



Appeal Decision

Site visit made on 17 October 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/Q9495/W/25/3365500

Ambleside Tap Yard, Rydal Road, Ambleside, Cumbria LA22 9AN

- 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 High Spirits Leisure against the decision of the Lake District National Park Authority.
- The application Ref is 7/2023/5398.
- The development proposed is installation of plant and equipment.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Documentation before me identifies the plant/equipment the subject of the appeal as items 1, 2 and 3. The existing plans¹ clearly show the 3 items, and the evidence before me indicates to me that when the Council made its decision on the planning application all 3 items were installed. However, when I conducted my site visit, item 2 was not in place. The proposed plans² show all 3 items and their proposed enclosures. Therefore, and for the avoidance of doubt, I have determined the appeal on the basis that permission is sought for all 3 plant items together with their enclosures. Furthermore, despite 2 plant items being in place at the site, since the plans propose another item and their enclosures, I have determined the appeal on the basis that the development is proposed, and this is reflected in my use of tense.
3. Since the appeal site is within the Lake District National Park (the NP), Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) places a statutory duty upon me to seek to further the statutory purposes of the NP. In making my decision, I have had regard to this statutory duty. The appeal site is also within the Ambleside Conservation Area, and listed buildings are located within the area. Therefore, I have also had regard to the statutory duties at sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - The effects of the proposed development on the living conditions of neighbouring occupiers within properties on Millans Park, with particular reference to the potential for noise; and

¹ Elevation & sections as existing 2507-001

² Elevation & sections as proposed 2507-101

- Whether the proposed development would preserve or enhance the character or appearance of the Ambleside Conservation Area.

Reasons

Living conditions

5. The enclosed plant proposed would be sited on the rear elevation of the Ambleside Tap Yard building beside a narrow back lane. Lining the opposite side of the narrow back lane are residential properties on Millans Park some of which are served by rear offshoots containing windows and by back gardens.
6. The submitted noise assessment³ sets out at section 3.2 that, at the time of the attended noise measurements being undertaken, the only operational plant was a small silver box unit, marked 'Ashahi'. This is plant item 2. During that measurement, a noise level of 64.2 dB $L_{Aeq, T}$ was recorded. The noise assessment makes clear at section 4 that the measured on-site noise level of the installed plant was utilised to predict the noise level impact experienced at the closest Millans Park properties. The predicted noise level impact experienced is identified by the noise assessment as being excessive.
7. Therefore, mitigation is proposed in the form of the plant enclosures with this mitigation predicated upon the noise recordings taken in relation to plant item 2. Other than the noise recordings, it is not clear to me from the noise assessment that any other factors, such as the technical specification of the 3 different plant items, have had a meaningful bearing upon the predicted noise levels or the type of mitigation deemed to be required.
8. In contrast with the findings of the noise assessment, plant item 2 was not in situ when I conducted my site visit. Instead, items 1 and 3 were operational. The noise arising from item 3 was the less intrusive, and item 1 was the noisier. Item 1 was also operating in an intermittent fashion, coming on and off. When it came on there was a noticeable and intrusive clunk, and this was especially distinctive against the acoustic environment.
9. Therefore, the noise assessment is not reflective of my observations on site. It is not clear to me from the evidence before me whether the noise I experienced was at a greater or lesser level than that the noise assessment reports was measured in respect of item 2. However, that the noise assessment's measured noise, predicted noise and proposed mitigation is based upon an entirely different plant item to that I experienced was emitting noise at the site, seriously undermines the confidence I have that the noise assessment proposes the appropriate mitigation necessary to protect the living conditions of the occupiers of the nearest Millans Park properties.
10. Furthermore, the noise assessment's appendix II figures clearly identify Noise Monitoring Position (NMP) 1 as being within the back lane, close to the appeal site, whereas NMP2a and NMP2b are on the edge of the car park off Rydal Road. However, section 3.1 of the noise assessment describes NMP1 as being within the Rydal Road car park. This inconsistency casts doubts in my mind about precisely where the measured noise levels were actually taken from, further undermining my confidence in the results of the noise assessment.

