



---

## Appeal Decision

Site visit made on 2 January 2026

**by D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 5<sup>th</sup> January 2026**

---

**Appeal Ref: APP/Q9495/C/25/3366525**

**Land at Low Longlands Farm, Uldale, Wigton, CA7 1HN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
  - The appeal is made by Mr Jasper Kirkman against an enforcement notice issued by Lake District National Park Authority.
  - The notice was issued on 16 April 2025.
  - The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the Land from use as agriculture to use as a caravan site providing short term residential holiday accommodation through the stationing of two caravans and associated operational development comprising alterations to ground levels to create level platforms and terraced banks; the installation of crushed stone hard standings; the installation of timber decking and the erection of timber screen fencing.
  - The requirements of the notice are to i) discontinue the use of the Land as a caravan site, ii) remove the caravans, crushed stone hard standings, timber decking, timber screen fencing, hot tubs and any other items associated with the use as a caravan site from the Land, and iii) restore the Land to its condition before the breach took place, as shown in Annex 2 photos.
  - The period for compliance with the requirements is four months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 

### Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Procedural Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issues which are pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining this appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below on the ground (a) appeal deemed planning application.

### Ground (c) appeal

3. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.
4. The appellant claims that a breach of planning control has not occurred in so far that an exemption certificate (i.e., no site license required) has been issued by Freedom Camping Club under paragraph 5, of schedule 1, of The Caravan Sites and Control of Development Act 1960 (the 1960 Act) and section 269 of the Public Health Act 1936. The certificate covers the period 15 January 2025 until 14 January 2026 and states *'allowing for the purpose of recreation only, camping and caravanning to commence'* at Longlands Lodgings, Uldale.
5. The claim made by the appellant is that because the above exemption certificate has been issued, the breach of planning control constitutes permitted development under Class A of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This permitted development class relates to the *'use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2'*. Paragraph A.2 states *'the circumstances mentioned in class A are those specified in paragraphs 2 to 10 of schedule 1 to the 1960 Act (cases where a caravan site license is not required), but in relation to those mentioned in paragraph 10 do not include use for winter sports'*.
6. In respect of the above, I firstly emphasise that the exemption certificate does not permit the operational development which has facilitated the material change of use of the land. Moreover, and importantly, the exemption certificate is issued based on paragraph 5(2) of schedule 1 of the 1960 Act which is that the land is approved to be used *'by the exempted organisation for use by its members for the purposes of recreation'*.
7. There is no dispute between the main parties that there are two caravans on the site. However, the evidence is that such caravans are permanently sited on the land and in association with the unauthorised operational development that has been carried out. There is no evidence to indicate that the caravans on the land are used by members of the Freedom Camping Club. In addition, the evidence does not demonstrate that this is a case of Freedom Camping Club members bringing touring caravans onto the land.
8. The appellant does not dispute the Authorities' evidence which shows the caravans (with hot tubs) being marketed on a short-term holiday let basis on the *'Sykes Holiday Cottages'* web site. They are indeed marketed for rent by any visiting member of the public. In my judgement, the evidence indicates that what was occurring on the land when the notice was issued was a holiday caravan site facility for use by any visiting member of the public. The evidence does not indicate that the site was in use for *'caravanning'* and by members of the Freedom Camping Club. The Sykes Holiday Cottages web site information casts sufficient doubt about any possible claim that the land has been used only by members of the Freedom Camping Club.
9. For the reasons outlined above, I do not therefore find that the breach of planning control has been carried out in accordance with the exemption certificate. I conclude that the material change of use of the land does not fall to be permitted

development under Class A of Part 5 of Schedule 2 of the GPDO. The breach of planning control constitutes a material change of use of the land from agriculture to a caravan site. It is an act of development under section 55 of the Act and, for the reasons outlined, it is not permitted development and therefore requires planning permission.

10. The notice attacks the material change of use of the land and requires the use to cease and the removal of facilitating operational/engineering development. However, and, for the avoidance of doubt, I emphasise that the operational development carried out in association with the material change of use, including land level changes and the formation of hardstanding areas, is significant. This also constitutes an act of development under section 55 of the Act, for which there are no permitted development rights.
11. For the above reasons, I conclude that the matters alleged in the notice constitute a breach of planning control. Therefore, the ground (c) appeal fails.

### **Ground (a) appeal and the deemed planning application**

#### *Main Issues*

12. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
13. I have considered the reasons for issuing the notice and the main issues are (i) the effect of the development on the landscape character and appearance of the area including the Lake District National Park and the outstanding universal value of The English Lake District World Heritage Site, and ii) whether the development accords with the biodiversity net gain requirements of policy 04 of the adopted 2021 Lake District National Park Local Plan 2020-2035 and the Authorities' 2024 Biodiversity Supplementary Planning Document.

#### *Effect on landscape character and appearance, the NP and the WHS*

14. The appeal site comprises part of a field which is in a rural location in the hamlet of Longlands. It is approximately 15km from Cockermouth, Wigton and Keswick. It sits to the west of a narrow rural lane with three dwellings and a scattering of barns and outbuildings on the east side.
15. Two caravans (glamping pods) have been sited on the land, and each has a hot tub to its side. It is clear from considering the submitted photographs prior to the breach of planning control occurring that the land has been the subject of land level changes to create level platforms and terraces, and that hardstanding areas have been formed using crushed stone.
16. The appeal site falls within the Lake District National Park (NP) and The English Lake District World Heritage Site (WHS). The statutory purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. It is necessary, given section 245 of the Levelling-up and Regeneration Act 2023, for relevant decision makers to also seek to further the statutory purposes of Protected Landscapes including National Parks.

17. At national level, the site falls within Character Area 8: Cumbria High Fells which includes *'spectacular, formerly glaciated, mountain scenery of open fells and craggy peaks separated by U-shaped valleys with a radiating pattern of rivers and lakes'* and a *'field pattern of pastoral hill-farming with small valley in-bye fields, rougher intakes/allotments on valley sides and common grazing on the open fells; separated by a network of dry stone walls, with some hedges and trees, including pollards'*.
18. The site also falls within the Bassenthwaite and Uldale Area of Distinctive Character as identified in the National Park Landscape Character Assessment and Guidelines (revised 2021). This defines its distinctive characteristics as including relatively soft, rolling, pastoral landscape, with deciduous vegetation in woodland blocks, hedgerows and hedgerow trees; strongly textured landscape due to the pattern of a diversity of field sizes, dominated by hedgerows, and a strong rural character with a noticeable sense of tranquillity and little traffic or tourist influence.
19. In relation to the WHS, the site is in the Barrowdale and Bassenthwaite Valley. It is defined as 'inbye' in the WHS nomination document which includes pastures and hay meadows, and open fell land use, characteristics of the evolved pastoral systems which is part of the unique farming heritage of the WHS. The WHS as a whole has significant aesthetic value and historic illustrative value arising from vernacular architecture; polite architecture of the grand villas and associated designed landscaping; together with elements such as long straight dry-stone walls forming the field boundaries. A range of key attributes have been identified in the WHS including the Lake District's extraordinary beauty and harmony; the simple functional character of its vernacular buildings; the fusion between the natural landscape and the communal farming system; and the long history of settlement, agriculture and industry.
20. It was evident on my site visit that the immediate area has a strong rural character and with a noticeable sense of tranquillity and little traffic or tourist influence. There is generally an absence of built development in the locality as a whole. There is an overall appreciation of an undeveloped and open rural landscape interspersed with some woodland and hedgerows. Where the occasional building does exist, it is generally traditional in appearance, finished in predominantly stone and with simple pitched roofs, and/or of a utilitarian agricultural appearance which is befitting of its rural setting.
21. Given the 'before' photographs submitted as part of this appeal, I have been able to consider the character and appearance of the site prior to the unauthorised development occurring. I acknowledge that planning permission has been approved for an agricultural building on wider land. However, unlike this land, the appeal site is in a much more prominent position being elevated and close to the main road. The two glamping pods are quite large. Owing to their bulk, position and suburban appearance, coupled with the siting of hot tubs, level platforms and terraced banks, hardstanding, parked cars, and general activity and comings and goings, the development is seen in stark and harmful contrast to what was otherwise and previously an undeveloped and open agricultural field which sloped gently upwards and was contiguous with the wider pastoral land.
22. The above harm is compounded as the evidence indicates that the site is used for overnight stays. Hence car headlights and other lights associated with the breach of planning control, and on elevated land, is likely to be experienced by passers-by

in stark contrast with the prevailing dark character of the landscape in this area when the sun goes down.

23. In my judgement, the development has caused significant harm to the prevailing and distinctive soft, rolling and pastoral landscape character of the area and the overall significance of this part of the NP and WHS. I accept that from a receptor point of view, the harm is experienced from more localised settings owing to surrounding topography and vegetation. Nonetheless, this does not lead me to depart from my finding that the development has significantly urbanised this part of the countryside. Indeed, it does not assimilate well with the landscape character of the area and appears as an incongruous and deleterious form of development when experienced by passers-by.
24. I recognise that part of the highway opposite the appeal site is used for the parking of cars. I have taken this into account in reaching my judgement about the extent of harm. The parking of cars is an intermittent use and, moreover, cannot be controlled from a planning point of view. The evidence is that the scale of parking involved is not very significant and, moreover, is tightly confined to the land associated with the highway. It does not alter my finding about the prevailing and distinctive landscape characteristics of the area or justify allowing harmful and permanent development on higher ground and outside the functional highway.
25. As part of the appeal, the appellant has included a plan which shows the planting of trees fronting the main road. It would likely take some time for these trees to reach maturity, and, even if they did survive, they would not endure forever. Moreover, it is unlikely that they would filter all views of the breach of planning control, even if they did reach maturity.
26. In this case, while the planting of trees would to some extent help to reduce the harmful visual impacts of the development when experienced by nearby receptors, I do not find that the imposition of a planning condition requiring trees to be planted on the site would be sufficient to overcome my finding that moderate harm would still be caused to the landscape character of the area. I acknowledge the appellant does not agree with me on this matter, given the conclusions reached in his Landscape and Visual impact Appraisal. However, I have exercised my own planning judgement and based on my site visit observations.
27. For the reasons outlined above, I also do not find that the breach of planning control would be capable of suitably conserving or enhancing the landscape and scenic beauty of the NP. Moreover, the development would not further the statutory purpose of the NP. It is noteworthy that paragraph 189 of the National Planning Policy Framework 2024 (the Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty and cultural heritage of National Parks.
28. In the context of paragraph 215 of the Framework, I find that less than substantial harm has been caused to the significance of the WHS. I find that the harm caused is at the lower end of the spectrum of less than substantial harm. I recognise that there are some public benefits associated with use of the land as a caravan site from an economic and tourism point of view. However, I do not find that the public benefits are material given the likely number of visitors that would use the two caravans on the land. The public benefits are not sufficient to outweigh the harm that has been caused to the significance of the WHS.

29. For the above reasons, I conclude that the development does not accord with the landscape character, conservation and design requirements of policies 01, 02, 05, 06 and 07 of the LP, and chapters 12, 15 and 16 of the Framework.

#### *Biodiversity Net Gain*

30. The Authority considers that the development does not accord with the biodiversity requirements of policy 04 of the LP, or its 2024 Biodiversity Supplementary Planning Document (SPD).
31. I recognise that deemed planning applications are exempt from the need to provide statutory biodiversity net gain (BNG). However, this does not obviate the need for development proposals (even if retrospective) to accord with biodiversity policies in development plans. Policy 04 of the LP states *'we will only support proposals which would have significant and harmful direct or indirect effects on biodiversity and ecosystems processes where an appropriate scheme is proposed which will secure compensation and net increases in biodiversity'*. The general requirement to achieve BNG is also contained in paragraph 187(d) of the Framework.
32. I acknowledge that the appellant has submitted a plan which shows the planting of trees on part of the site. However, the appellant has not submitted a BNG scheme which considers the baseline biodiversity value of the site prior to the unauthorised development occurring, and an assessment in relative terms of the proposed tree planting. I am therefore unable to conclude with any certainty that the planting of the trees would be sufficient or appropriate to provide a net gain in biodiversity. This is a matter that goes to the heart of the acceptability of the proposal and hence the imposition of a condition would not be suitable in this case.
33. I recognise that the SPD does permit the buying of biodiversity credits so that replacement biodiversity can be provided off-site. This is not proposed by the appellant, and, in any event, there is no controlling mechanism before me to deal with such a matter even if this were an option or was necessary.
34. For the above reasons, I am unable to conclude that the breach of planning control accords with the biodiversity requirements of policy 04 of the LP, the SPD or paragraph 187(d) of the Framework.

#### *Planning Balance and Conclusion*

35. Even accounting for the planting of trees, I find that the development causes moderate harm to the landscape character of the area. Moreover, it does not conserve or enhance the NP, and the significance of the WHS has been harmed. In addition, I am unable to conclude that the development would be capable of according with the BNG requirements of policy 04 of the LP. I recognise that the LP does not prohibit caravan sites in the countryside. However, proposals of this kind are only supported under policy 18 of the LP if they are *'consistent with the landscape character'*. For the reasons outlined, I do not find that the development would be capable of being consistent with the landscape character of the area. Hence, the development also fails to accord with policy 18 of the LP.
36. I therefore conclude that the breach of planning control does not accord with the development plan for the area taken as a whole and there are no material

considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

### **Overall Conclusion**

37. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

*D Hartley*

INSPECTOR