buildings and the relative absence of modern development.
9. The appeal building is a substantial portal frame building with timber boarding above concrete panels and a metal sheet roof. It was permitted for the purposes of sustaining an existing business and it is typical of modern agricultural buildings. It is not a traditional rural building. Its functional design and modern materials are of no architectural merit or historic interest and it does not contribute to sense of place or the local distinctiveness of the Lake District landscape.
10. The proposal would retain the existing large building including its external materials. The existing metal access door and roller shutter door would be removed. A large number of new openings would be created to all elevations, with extensive curtain wall glazing to the gable ends. Externally, a smaller storage shed to the north elevation would be removed and replaced with a patio area, accessed via steps leading down from a recessed glazed balcony area in the north-east corner of the building. A large expanse of the existing concrete yard would be retained, with limited new planting.
11. The nearby dwellings are traditional in form and external materials, with chimneys, domestic-scale glazing, pitched slate roofs, render, stone walls and stone dressing. In contrast, the proposal would clearly be the conversion of a modern utilitarian building. By virtue of its uncompromising scale and bulk, contemporary materials and extensive glazing, the proposal would be poorly related and out of keeping with the neighbouring dwellings and their subservient outbuildings. Moreover, as the generic design and materials are ubiquitous throughout the UK, it would not be sympathetic to local character and history, including the surrounding built environment and landscape character. The proposal would not respect or reflect the Lake District rural vernacular, and it would not enhance the character of the landscape.
12. Local topography and hedgerows provide some screening in views from the wider area. However, while the appeal building is not readily apparent from Bootle, it is visible from Church Lane and the Public Right of Way that passes between the appeal site and Wellbank Cottage. The proposal would be a readily

¹ Lake District National Park Landscape Character Assessment and Guidelines, Revised April 2021

visible and discordant feature in juxtaposition with the neighbouring dwellings and, in more panoramic views, against the backdrop of the fells. The extent of glazing would render the proposal more conspicuous than the existing building, including overnight when the light spill would be visually obtrusive and incongruous in the rural landscape. The proposal would be a dominant feature that would not harmonise with or be integrated into its surroundings. On the basis that it would fail to conserve the landscape and scenic beauty of the NP, it would harm the significance of the WHS.

13. The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NPs, which have the highest level of protection in relation to these issues. Moreover, the WHS is a designated heritage asset of the highest significance, internationally recognised to be of Outstanding Universal Value. In accordance with Framework paragraph 212, I therefore attach great weight to the conservation of the WHS. Given the scale and nature of the proposal, I find the harm to be at the lower end of less than substantial but nevertheless of considerable importance and weight.
14. In such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal. The 1-bed dwelling would make a small contribution to the Government's objective of significantly boosting the supply of homes. There would be limited economic benefits during the conversion works and future occupiers would make a limited contribution to the local economy and community. As the building is currently in use, the proposal would not be the development of an underutilised building. Even if it was conveniently located in relation to services, facilities and public transport, compliance with the requirements of policy in this regard is not a benefit. The local occupancy restriction is similarly a policy requirement and not a benefit. The collectively limited public benefits are not sufficient to outweigh the harm, taking into account the considerable importance and weight that must be attributed to the harm to the significance of the WHS.
15. I understand that the appellant's business will cease once he retires and he will no longer require the appeal building. Nevertheless, the proposal would result in a loss of employment space. The proximity of the mixed development site further along Church Lane does not demonstrate that the appeal site is unsuitable for employment use and that there would be no demand for it. Employment land and buildings elsewhere do not provide a justification for the proposed residential conversion.
16. Therefore, I conclude that the proposal would harm the character and appearance of the area, with particular regard to the NP and the WHS. It would conflict with the aims of LP policies 01, 02, 05, 06 and 16. These require, among other things, that proposals protect or enhance the authenticity, integrity and significance of the Lake District; conserve and enhance the extraordinary beauty and harmony of the landscape and its Special Qualities; and significantly enhance landscape character, having regard to local character and distinctiveness.
17. The Council's reason for refusal also cites conflict with LP policies 15, 20 and 18. Policy 20 relates to renewable and low carbon energy and the requirements could be addressed by the imposition of planning conditions. The inclusion of '18' appears to be a typographical error. Policy 15 is a housing policy that sets out how the Authority will meet its housing figure target including through,

among other things, new local occupancy homes. Notwithstanding that the appeal is unacceptable for other reasons, the evidence does not robustly substantiate the conflict with this policy.

Other Considerations

18. There are no third party objections to the proposal and the Parish Council supports it. There would be no harm to neighbouring residential amenity or the safe operation of the highway. The proposal would not be at risk of flooding or contribute to flooding. Details of renewable energy sources and energy efficiency could be secured by the imposition of planning conditions. These are neutral matters that weigh neither for nor against the scheme.
19. The appellant considers that the proposed local occupancy dwelling would be preferable to a holiday let. However, I am not aware that a tourism use would be a realistic fallback position. Theoretical alternative uses do not weigh in favour of the scheme.

Conclusion

20. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
21. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR