



Appeal Decision

Site visit made on 15 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/Q9495/W/25/3372924

Land at Fairfield, Eskdale Green CA19 1UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr R Irving against the decision of the Lake District National Park Authority.
 - The application reference 7/2024/4097 sought approval of details pursuant to condition No 1 of planning permission reference 7/2020/4077, granted on appeal on 14 March 2022.
 - The application was refused by notice dated 5 June 2025.
 - The development proposed is erection of 3no. 1 bedroom dwellings.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr R Irving against the Lake District National Park Authority (the Authority). This application is the subject of a separate decision.

Preliminary Matters

3. I have used in part, the appeal site address as stated on the Appeal Form as this more accurately describes the site's location.

Background and Main Issue

4. The application which has led to this appeal sought the approval of reserved matters, following the grant of outline planning permission for 3 dwellings with all matters reserved, as a result of an earlier appeal¹, dated 14 March 2022. Therefore, the appeal before me seeks approval for the reserved matters of access, appearance, landscaping, layout and scale.
5. The main issue is the effect that approving these reserved matters would have upon the character and appearance of the area.

Reasons

6. The appeal site comprises a broadly rectangular piece of scrubland to the rear of dwellings along Smithy Brow Lane and Randlehow, on the edge of Eskdale Green. A gravel track runs through the site from Randlehow, and provides access to the village's wastewater facility, which is positioned to the south. Visibility of the appeal

¹ Appeal reference: APP/Q9495/W/21/3279281, application reference: 7/2020/4077.

site is limited largely to a small car park on Smithy Brow Lane and in some private views from adjacent houses, as well as from a public right of way (PRoW) which crosses the site itself.

7. The Authority's refusal reason refers specifically to the reserved matter of appearance, referring specifically to the massing, volume and design of the proposed dwellings.
8. Policy 06 of the Local Plan², (LP) seeks design excellence in all development, which is inspired by, and contributes to local distinctiveness. It states that development must reinforce the importance of local character, having regard to scale, height, density, layout, appearance and materials, and that it should be inspired by the natural environment and use innovative design and local materials to reflect local distinctiveness. The Authority has prepared Supplementary Planning Document 'The Lake District Design Code', September 2023, (the Design Code), to provide clarity about what is meant by high quality locally distinctive design, in the context of LP policy 06, and a number of other policies.
9. Amongst other matters, the Design Code directs developers to the Lake District National Park Landscape Character Assessment³ and requires that new development is inspired by and respects landscape character. It also requires that new development respects or enhances local character and distinctiveness, informed by an understanding of the site context. It states that the type, form and composition of new buildings must be rooted in local character, and that the design of developments must reflect the local vernacular architecture and traditions. It considers vernacular design to be architecture based on local materials and traditions, where buildings were designed to meet functional needs.
10. Eskdale Green demonstrates a variety of architectural styles, reflecting its development over time. While many dwellings are detached and set in individual plots, there are also examples of semi-detached or short terraces of houses. Some dwellings sit hard up to the road edge, while others are set back. There is consistency in that most buildings are two storeys high, and comprise of local stone, or roughcast render, under slate roofs. Roof forms are generally simple with a low to medium gradient, often with chimneys. Stone walling to frontages is a further unifying feature.
11. A number of interested parties refer to differences between the appeal scheme and the outline application, particularly in relation to the size and position of the units. However, the appeal decision from 2022 states that the original proposal was described as '3 No 1 bedroom dwellings or bungalows', and no restrictive condition was imposed on the outline planning permission in relation to height. As all matters were reserved for approval at this later stage, any details provided at the outline stage would have been indicative only.
12. The design of the proposed houses utilises the sloping topography of the appeal site from north to south, and so the proposed dwellings would appear as single storey to the north elevation, and two storeys to the south elevation, with a relatively modest footprint. The proposal would sit low in the landscape with the backdrop of rising land. The variation in eaves and ridge height, and a narrow gap between plots 1 and 2, would emphasise each house, but it would appear as a

² Living Lakes Your Local Plan, Lake District National Park Local Plan, May 2021.

³ Lake District National Park Landscape Character Assessment and Guidelines, Revised April 2021.

short terrace. As other dwellings within Eskdale Green are predominantly two storeys in height and of varying width and length, with some examples of short terraces, the proposed dwellings would be in keeping with the surrounding built form. Consequently, I find the overall massing and volume of the appeal scheme to be acceptable.

13. I am advised that these dwellings would be constructed using conventional techniques, and that they would consist of a mix of local stone and render, with slate to the roof. If sourced locally, these materials would reflect the traditional materials of the village, and this has attracted some local support. Precise materials could be secured by the imposition of a suitable condition.
14. The proposed roof design is relatively simple, albeit the irregular placement of solar panels undermines this to a degree. The roof gradient would be generally consistent with others in the village. The addition of chimneys and the use of cast stone lintels, cills and jambs to openings, demonstrates further consideration of the local vernacular, as does the use of front porches, which the Design Code advises have typically been incorporated in Lake District housing to offer protection from inclement weather. These aspects of the design would respond to and reinforce local character and distinctiveness.
15. However, a number of other features combine to undermine the quality of the overall design. The use of integral garages, balconies, and the associated large door and window openings, are not typical features of the locality. While I have been provided with a small number of examples of such features from within the village, these examples are few, and they could not be described as common. A number of these examples appear to be at the rear of properties where they are less visible, whereas the south elevation of the appeal scheme would be highly visible from the PRoW. Given the recreational qualities of the National Park, I have no reason to consider that this PRoW would not be well used, and there is no substantive evidence to support claims that it is only used infrequently.
16. The inclusion of integral garages would utilise the topography of the site and could have the benefit of reducing any impacts on trees from additional surface parking. Nevertheless, their incorporation, along with the associated arrangement of frontage driveways would give the proposal a repetitive and regimented appearance, which would be at odds with the more organic feel of the village.
17. I accept that balconies have the potential to reference traditional spinning galleries, which are a feature of some Lake District properties. However, no evidence has been provided that such features were common to Eskdale Green, or that the balconies as proposed, would reflect such features in terms of their design. Even if they did, there is no evidence to suggest that such features were accompanied by large door and window openings, which form part of the appeal scheme. These integral garages, balconies, and large door and window openings, introduce modern features, which would be a stark contrast to the local vernacular and semi-rural character of the area.
18. Further, the Design Code recognises that a common characteristic of Lake District buildings is that openings in walls are well-spaced and kept to a minimum, as a result of design following function. As a result, building elevations are often dominated by stone rather than glazing or large openings. While I acknowledge that this is not the case for all development in Eskdale Green, it is a characteristic

of many, including those dwellings to the immediate east and north of the appeal site. Due in large part to the combined use of integral garages, balconies, and large door and window openings, the proposed fenestration within the appeal scheme would not be well spaced or kept to a minimum, resulting in a busy appearance, which would jar the eye, when seen in context. Conditions imposed to control the design and materials of some features, would not be sufficient to address the concerns I have identified.

19. I appreciate that LP policy 06 does not seek to stifle innovation and that Eskdale Green is not a Conservation Area. Nevertheless, the proposal would not achieve the design excellence inspired by, and contributing to local distinctiveness, which is required by this policy, and so there would be conflict with it.
20. To conclude on this main issue, the appearance of the proposal would harm the character and appearance of the area, conflicting with LP policy 06, the requirements of which have been set out above.

Other Matters

21. The proposed development is within the Lake District National Park (National Park) and English Lake District World Heritage Site (WHS). The purposes for national parks derive from statute, and in decision making, the relevant authority must seek to further these purposes. Purpose 1 seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Purpose 2 seeks to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. Additionally, there is the duty to foster the economic and social wellbeing of the local communities therein.
22. The WHS is a heritage asset of the highest significance, recognised internationally to be of outstanding universal value. Paragraph 212 of the National Planning Policy Framework states that great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. The Authority's refusal reason does not state explicitly that the proposal would impact detrimentally on these designations, nor does it identify any conflict with those policies which relate specifically to them.
24. From my own observations and having considered the available evidence, I have no reason to disagree. While I have identified harm to the character and appearance of the area, this would be localised and it would not result in any significant harm to the natural beauty of the National Park, or its wildlife. Nor is there evidence to suggest that any attributes of land use that form the distinctive cultural landscape of outstanding universal value would be significantly harmed. Consequently, the proposal would not be inconsistent with furthering the purposes of the National Park, and the WHS would not be harmed. The provision of local occupancy housing would assist in fostering the economic and social wellbeing of the local community, an aspect of the proposal which has attracted support.
25. The appellant highlights that where possible, the proposed dwellings have been designed to be compliant with Part M4(2) of Building Regulations 'Adaptable and accessible homes'. Additionally, the proposal would incorporate renewable energy measures including an air source heat pump and solar photovoltaic panels, as well

as incorporating electric vehicle charging points. Such measures would be beneficial in accessibility terms and in reducing the carbon footprint of these dwellings, having regard to the requirements of LP policy 20.

26. Interested parties have expressed a range of additional concerns, both at the planning application and appeal stages. A significant number of these concerns relate to the principle of residential development at the site, or to the discharge of other conditions imposed on the outline planning permission, such as housing need and affordability, sewerage capacity and sewage disposal, risk of odour from the wastewater facility, feasibility of connecting to services, flood risk, construction management, waste management/disposal, impacts on ecology, stability issues, and traffic generation. Others relate to private matters such as access rights, sewer routes and easements. However, this appeal relates only to the reserved matters, and I have no scope within this appeal to reconsider matters which would have been dealt with at the outline stage, or which are matters for private parties.
27. A number of issues have been raised which relate to the other reserved matters of access, landscaping, layout and scale, where there can be some overlap. These matters were considered by the Authority at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. While I have considered all of these issues carefully, there is no compelling evidence before me that would lead me to come to a different conclusion to the Authority on these matters.
28. While I note concerns relating to possible future risks associated with the proposal, such as obstruction of the PRow, or unauthorised changes to the development or use, in the circumstances, it is not necessary for me to go on and consider these matters.

Conclusion

29. While the principle of residential development on this site has been accepted, by way of its appearance, this detailed reserved matters scheme would have a harmful effect upon the character and appearance of the area. The proposal conflicts with the development plan when taken as a whole, and there are no other considerations of sufficient weight that would indicate a decision other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

S Brook

INSPECTOR