



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: 7 November 2025

Appeal Ref: APP/K0940/W/25/3364818 **Simgill Farm, Grayrigg, Kendal LA8 9BY**

- 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 & Mrs Richard Aylett against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/1770/FPA.
 - The development proposed is change of use of corner of vacant paddock to accommodate three holiday lodges to cater for equestrian related visitors and disabled persons.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site provides a suitable location for the development proposed, having particular regard to those policies within the development plan which control tourist accommodation provision; and
 - The effects of the proposed development upon the character and appearance of the area.

Reasons

Location

3. The appeal site relates to land at Simgill Farm which forms part of a building group situated within the countryside surrounded by fields and paddocks. The appeal site is set a considerable distance from Grayrigg, which itself is a very small settlement, away to the west. The town of Kendal, with its concentration of services, facilities and transport mode options, is several miles away from the appeal site.
4. Policy CS1.1 of the South Lakeland Local Development Framework Core Strategy (the CS) is entitled 'Sustainable Development Principles'. The Policy's principles include those which set out that it is vital to protect the countryside for its intrinsic beauty, that most new developments should be directed to existing service centres, whilst it establishes a clear preference for development to be located within settlements and other land well-located in relation to services and infrastructure. The Policy also supports tourism, which is a key driver of the local economy, but sets out that this needs to be balanced with protecting and enhancing the attractiveness of the area.

5. CS Policy CS1.2 presents a development strategy, and it establishes a settlement hierarchy. The Policy advocates that development should be concentrated within settlements higher up this hierarchy and that new development should only be permitted in the open countryside in exceptional circumstances.
6. Policy DM18 of the South Lakeland District Council Local Plan Development Management Policies document (the DMPD) specifically concerns tourist accommodation, be that to be provided within temporary and mobile accommodation or within new permanent purpose-built self-catering accommodation. Amongst other matters, where new temporary and mobile accommodation is proposed, Policy DM18 requires the site to be within or adjoining one of the settlement hierarchy's Principal, Key or Local Service Centres or, if that isn't the case, it requires the proposal to support the diversification of an existing agricultural or other land-based rural business with the proposal demonstrating the contribution it would make to the long-term future of that business. Policy DM18 establishes that new permanent and purpose-built self-catering tourist accommodation, proposed outside of development boundaries, should only be permitted in exceptional circumstances.
7. I have divergent submissions before me from the appeal parties on whether or not the 3 holiday lodges would constitute temporary and mobile accommodation. Dependent upon primary factors such as size, physical attachment and the degree of permanence, a holiday lodge may not be sufficiently mobile, and, instead, may constitute a building. How decisive each of these primary factors of size, attachment and degree of permanence may be may also vary from case to case.
8. The appellant asserts that the lodges would be mobile features, citing in support of this, that they would require no foundations or excavations and would effectively rest upon the land. Provided this was the case, the lodges' degree of physical attachment certainly lends support to them being temporary and mobile forms of accommodation. In regard to other primary factors, the evidence before me is quite limited. For instance, I am very unclear whether the lodges would be brought to site wholly or partly completed, or whether they would need constructing entirely on site.
9. However, if I adopt the stance that the proposed lodges would constitute mobile and temporary forms of accommodation, owing to the appeal site's location within the countryside, and its considerable separation from settlements, the proposal would clearly not be located within or adjoining one of the settlement hierarchy's Principal, Key or Local Service Centres.
10. The appellant refers to the existing stabling of horses for private use. Therefore, whilst the appellant's intentions may be to expand the equestrian related functions of Simgill Farm, and appeal to certain markets which combine equestrian activities with visitor accommodation, it has not been demonstrated to me that the proposal would make an ongoing contribution to sustaining the long-term future of any subsisting equestrian business at the site. There are references before me to an agricultural holding, and that hens and sheep are kept, however, I have no substantive evidence before me which indicates that the proposed accommodation would contribute to sustaining any business aligned with this either.
11. Therefore, owing to the site's location, and the absence of a demonstration that the accommodation would support the diversification of an existing rural business,

the proposal conflicts with DMPD Policy DM18's requirements in relation to temporary and mobile tourist accommodation.

12. I accept that the proposal would make a contribution towards broadening the choice of tourist accommodation in the area and some economic benefits would be derived from the proposal since it would provide some employment opportunities and visitors may frequent the likes of shops and use facilities. However, the benefits to be derived from the provision of 3 holiday lodges in these regards would be modest. The proposal may also result in the increased use of public rights of way in the area, thereby encouraging access to, and recreation within, the countryside. This is a further limited benefit of the proposal.
13. The appellant also asserts that the proposed accommodation would be tailored towards disabled guests. However, the evidence before me that the proposal would provide bespoke accommodation particularly attractive to, and appropriate for, those interested in equestrian activities with disabilities, is unconvincing. Again, therefore, this weighs in favour of the proposal to only a limited extent.
14. The appellant refers to some examples of tourist accommodation in the local area and sets out that neighbouring properties are already holiday lets. However, the detail I have before me in relation to each of these examples of tourist accommodation is very limited, including in relation to the specific circumstances or reasons which led to each of them either being granted planning permission or coming into fruition. As a result, it is not possible to draw accurate comparisons between those schemes and the accommodation proposed in this appeal, and I must consider the appeal on its own merits having regard to the evidence before me now, my own experience and the particular circumstances of the case. Accordingly, the cited examples of tourist accommodation is not a matter which weighs in favour of the appeal proposal to any meaningful extent.
15. Altogether, no exceptional circumstances or benefits have been presented to me which demonstrate that the proposed lodges should be permitted within its countryside location and its remote position away from settlements. Given this, if I were to treat the holiday lodges as constituting permanent purpose-built self-catering tourist accommodation buildings, then the submissions before me conflict with DMPD Policy DM18's requirements in their regards. Consequently, the proposal does not comply with Policy DM18's criteria in relation to either temporary and mobile accommodation, or permanent purpose-built accommodation, and the proposal therefore conflicts with the Policy in overall terms.
16. In turn, the proposal fails to comply with Policies CS1.1 and CS1.2 of the CS because it conflicts with their content on directing development towards places well located for accessing services and infrastructure, and in relation to protecting the countryside. Finally, conflict arises with Policy DM1 of the DMPD. Policy DM1 is a general development management policy with its purpose being to maintain, protect and promote the district's environmental, economic, social and historic qualities, safeguard local amenity and ensure its sustainability. The operation of the Policy is such that, as well as requiring development proposals to comply with its varied criteria, it requires development proposals to comply with other development plan policies relevant to them. For the reasons I have set out that is not the case here.

17. Therefore, having particular regard to those policies within the development plan which control tourist accommodation provision, the appeal site does not provide a suitable location for the development proposed.

Character and appearance

18. The group of buildings Simgill Farm forms a part of is generally quite tightly clustered together beside the accesses, hardstandings and yard areas which serve them. An extensive stretch of fields and paddocks commences to the south of the building group.
19. Rather than being positioned amongst or beside any of the buildings within the group, the proposed lodges would be quite well-separated from them, and they would be sited within a paddock to the building group's south. Consequently, they would form an incursion into the extensive tract of countryside to this side of the building group, and they would detract from its presently open character.
20. I noted during my site visit that filtered views of the lodges would be available from public footpath 527011. The footpath may not be well used, but I have no compelling evidence that demonstrates to me that walkers do not travel along it at times. That being the case, the aforementioned incursion into the countryside would be apparent to them from this public route. Regardless, the countryside has intrinsic value, and the provision of the lodges would result in the erosion of those parts of it south of the building group.
21. I accept that there are aspects of the design of the proposal that would moderate its visual effects to an extent. In particular, I note that the lodges would only be single storey, the hardstanding for the car parking is already there, the lodges' elevations would have a timber finish and a shelter belt is proposed adjacent to them to provide further screening. However, such design aspects would not sufficiently mitigate the harm which would be brought about by the proposal's incursion into the countryside, and the erosion of the open character of the land south of the building group.
22. For the above reasons, I find that the effects of the proposed development upon the character and appearance of the area would be unacceptably harmful. The proposal therefore conflicts with Policies DM1, DM2 and DM18 of the DMPD as well as Policies CS1.1, CS8.2 and CS8.10 of the CS. Altogether, in summary and amongst other matters, these Policies seek to protect the countryside's intrinsic beauty, seek to ensure that development responds appropriately to locational context, local character and distinctiveness, whilst they also seek to maintain and enhance the quality of the landscape.

Other Matters

23. The appellant asserts that the proposal would not harmfully affect the occupiers of neighbouring properties and would ensure that the prospective visitors themselves would have sufficient privacy. It is also submitted that the lodges could be accessed by emergency services should the need arise, whilst the proposal would not generate problematic levels of traffic or noise. However, even if I were to agree, an absence of harm in relation to these matters would be a neutral factor in my decision, and it would not outweigh the harm I have identified in my main issues.

24. The appellant draws issue with the manner in which the Council handled the planning application and, furthermore, asserts that officers at the Lake District National Park Authority, to whom the proposal was initially submitted in error, responded to it positively. However, such matters do not have any meaningful bearing on the merits of the case and, therefore, they are not determinative factors in my decision.
25. The Council's second refusal reason relates to concerns regarding the potential for nutrient loading effects upon a Habitats Site to arise as a result of the proposed development. If I had been minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the Habitats Site. However, I am dismissing the appeal because of my findings on the main issues. Therefore, there is no requirement for me to undertake this assessment.

Conclusion

26. The development conflicts with the development plan as a whole, and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.
27. In coming to this conclusion, I have had due regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010 and the relevant protected characteristics set out therein, which include disability. In dismissing the appeal, tourist accommodation potentially suitable for those with disabilities will not be provided at the site. However, it does not follow from the PSED that the appeal should succeed. In dismissing the appeal, I am satisfied that any interferences with the PSED would be for legitimate and well-established planning policy reasons given the harms and development plan conflict I have identified. Consequently, it is appropriate and proportionate to dismiss the appeal.

H Jones

INSPECTOR