³ Plant Noise Impact Assessment 50-594-R1-3

11. For these reasons, the noise assessment and the submitted appeal as a whole, has not demonstrated to me that the noise effects of the proposed development on the living conditions of neighbouring occupiers within properties on Millans Park would be acceptable. Given the lack of clarity before me in relation to the noise emissions of all the plant proposed, I am not sufficiently confident that any of the noise-related conditions which have been suggested to me would be enforceable or could be relied upon to effectively mitigate the noise arising from the proposed development. Neither is it sufficiently clear to me that repositioning the proposed plant to a lower level on the host property would serve as adequate mitigation either. I therefore find that the proposed development conflicts with Policies 02 and 06 of the Lake District National Park Local Plan 2020-2035 (the LP) which, altogether and amongst other matters, set out that development must not have an unacceptable impact on the amenity of residents, including in respect of noise, is of a nature appropriate to the character of the area and brings benefit to the local community.

Ambleside Conservation Area

12. The Ambleside Conservation Area (the CA) has a varied townscape with distinctive character areas reflecting its development in different phases and eras. In part, the CA is characterised by a tight and organic street network of more minor roads and ginnels but, in some contrast, there are also more planned areas and a more spacious environment where Victorian expansion of the town occurred. The CA exhibits fine examples of traditional Lakeland vernacular. The outward views of high fells and Stock Ghyll's picturesque contribution to the town as a watercourse provide Ambleside with much scenic value. For such reasons, much of the significance of the CA is derived from its architectural interest.
13. Furthermore, Ambleside has historical associations with important figures such as William Wordsworth, the educationalist Charlotte Mason and the journalist Harriet Martineau. The CA also contains evidence of the importance of industry to the town in the past. Therefore, the CA also has historic interest.
14. The host property is a traditionally designed building and is constructed of Lakeland materials quite typical of Ambleside. Positioned beside narrow streets and ginnels, the appeal site forms a part of Ambleside where the CA's tight and organic street network is exhibited. For these reasons, the appeal site does make a positive contribution to the significance of the CA.
15. That said, the back lane beside the appeal site, and the rear of the properties which line it, exhibit a multitude of development features and material finishes. This includes the likes of a garden shed, varied gates and means of enclosure, different external wall finishes, telegraph poles, street lights and plant. Furthermore, the northern end of the back lane is a dead end. Although there is a narrow pedestrian path leading to the front side of Millans Park, I believe the back lane does not serve as a significant thoroughfare in this part of town. Therefore, I find firstly that the back lane's character is very much a varied one and, secondly, that the rear elevation of the host property upon which the enclosed plant items are proposed is situated within a relatively secluded part of the CA.
16. The proposed louvred enclosures would largely screen the utilitarian appearance of the 3 plant items. With dimensions of approximately 1.8m in height, 1m in width and 1m in depth, even the larger of the 2 enclosures surrounding the plant would be

quite modest in scale. Had I been minded to allow the appeal, the precise material and colour finish of the enclosures could have been controlled via condition. This would enable a final appearance of the enclosures to be devised so that it would be as subtle, and as sympathetic to the host building and the back lane, as possible. As a result, I am confident that the completed development would consist of small structures that would be visually unobtrusive.

17. Furthermore, development proposed within a conservation area must be judged according to its effect on that conservation area as a whole. As the proposed enclosed plant would be sited within a relatively secluded back-lane position, the proposed development would not be prominently positioned. Taken together with its scale and visual unobtrusiveness, I find that the proposal would not be detrimental to the CA and, consequently, would preserve its significance.
18. Therefore, the proposed development would preserve the character and appearance of the CA and, in these regards and insofar as relevant to this main issue, the proposal complies with Policies 02, 06 and 07 of the LP. Altogether, in summary, and amongst other matters, these Policies require development to be of a scale, layout, appearance and material finish appropriate to the area, and they seek to ensure that the significance of heritage assets is conserved and enhanced.

Other Matters

19. I set out earlier that a statutory duty applies since the appeal site is located within the NP. The NP has the highest status of protection in relation to landscape and scenic beauty. The NP's special qualities include its dramatic landscape of high fells and a mosaic of lakes, tarns, rivers and coastline, its wealth of habitats and wildlife, its farming and tourism heritage, and its distinctive settlement character. The Lake District is also designated as a World Heritage Site (WHS). The WHS is a designated heritage asset of the highest significance, internationally recognised as being of outstanding universal value (OUV). The OUV of the WHS is based upon a series of its landscape attributes, which are grouped under 3 themes: a landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions and local industry; a landscape which has inspired artistic and literary movements; and a landscape which has been the catalyst for key developments in the national and international protection of landscapes.
20. The National Park Authority has not set out that the proposed development would cause any harm to either the NP or the WHS. Having regard to the nature and extent of the proposal in relation to the expansiveness of these designated areas, I have no reason to disagree. I consider that it would have a neutral effect on the NP, including conserving its natural beauty, whilst no harm upon the OUV or significance of the WHS would result either. Nevertheless, a lack of harm in these regards is a neutral factor in my decision and does not weigh in favour of the appeal proposal.
21. The grade II listed Corbrig, Planetree House is attached to the appeal site. This listed building comprises of a pair of traditional houses, and its principal significance is derived from its architecture, particularly I find by the architecture exhibited by its frontage, such as its distinctive fenestration and porch detailing. A large driveway/courtyard space to the listed building's front also provides the listed building with quite an open aspect to this side of the building which provides it with a setting which allows for its architecture to be readily appreciated. In views along

the back lane there would be some intervisibility between the proposed development and Corbrig, Planetree House. However, given the small structures involved, the unobtrusive visual effects and, since the proposed development would not be visible in conjunction with the listed building's particularly meritorious frontage, I am satisfied that no harm to the listed building's setting would result.

22. Bridge House is a grade I listed building. Its significance is chiefly derived from its architectural value: its modest scale and bridging over the underlying stream makes a very distinctive and picturesque property with whimsical qualities. Bridge House adopts a prominent position off Rydal Road, a main route through Ambleside, whilst its architecture and the passing stream it straddles are clearly visible from other nearby bridges and paths. This setting therefore plays an important role in its significance. Bridge House is opposite the frontage of the Ambleside Tap Yard. Since the proposed development would only affect the rear elevation of the Ambleside Tap Yard building, the proposal would not be seen in conjunction with Bridge House nor within those views of it from nearby paths and bridges which all allow for Bridge House's significance to be appreciated. Given this, no harm to the listed building's setting would result.
23. Finally, Mill Cottage Mill Stream is another listed building (grade II) located near to the appeal site. It now houses a pub, and it exhibits traditional Lakeland vernacular and external materials which provide it with architectural interest. However, another important facet of this listed building's significance is the evidence that it provides as a building once involved with Ambleside's history of industrial activities beside Stock Ghyll. Therefore, it has considerable historic interest. Since the building is beside Stock Ghyll, the connection between the building's history and the stream as a power source can still be made and, therefore, this setting plays an important role in understanding the value of the heritage asset. The proposal would not infringe upon this historic interest nor, given the proposed development's more secluded positioning at the back of the host building, would it affect the listed building's architectural qualities either. Therefore, no harm to Mill Cottage Mill Stream would occur. Accordingly, none of these listed buildings would be harmed by the proposal, but an absence of harm is, again, a neutral factor in my determination.

Conclusion

24. In my second main issue, I have identified that the proposal would not result in any harm to Ambleside Conservation Area. However, in my first main issue I have concluded that the submitted appeal has not demonstrated to me that the noise effects of the proposed development on the living conditions of neighbouring occupiers on Millans Park would be acceptable. Because of my conclusions on my first main issue, the proposal conflicts with LP Policies 02 and 06 when read as a whole, and I find that the proposed development conflicts with the development plan when taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR