



Appeal Decision

Site visit made on 20 April 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2026

Appeal Ref: APP/Q9495/W/26/3377585

Land at Rosgill, Shap CA10 2QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Barry Young against the decision of Lake District National Park Authority.
 - The application Ref is 7/2025/3055.
 - The development proposed is the change of use of the land from agricultural to the keeping of horses with associated operational development consisting of two stables (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the land from agricultural to the keeping of horses with associated operational development consisting of two stables (retrospective) on land at Rosgill, Shap CA10 2QX in accordance with the terms of the application, Ref 7/2025/3055, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The works as described above has already taken place onsite. The appeal has therefore been assessed on a retrospective basis.
3. Additional information relating to animal welfare and letters in support of the development has been submitted with the appeal. Such information does not alter the scheme as submitted and the Council has also had the opportunity to comment on this. My acceptance of this information is not therefore considered to be prejudicial to any interested party, and I have taken this into account in reaching my decision.

Main Issues

4. The main issues are:
 - Whether the location is suitable for the development having regard to the development plan policies governing such proposals; and
 - The effect of the development on the character and appearance of the area, including whether it preserves the setting of the Grade II listed building, Limekiln.

Reasons

Location

5. The appeal site relates to an agricultural field to the southeast of Rosgill, on the western side of the main road (C3043) from Shap to Bampton. The surrounding landscape comprises agricultural fields which are predominantly open with scattered trees throughout the landscape. Boundaries are formed by either hedgerows or traditional stone walls. The appeal site itself is bound by stone walls.
6. The development seeks planning permission for the change of use of the land from agricultural to the keeping of horses with associated operational development consisting of two stables. The stables measure 9.14 meters x 5.78 metres and 5.48 metres x 3.65 metres. Both have a height of 2.7 metres and are finished in timber cladding with metal profiled roofing. A hardcore hardstanding area has also been formed between the two buildings and new timber fencing erected.
7. Policy 02 of the Lake District National Park Local Plan 2020 – 2035, 2021 (LP) relates to the spatial strategy and states that development within the open countryside will only be supported where the application demonstrates: an essential need for a rural location; or the location is necessary for the provision of public utilities and infrastructure; or that it helps to sustain an existing business; or it is necessary for and designed to support agricultural or forestry use; or an appropriate extension, or reuse of an existing building. It also supports development that amongst other matters, contributes towards meeting the needs of the local community, or brings benefit to the local community or delivers a prosperous economy.
8. Policy 25 of the LP relates specifically to development for the keeping of animals on a non-commercial basis. It states that development of facilities related to the keeping of animals which are kept on a non-commercial basis will only be supported where: it reuses an existing building; or it is well related to existing buildings and structures, and they satisfactorily relate to existing vehicular access and bridleways. It goes on to explain that where this is not practical or appropriate, exceptionally, the authority will only permit buildings in open countryside locations where they are demonstrably necessary for, and designed for, welfare reasons.
9. It is reasonable to consider that the stable buildings require a rural location, and the appellant has confirmed that they have no other land in their ownership/control which could be utilised for such purposes. I have no compelling evidence to the contrary nor reason to question this. The appellant has also confirmed that the development is necessary for animal welfare, and I have had due regard to the evidence provided from the professional farrier and veterinary surgeon who provide care for the appellant's horses. Such evidence provides information about why certain horses or certain animals are able to be permanently outside and why others, such as the horses in this case, require shelter for certain times and portions of the year. The evidence before me confirms that the facilities are essential for welfare and safety reasons and again, I have no reason to disagree with this.
10. The fields in which the stables are situated have been used for grazing purposes for several years and the appellant has confirmed that the fields have been rented out to various members/families of the local community for grazing purposes including horses which is said to continue and the appellant explains that some of which has been free of charge. So, they have and still are benefitting members of the local community. The letters of support received from the Parish Council and residents also confirms that the stables bring benefit to the local community.

11. Whilst non determinative, I am aware that the appellant owns a small local business that contributes to the economy by purchasing materials from several local suppliers and provides two full time jobs to Shap residents. The appellant claims that should the appeal be unsuccessful they fear all this would end as their family would be forced to move away from the area.
12. Based on the above, I find that the development whilst small scale does bring benefit to the local community and would not be at odds with the required tests of the LP as set out above with matters relating to character and appearance covered below.
13. On this basis, I consider the open countryside location to be acceptable in compliance with Policy 02 of the LP. The buildings are necessary for welfare reasons and as such, complies with the tests set out in Policy 25.

Character and appearance

14. The appeal site has a very rural appearance with features such as trees, hedging, open fields and traditional stone walls contributing positively to the character and appearance of the site and wider area. At my site visit, I observed examples of agricultural type of buildings in the area integrated within surrounding fields.
15. The western part of the field and part of the adjoining field are covered by Historic Environment Record number 14134 – Quarry. The Limekiln adjoining this in the field to the north is Grade II listed. I have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
16. The appeal site is within an area of exceptionally high landscape value given its location in a National Park and a World Heritage Site. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection. Development plan policies protect the Lake District National Park and landscape by promoting a character-based approach to conserve and enhance its uniqueness and diversity.
17. Within the Landscape Character Assessment Supplementary Planning Document (SPD), the site lies within Area of Distinctive Character 27 (Lowther Valley) with distinctive characteristics including 'green grassland', 'pastoral farmland', 'strongly rural and somewhat isolated character', 'predominantly a tranquil landscape and a perceived openness and naturalness of the landscape'.
18. When approaching the site from the north along the main road, only the top of the roof is visible over the boundary wall, and the buildings can only be seen from short distance views given the slight bend in the road further north and the trees at this point which obscure views. The buildings at this point are barely perceptible

and the choice of materials means that it blends into the landscape rather well including the nearby stone walls. It is also seen against the backdrop of a larger building which sits in the background (further south) which is understood to have been the subject of a recent approval for a livestock building¹. That building sits at a higher level in the landscape and is of a larger size which I found to be more noticeable than the appeal site buildings.

