



Appeal Decision

Inquiry held on 2, 3 and 4 June 2026

Site visit made on 4 June 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: APP/Q9495/C/26/3377594

Land at South Barn, Ayside, Grange over Sands, LA11 6HY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Fallowfield against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 3 December 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the making of a material change of use from agriculture to a mixed use of agriculture, commercial timber processing, the fabrication of timber buildings and furniture and the storage of timber, vehicles and domestic items with associated operational development to erect a timber building and install an access track and areas of hardstanding.
- The requirements of the notice are to Restore the Land to its condition before the breach took place, by: i) Discontinue the use of the Land for commercial timber processing, the fabrication of timber buildings and furniture and the storage of timber, vehicles and domestic items; and ii) Restore the Land to its condition before the breach took place by removing the timber building, access track and areas of hardstanding, as indicated on Plan A.
- The period for compliance with the requirements is Six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) 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.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Application for Costs

1. An Application for costs was made by Mr Richard Fallowfield against Lake District National Park Authority. This application is the subject of a separate Decision.

Preliminary Matters

2. The appeal includes grounds (b), (c) and (d), which are known as 'legal' grounds of appeal. For the avoidance of doubt, with regard to the legal grounds of appeal, the burden of proof rests with the appellant to make their case, and the standard of proof is the balance of probability.
3. The appellant confirmed, at the Inquiry, they were no longer taking issue with the question of delegated authority for service of the enforcement notice.
4. At the beginning of the Inquiry, the Authority set out its concern that the appellant appeared to be introducing new arguments within their proofs of evidence. This was that the access track and hardstanding, targeted by the notice, was associated with the agricultural use of the site, and furthermore were permitted development. However, I ruled the Authority had had ample opportunity to review

and digest the appellant's case, and would be able to examine it further during the course of the Inquiry. Accordingly, the Authority had not been prejudiced.

5. All factual evidence was given to the Inquiry on oath.

The appeal on ground (b)

6. The appeal on ground (b) is that the alleged matters stated in the notice have not occurred as a matter of fact. The appellant's case in relation to this ground is confined to the point that "commercial timber processing" does not reasonably describe what is being done on site, given its low-key, non-intensive nature. The appellant considers the use of the word 'commercial' connotes a large scale, intensive activity, which in reality would more appropriately be described as a sustainable carpentry operation.
7. I acknowledge the appellant's sensitivities to the scale of the business activity implied to be occurring, compared to what is said to actually be taking place on the site. However, notwithstanding this, the word 'commercial' is defined in the Cambridge dictionary as related to the selling of goods or providing services for money, rather than for personal use.
8. Given there is no dispute that a carpentry business is taking place on the site, notwithstanding the scale of that business, it is still reasonably encompassed by the description 'commercial timber processing'. There is no need for the wording of the alleged breach of planning control to be altered or omitted, and accordingly the appeal on ground (b) does not succeed.
9. Notwithstanding this, I note both parties are in agreement that the word 'commercial' may be omitted without causing prejudice to either. I therefore propose to vary the notice accordingly.

The appeal on ground (c)

10. The appeal on ground (c) is that those matters, if they occurred do not constitute a breach of planning control. For the avoidance of doubt, there is no dispute between the main parties that there has been a material change of use to the alleged mixed use of agriculture and timber processing and fabrication together with associated timber storage. The appellant's case in relation to this element of the appeal is now limited to the alleged storage of vehicles and domestic items.
11. It had previously also been their case that the alleged access track and hardstanding area, constituted permitted development, under the provisions of Article 3, Schedule 2, Part 6, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This aspect of the GPDO is concerned with permitted development rights for agricultural development on units of less than 5 hectares. However, following cross examination of the appellant's planning witness, the appellant appears to have conceded that such rights under the GPDO would not apply to the circumstances of this case. I have no reason to take a contrary view, and therefore turn to the question of vehicle and domestic storage.
12. The Authority has referred to photographic evidence which shows the storage of a single vehicle within one of the buildings present on the site; also to the presence there, as referenced in the appellant's evidence, of various children's toys including bicycles, small ride-on toys and a battery powered vehicle. There is no

suggestion from the appellant that these features would be ancillary to the lawful agricultural use of the site. Rather it is claimed they are *de minimis*, and not sufficient in themselves to result in a material change of use. In evidence given to the Inquiry the appellant confirmed the stored vehicle belonged to him and was being temporarily kept there, on a one-off basis, for around a month for security purposes, whilst he was away from the area.

13. In order for a change of use of land to be 'material', it need not result in planning harm, but merely comprise something that results in a noticeable change to how the planning unit is operated and the character of activities there. It seems to me that when considering the nature and scale of the stored items; along with the limited duration over which the vehicle was stored and lack of any associated coming and goings, these features in themselves would not result in a noticeable change to how the overall planning unit is operated and the character of activities there. They do not therefore give rise to a material change of use, and accordingly do not form a discrete component of the alleged mixed use. For the avoidance of doubt, the occasional parking of a personal vehicle on the site, associated with commuting there, does not alter my conclusion.
14. It follows that the ground (c) appeal succeeds in relation to this specific aspect of the alleged development and there is no need for me to go on to consider the ground (a) appeal in this regard. I shall allow the appeal insofar as it relates to the alleged storage of vehicles and domestic items and in doing so shall delete from the notice references to this in the allegation.

