



Appeal Decision

Site visit made on 19 June 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/K0940/W/25/3360663

St. Mary's Mount, Belmont, Ulverston, Cumbria LA12 7HD

- 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 Gerald Bobbett against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/2158/FPA.
 - The development proposed is Erection of single detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. There is dispute between the main parties as to whether St. Mary's Mount should be considered as a non-designated heritage asset (NDHA). It is not listed, and it is not identified on any local list. The appellant highlights that those featuring on the Council's local list are not buildings, but signs, mile markers and such, which would not normally be listed nationally. However, the Planning Practice Guidance (PPG)¹ sets out that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications.
3. St. Mary's Mount is a large, attractive building of limestone construction, dating from circa 1870. It has sash windows to its southern elevation and casement windows to its western elevation, with some stained glass, as well as moulded stone surrounds. Other attractive features include pronounced gables fitted with patterned bargeboards and multiple chimney stacks. While it has been subject to some modifications, it appears to retain much of its original form, detailing, and materials externally.
4. I have been provided with limited information as to the history of this property, including whether its design is associated with a particular local or national style or architect, or if it relates to any person of note. Nevertheless, it demonstrates significant architectural detailing and quality and as a result, it is an attractive and characterful building. Therefore, the evidence before me clearly suggests that this building requires consideration as a NDHA and I have done so in reaching my decision.
5. I therefore consider the main issue to be the effect of the proposed development upon the significance of heritage assets, including St. Mary's Mount NDHA, the Ulverston Conservation Area (CA), and nearby listed buildings.

¹ Paragraph: 040 Reference ID: 18a-040-20190723

Reasons

6. St. Mary's Mount is positioned within the northeast corner of a large garden, across which levels fall to the south. Albeit set back, its elevation within a large garden affords a prominent position, particularly in views from Belmont. While it is contained by stone walls, and the garden comprises mature trees and planting which filter views, this garden setting adds a sense of grandeur, while allowing an appreciation of the building's architectural quality from the south and the west.
7. The proposal would introduce a detached dwelling of traditional stone and slate materials, into the northwest corner of the garden serving St. Mary's Mount. It would provide accommodation over two floors, albeit utilising the roof space, and lowering ground levels. The proposed dwelling would be smaller in scale than St. Mary's Mount, taking up only a portion of the garden. It would not involve any loss of trees.
8. Nevertheless, the proposal would introduce built form into an area of the garden of St. Mary's Mount, where presently there is none. While the appellant indicates that this part of the garden provides for parking and garden waste only, it nonetheless appears as an integral part of the garden in visual terms. The proposal would retain the walled and landscaped boundaries adjacent to the road and add some soft landscaping. However, in views towards St. Mary's Mount, the proposal would appear prominently positioned rather than subservient, particularly in views from the west, where it would sit in the foreground and partly screen the existing building. As a result, it would compete with this heritage asset. Erosion of the open grounds of St. Mary's Mount would diminish the host building's physical presence and detract from the primacy the building holds, within its open garden setting. The proposal would also harm the ability to appreciate the architectural quality and therefore significance of this heritage asset.
9. I am advised that the proposal has been designed and positioned to appear as a gatehouse. While gatehouses are not an uncommon feature of some historic houses, there is no substantive evidence before me to suggest that this property benefitted from such, that it was the intention for it to do so, or that a gatehouse would be a sensitive proposition in the particular historical context of this building, especially given the size of the existing house, the plot size of the existing house, as well as the location of the proposal relatively close to the existing house and displaced from the main road. I do not consider that such an addition would increase the prominence or grandeur of the main house or enhance the setting of the property. On the contrary, it would diminish it.
10. Turning to the CA, many properties to the northern side of Belmont and Green Bank demonstrate a high level of architectural quality, which can be appreciated due to frontage gardens on rising land. Travelling east along Green Bank to Belmont, the character of the area is increasingly verdant and leafy, as a result of larger dwellings in more generous garden plots, containing mature trees. This lower density and verdancy on the approach to the open countryside at Hoad Hill, provides a degree of tranquillity. The substantial size and verdant appearance of the gardens associated with St. Mary's Mount positively contribute to the spatial character and green appearance of this part of the CA.
11. The proposed dwelling would be set back from the road in a similar manner to other houses, and a reasonably sized garden at St. Mary's Mount would remain,

with no tree loss. However, an additional dwelling and its associated paraphernalia within the garden of St. Mary's Mount, would urbanise the plot and result in erosion of its open and leafy character, to the detriment of the character and appearance of the CA. Additionally, the architectural quality of a number of buildings are recognised within the Character Appraisal² for this CA, as contributing positively to the special architectural and historic interest of the CA, including St. Mary's Mount. The proposal would also impact negatively on the ability to appreciate St. Mary's Mount within the CA, and so, in turn, there would be additional harm to the CA in respect of the NDHA's contribution to the architectural and historic significance of the CA.

12. I appreciate that the Council's Conservation Officer has acknowledged the reduced overall massing of this proposal over previous, and that, save for an issue with a single opening, no issue is raised with the general design of the proposal or its materials. Nonetheless, this does not mitigate the harm I have identified.
13. There are a number of listed buildings in the locality, St. Mary's Church being the closest, which is a landmark in the area. The churchyard with its notable number of gravestones and mature trees provides its immediate setting. Residential development of varying age and style is an established part of the setting to the church. Given the level of mature trees and high stone walls within the intervening distance, there is limited intervisibility with the appeal site, and the proposed development would not harm any significance derived from the setting of this listed building.
14. Similarly, residential development forms part of the wider setting of the Sir John Barrow Monument, which holds an elevated position on Hoad Hill. Belmont provides a vista towards this monument, however, given that the appeal scheme would be set back from the road, this vista would not be impacted and so the ability to appreciate this monument in its setting would not be harmed. While the appeal site would sit on rising land to the northwest of Ford House, given the number of intervening houses and mature trees, the proposal would not impact detrimentally on the setting of this listed building.
15. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Overall, and given the small scale of the proposal, it would result in a moderate level of harm to St. Mary's Mount as a NDHA, as well as a moderate level of harm to the character and appearance of the CA as a whole. The harm identified would negatively impact on the significance of the CA, and the appeal scheme would fail to preserve or enhance the character or appearance of the CA.
16. The moderate level of harm to the significance of the CA would be 'less than substantial' for the purposes of the National Planning Policy Framework (the Framework), which requires that less than substantial harm is balanced against any public benefits. The effect of a proposal on the significance of a non-designated heritage asset should also be taken into account, requiring a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. I will return to this matter below.

² Character Appraisal Ulverston Conservation Area, 24 May 2006.

Public Benefits

17. The proposal would provide for an additional dwelling, which would make a small but positive contribution to the Government's objective of significantly boosting the supply of homes, as well as choice. The appeal site is within the town of Ulverston, within a reasonable walk of a range of services and facilities and so it would be in an accessible location, and in turn, future occupiers would provide support for these local services and contribute to the local economy. Other economic benefits would flow from the construction phase in the short term.
18. I note the intentions to incorporate energy efficiency measures and source materials locally where possible, while bird and bat boxes would deliver some ecology benefits. Given the small scale of the proposed development, the benefits to be brought about by the provision of a new dwelling attract limited weight in support of the proposal.
19. The appellant currently manages a guest house at St. Mary's Mount and the proposal would provide accessible accommodation for the appellant, whose needs I am advised, are changing. However, from the available evidence, I am not convinced that these needs could not be met in other ways, or that any alternative would necessarily result in a greater level of harm to the significance of St Mary's Mount as a NDHA. There is little evidence to demonstrate that this issue poses a risk to the viable use of St Mary's Mount as a guest house. As such, this is a benefit that I afford limited weight.
20. Reference is made to the proposal providing a self-build dwelling. As part of the Government's objective of significantly boosting the supply of homes, the Framework also sets out the importance of addressing the needs of groups with specific housing requirements, which include those wishing to commission or build their own homes. However, there is no mechanism before me which secures the development as self-build. This limits the weight I can afford to this as a benefit of the proposal.
21. It is suggested that the development could allow for archaeological finds during construction. However, given the level of uncertainty, this is not a matter that I can afford any significant level of weight.

Other Matters

22. While I have been provided with evidence of a garage permitted in a similar position in 2007, this appears to have been on a much smaller scale than the appeal scheme, and of a quite different design. It has not been constructed and, even if this permission is extant, it would not cause the level of harm I have identified from this proposal. The garage does not provide justification for the house.
23. The appeal site is located on land with the lowest probability of flooding. The information before me does not indicate that the proposal would impact on any public right of way, or any trees subject to preservation orders. No other amenity, highway, drainage, or ecology related concerns have been sustained by the Council, and from the information before me, I have no reason to disagree. The

appellant suggests that all building materials and traffic could be managed on site, and I have no evidence to contradict this. These are neutral matters that do not carry weight for or against the proposal.

24. The appellant states that with regards to subdivision of the plot, the appeal site is in separate ownership to St. Mary's Mount and that subdivision of land in ownership terms does not require planning permission. Nevertheless, I have assessed the proposal based on its physical effects, which would not necessarily result from any subdivision of the land in purely ownership terms.

Heritage and Planning Balance

25. Paragraph 212 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The proposal would fail to preserve or enhance the character or appearance of the CA, causing less than substantial harm to its significance as a designated heritage asset. As great weight is afforded to the conservation of heritage assets, and the identified harm would fail to conserve this asset, this carries considerable weight against the appeal scheme. Added to this is the further harm to St. Mary's Mount as a NDHA. This building is of only local importance, which moderates the weight I afford to this harm, albeit I have also found that this building and its grounds, enriches considerably the character and appearance of the CA as a designated heritage asset.
26. Given the small scale of the development, the limited public benefits of the proposal would not outweigh the identified harm. The proposal would conflict with policies CS1.1 and CS8.10 of the Core Strategy³ and policies DM1, DM2, and DM3 of the Local Plan⁴, which collectively and amongst other matters, require that new development; safeguards the essential character and appearance of those buildings and sites that make a positive contribution to the special architectural or historic interest of the area, incorporates siting and design which maintains or enhances the quality of the townscape, protects and enhances the valuable historic environment, including all designated and non-designated heritage assets, and preserves or enhances a CA by ensuring that new development relates positively to the architectural or historic interests of its buildings, its spatial townscape character and any open spaces. These policies, insofar as they apply to the appeal scheme, are generally consistent with the Framework.
27. The appellant has advised that the Council's latest published data shows that it can only demonstrate a deliverable housing land supply of 3.10 years. While the Council has not had an opportunity to comment on this, the proposal would harm an asset of particular importance as identified in footnote 7 of the Framework, which provides a strong reason for refusing the development in the circumstances of this case, in accordance with Framework paragraph 11d) i.
28. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal scheme outweighs any benefits in terms of eliminating discrimination against persons with protected characteristics,

³ South Lakeland Local Development Framework Core Strategy, Adopted 20 October 2010

⁴ Local Plan Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), Adopted 28 March 2019.

advancing equality of opportunity for those persons and fostering good relations between them and others.

29. The proposal would conflict with the development plan when taken as a whole, and there are no other material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan.

Conclusion

30. For the reasons outlined above, the appeal should be dismissed.

S Brook

INSPECTOR