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## Appeal Decision

Site visit made on 15 April 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

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**Appeal Ref: APP/K0940/W/24/3354919**

**Strickland Arms, Great Strickland, Westmorland and Furness CA10 3DF**

- 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 Anton Flaherty against the decision of Westmorland and Furness Council.
  - The application Ref is 2024/1481/FPA.
  - The development proposed is retention of the canopy to the front of the public house and a reduced scale.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs has been made by the Council and is the subject of a separate decision.

### Preliminary Matters

3. The canopy was constructed without the benefit of planning permission under the Government's Covid lockdown guidelines for the hospitality industry which allowed temporary structures. Planning permission was recently refused at appeal for the retention of the existing canopy<sup>1</sup>. My decision has taken that decision into account, although I note that the scheme before me is for the retention of the canopy following alterations which include a reduction of its size.

### Main Issues

4. The main issues are:
  - the effect of the development on the character and appearance of the host property and the area; and
  - the effect of the development on the living conditions of the occupants of neighbouring properties in regard to privacy.

### Reasons

#### *Character and Appearance*

5. The Strickland Arms (the Arms) is a detached, stone built, public house located within the village of Great Strickland. The village is largely linear in form, having developed along the street frontage. The Arms is set back from the roadside with limited parking at the front, and a larger parking area to the rear. Behind the public

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<sup>1</sup> APP/K0940/W/23/3334592

- house are a number of wooden cabins, yurts and lodges which, as well as the bed and breakfast rooms within the Arms, provide visitor accommodation.
6. In front of the entrance to the public house is a terrace surrounded by a stone wall which is topped with a substantial planter finished in a dark grey material and is filled with dense green foliage. The covered area has been constructed on the terrace and has solid wooden uprights and wooden beams supporting a polycarbonate roof, that slopes down slightly from the front elevation.
  7. The host property is not listed and there is limited evidence before me detailing the history of the building. However, it is an attractive example of rural vernacular architecture constructed from local stone, with a slate roof, and makes a positive contribution to the character and appearance of the area.
  8. The proposed development is for the retention of the external canopy following alterations to reduce its projection from the front elevation, which would also increase the eaves height. The proposal also includes the replacement of the polycarbonate roof with an imitation slate. The proposed plans are inconsistent, and it is unclear whether the development includes the removal of the planters on top of the wall.
  9. Following the proposed alterations the canopy would remain a substantial structure. The simple contemporary design and use of man-made slate would detract from the design and detailing of the building which includes traditional materials. Reducing the size of the canopy would allow for increased views of the front elevation of the building, over what is existing. However, it would still significantly obscure the frontage of the building and the design and materials proposed would not reflect the host property. This would result in an incongruous addition that would be harmful to the character and appearance of the building and the positive contribution it makes to the area.
  10. For the reasons detailed above the development has a harmful effect on the character and appearance of the host property and the area. Therefore, it conflicts with Policies DEV5 and COM1 of the Eden Local Plan 2014-2032 which require development to show a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area; and that its scale and design is suited to the location.

### *Living Conditions*

11. Even if it was reduced the covered area could accommodate many people. It overlooks the main street and is opposite several residential properties. The Council's reason for refusal cites concerns in regard to the impact of the development on the living conditions of neighbouring occupants in regard to privacy.
12. Although the external terrace could accommodate several people, there is a significant separation distance between the appeal site and the front windows of the neighbouring properties across the road, which are set back from the highway behind generous front gardens. This separation distance is sufficient to ensure that the development would not have a materially harmful effect on the privacy of neighbouring occupants.

13. For the reasons detailed above the development does not have a harmful effect on the privacy of the occupants of neighbouring properties. Therefore, it is in accordance with Policies DEV5 and COM1 of the Eden Local Plan 2014-2032 which require that development protects the amenity of existing residents, allowing cultural facilities where they are compatible with residential amenity.

### **Other Matters**

14. The appellant has highlighted that a number of public houses have permanently closed, or opened and closed in recent years, highlighting the difficulties of running a rural hospitality business, particularly in this area outside the Lake District. The appellant has provided details of trading accounts, a letter detailing changes in turnover from 2022 to 2023 and has highlighted that their business has been subject to increasing energy costs as well as reduced government funding. However, this information does not clearly demonstrate that the proposed development is essential in order to ensure the viability of the business. Whilst I acknowledge the difficulties experienced by the hospitality sector, there is no substantive evidence to suggest that the removal of the covered area would directly impact on viability.
15. Evidence has been submitted of other public houses where external seating areas have been allowed by the Council. These are not on the front elevation or attached to the building and as such the proposal does not appear directly comparable to this appeal. At The Royal Oak, Appleby, the structure is not attached to the building and the building is clearly visible behind it. At the Duke of Cumberland, the covered area does not appear to be attached to the front elevation. Further full details of each permission have not been provided, as such I cannot be certain that the circumstances in each example reflect the appeal before me. Therefore I have given limited weight to these cases, determining the appeal on its own merits, based on the evidence before me.
16. I understand that the covered area has become an important part of the business as it provides a visible external seating area to be used in all weathers including by bed and breakfast visitors, as well as providing shelter for walkers and cyclists, and children waiting for the school bus. Evidence in the form of signatories collected over a period in May 2024 and other third-party support, including from a campaign group for public houses, confirms the popularity of the terrace with locals and visitors. These factors do not, however, outweigh my concerns.
17. As detailed above the appeal scheme before me is a resubmission of a preceding application that was refused by the Council and at appeal. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a scheme that would harm the character and appearance of the area for the reasons I have already outlined.

### **Conclusion**

18. Therefore, to conclude, the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, which outweigh the identified harm and associated development plan conflict.

19. For the reasons given above the appeal should be dismissed.

*C Livingstone*

INSPECTOR