The appeal on ground (d)

15. The ground (d) appeal is that at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control. The ground (d) appeal is confined to the question of the installation of the access track and areas of hardstanding as alleged.
16. S171B(1) of the 1990 Act provides that no enforcement action may be taken in respect of any unauthorised operational development after the end of the period of four years¹ beginning with the date on which the operations were 'substantially completed'.
17. It is undisputed, following the Inquiry, that the track and hardstanding were substantially completed by March 2021, and the appellant's case is that both were in fact complete and operational by November 2020. However, notwithstanding the prohibition in S171B(1) appearing to be met, the Authority argues that this part of the targeted development serves to facilitate the unauthorised mixed use; is ancillary to and part and parcel of that development, and as such falls within the scope of the notice, having regard to the so-called *Murfitt* principle².
18. This principle is that an enforcement notice concerned with a material change of use may require the removal of associated works, facilitating that use, which would otherwise be immune. There are limits to the *Murfitt* principle. Of relevance to this case, a notice cannot require the removal of works that were in fact undertaken for a previous lawful use and could be utilised in that other lawful use if the

¹ Insofar as it relates to breaches of planning control that have taken place before 25 April 2024.

² *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598; *Kestrel Hydro v SSCLG & Spelthorne BC* [2016] EWCA Civ 784.

unauthorised use ceases. This is so even if the works in question help to facilitate the present unauthorised use.

19. The Authority argues that the track and hardstanding were not undertaken for the previous lawful use, that being agriculture. It says the appellant has not demonstrated when, on the balance of probability, the alleged material change of use commenced, and accordingly that the track and hardstanding originated as an agriculture related development. Furthermore, it expresses doubt the track and hardstanding would have been reasonably necessary in practical terms for agriculture.
20. As to when the timber business first occurred, it is the appellant's case that the initial project undertaken involved a commission for the provision of a small number of outdoor tables and benches for a local public house³. The appellant's evidence includes the relevant invoice for this project, which is dated September 2021. It is also the appellant's position that at this time he remained employed as a Chief engineer for a business based away from the appeal site, and that that business remained his primary source of income until December 2022.
21. I am mindful that the appellant's evidence has been given on oath, to which I attribute significant weight, given that a sanction such as a fine or custodial term could be applied if subsequently found to be untruthful. There is no suggestion that this is the case, and indeed the Authority's witness confirmed that they are not suggesting the appellant has committed perjury.
22. I am also mindful the Authority has not provided any evidence to contradict the appellant's version of events, even if the appellant was unable to pin down precisely when carpentry as a hobby gave way to carpentry as a business at the appeal site, and accepting that it would be possible for a material change of use to precede a tangible business transaction associated with it.
23. Drawing together the above considerations, I find on the balance of probability, the alleged timber use did not occur until several months after the track and hardstanding had been substantially completed (and an even longer period after this development was originally photographed by the Authority in November 2020).
24. As to the practicality of the track and hardstanding, the appellant's case is that they were implemented to facilitate the construction of the buildings on site and subsequently the ongoing agricultural use of those buildings. The Authority have challenged this expressed need, based on the experiences of their own witness in terms of how their own farm is operated.
25. However, notwithstanding such differences in opinion as to necessity, in my judgment the track and hardstanding would assist the practical and efficient movement of vehicles and materials for construction purposes, and also in connection with the ongoing agricultural use, whilst helping to protect the physical condition of the land, including areas adjoining the buildings. The doubt expressed by the Authority, does not therefore undermine the appellant's case.
26. Drawing the above considerations together I conclude, on the balance of probability, the track and hardstanding were originally constructed solely in association with the lawful agricultural use, even if they help to facilitate the

³ See Richard Fallowfield POE.

alleged unauthorised use today. The *Murfitt* principle is not therefore applicable in this case, and accordingly the track and hardstanding are immune from enforcement due to the passage of time.

27. It follows that the ground (d) appeal succeeds in relation to this specific aspect of the alleged development and there is no need for me to go on to consider the ground (a) appeal in this regard. I shall allow the appeal insofar as it relates to the alleged access track and areas of hardstanding and in doing so shall delete from the notice references to them from the allegation.

The appeal on ground (a)

Main Issues

28. The appeal on ground (a) is that planning permission ought to be granted for the alleged development. The main issues are the effect of the development on i) the character and appearance of the area, including the Lake District National Park and the significance of the World Heritage Site; ii) the amenity of local residents having particular regard to noise emissions and particulate matter and iii) highway safety.