19. The buildings and fencing are more apparent when approaching the site from the south. However, the general size and scale of the buildings are considered modest and not excessive or dominant in this setting. As referred to earlier, the materials chosen also allows the buildings to sit comfortably within the landscape and do not unacceptably draw the eye. The fencing is a creosoted timber rail bar fence covering a relatively small area which I do not find harmful in this rural setting.
20. On approaching the site from the south, the development is also seen against the backdrop of built form located further north. The buildings are related to a horse stabling use and are consistent with other agricultural/stable buildings often found within a rural countryside location. The size, scale, siting and design of the development is typical of its type and is proportionate to the small-scale operations of the site. It does not therefore represent an untypical feature/use within the rural landscape. Overall, I cannot agree that the proposals are discordant and out of character with the surrounding landscape. The appeal site is still viewed as part of an open and tranquil area, and this has not been significantly diminished by the development particularly given its small scale and overall design. The rural character and natural beauty of the area is therefore conserved.
21. As set out, the western part of the field and part of the adjoining field are covered by Historic Environment Record number 14134 – Quarry. The Limekiln adjoining this is Grade II listed. The list entry² provides further details of this explaining, Lime-kiln, now disused. Probably early/mid C19. Snecked drystone rubble with quoins; battered sides, c.25 ft high. Central segment-headed hearth, c.8 ft wide, on north side. Ramp (extended at later date?) leads to top round west, south, and east sides.
22. When viewed from the road to the north the natural limestone geology of the area is evident and seen against the stone boundary wall on the north side of the appeal site. Its significance lies in its industrial and cultural heritage of the area.
23. While the stables are close when viewed from the north and the Limekiln and the limestone features within the field are seen against the surrounding stone walls, the stables are only just visible above the stone wall from this viewpoint, and vistas also include the larger building located at higher ground to the south of the appeal site. By virtue of the buildings modest size and limited views, I find that the buildings do not negatively affect the character, authenticity, integrity setting and views of the historic feature. Overall, I do not find the development to give rise to an unacceptable impact on the setting of the listed building.
24. For the reasons given above, I conclude that the development does not unacceptably affect the character and appearance of the area. It preserves the setting of the Grade II listed building, Limekiln and accords with Policies 01,02,05,06,07 and 25 of the LP. Such policies together, amongst other matters,

¹ 7/2025/3026

² 1326753

explain that development proposals should protect or enhance the authenticity, integrity and significance of the Lake District. For the same reasons, the development also accords with the SPD and Chapters 12 and 16 of the Framework relating to achieving well-designed places and conserving and enhancing the historic environment.

Conditions

25. I have considered the Council's suggested planning conditions in their Statement of Case and in light of the Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
26. A plans condition is necessary in the interests of certainty and to safeguard the visual amenities of the area, the character of the landscape and setting of the adjacent listed building. A condition relating to biodiversity is also required to ensure the development delivers a biodiversity net gain on site. Whilst this development is exempt from national requirements relating to biodiversity net gain as it is retrospective, local plan policy does however require biodiversity net gain. Taking into account the site location and context as well as works complete, I find that the delivery of biodiversity net gain is necessary to make the development acceptable in the particular circumstances of this case.

Conclusion

27. For the above reasons and having had regard to the development plan as a whole, the appeal is allowed subject to conditions.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be maintained in conformity with the following submitted plans and details: Site Location Plan (1:1250); Site Layout; Plan Layout; Shelter Elevations; Biodiversity Net Gain - Assessment Report; Baseline Habitat Plan and Metric Calculator.
- 2) Within three months of the date of this permission a Biodiversity Gain Plan and a Habitat Management and Monitoring Plan (HMMP), including: (a) a non-technical summary; (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (d) a timetable for those works in (c) above to be carried out; (e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (f) the verification and monitoring methodology and frequency in respect of the created or enhanced habitat, including the timetable for such monitoring to be submitted to the local planning authority, shall be submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the local planning authority when the:

- (a) HMMP has been implemented; and
- (b) habitat creation and enhancement works as set out in the HMMP have been completed.

The enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP thereafter for a period of 30 years commencing from the date the local planning authority receives notice and a verification report that the habitat creation and enhancement works have been completed.

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

If verification or monitoring identifies that:

- the target habitat condition set out in the Biodiversity Gain Plan has not been reached within the timescale indicated, or
- the habitat has declined from its target condition within the 30 year period,

then:

- a scheme of remedial interventions to secure or resecure the target habitat condition, or
- an alternative Biodiversity Gain Plan which delivers at least equivalent biodiversity net gain shall be submitted to the Local Planning Authority for approval.

End of schedule