Reasons

Character and Appearance

29. Given the location of the appeal site within the Lake District National Park, I have a statutory duty⁴ to seek to further the statutory purposes of Protected Landscapes, which in respect of National Parks are:
- conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated, and
 - promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
30. In addition, I am mindful of guidance within the National Planning Policy Framework (the Framework). This states that great weight should be given to conserving and enhancing landscape and scenic beauty, wildlife and cultural heritage in National Parks. It also states that in considering the impact of development, great weight should be given to the conservation of designated heritage assets which include World Heritage Sites, recognised for their outstanding universal value. With regard to the Lake District, that value is underpinned by its highly distinctive topography and naturally beautiful agricultural landscape.
31. As reflected within the Authority's Landscape Character Assessment⁵, the character and appearance of the area, in which the appeal site is situated, is defined by a verdant landscape of undulating farmland, contained by low lying fells and punctuated by drystone walls and hedges, pockets of woodland and sparsely scattered hamlets and farmsteads.

⁴ Section 245 of the Levelling-up and Regeneration Act 2023.

⁵ Lake District National Park Landscape Character Assessment and Guidelines 2021 – Field Broughton Area of Distinctive Character.

32. The site is part of a smallholding in the open countryside, a short distance to the north of the hamlet of Ayside. It is slightly to the south-west of the A590 dual carriageway corridor. Whilst the presence of dense vegetation ensures a lack of inter-visibility between the two, their proximity means the frequent passing of vehicles at speed results in the dominant background noise source in the locality. The area has high scenic value, but owing to the proximity of the road, is not in my view, a tranquil location.
33. The deemed planning application, as corrected, is for the mixed use of agriculture and timber processing and fabrication, with storage and an associated timber building. Much of the use is concentrated within two buildings on the site, with the larger of the two, a timber barn, benefitting from a previous planning permission. Raw and partly processed timber is also stockpiled in certain external parts of the site.
34. The Authority's case is essentially that the development is isolated, incongruous and results in visual clutter, in a location where the undeveloped and verdant countryside contribute to the character of the area. From the evidence and my visit, it was apparent that the two aforementioned buildings are positioned adjacent to one another, in the northern corner of the appeal site. Visibility of the site is limited to viewpoints along the single lane minor road (U5190) which runs past and provides access to it.
35. However, even allowing for seasonal leaf fall, visibility in a southerly direction from this road, is heavily screened or filtered by boundary vegetation along the highway verge, with only a clear fleeting glimpse of the site available via a break in the vegetation. Whilst I acknowledge that protection of planting along the highway verge is not within the appellant's control, I am not provided with evidence to suggest its long-term survival would be under threat.
36. I concur with the Authority, that because of bigger gaps in the vegetation, and the elevation of the road, the appeal site is more visible when looking northwards from close to the edge of the nearby hamlet (Ayside).
37. However, notwithstanding the above, the two site buildings are of limited scale and extent, being clustered in an orderly grouping in one corner of the field. They are viewed against a backdrop of higher ground comprising the fell. Furthermore, from the appearance of the older of the two buildings, I have no reason to doubt the appellant's evidence that the timber construction of the newer building, targeted by the notice, will take on a similar naturally weathered look and 'subdued' grey colouring within a relatively short period of time. These factors will help to assimilate the development into the landscape.
38. I am also mindful that much of the hardstanding area, along with the timber saw mill apparatus, housed externally beneath a projecting canopy, are well screened by the buildings themselves. This allows for an apron of green pasture to edge close to the most visible parts of the buildings, thus avoiding any sense of a sprawling and open industrial yard with associated vehicle parking. Furthermore, there is nothing to persuade me this is, or would evolve into, an operation characterised by disturbance from regular and frequent comings and goings of people and vehicles, arising from intense industrial activity.
39. It is also possible to control the location and height of externally stored timber, to ensure that such materials would be discreetly contained, taking advantage to a

degree of the screening provided by the buildings and existing boundary walls. In any event the principle of timber storage would not in my view be an alien feature in the landscape, having regard to small scale timber working as a traditional activity in the Lake District.

40. Whilst I note the appellant is agreeable to removing a third (redundant) building from the site, which would assist in reducing clutter, the building in question does not have permission in its present location, and as such its removal could be required in any event. For the avoidance of doubt this specific consideration does not weigh in favour of the development.
41. Drawing the above considerations together, I do not agree with the Authority that this is an incongruous and cluttered development, but rather find it to be relatively low-key, inconspicuous and proportionate in visual terms. It would conserve, rather than harm, the landscape of the National Park and the designated heritage asset. There is also no suggestion from the evidence that the development would fail to conserve wildlife. I conclude the development would conserve and not result in harm to the character and appearance of the area, and would be consistent with the Framework and with furthering the first of the aforementioned statutory purposes. Accordingly, it would comply with Policies 01, 05, 06 and 07 of the Lake District National Park Local Plan 2021 (LP) insofar as they seek to conserve and enhance the harmony and beauty of the Lake District landscape, reinforce local character and conserve and enhance historic assets.
42. I have also had regard to the fact that the Authority has previously granted planning permission for the larger of the two buildings and for a similarly sited and designed, albeit somewhat smaller, second building⁶. The planning officer's report concluded that this development did not result in character or appearance harm. The Authority refer to a planning condition that was imposed, requiring the removal of the buildings should they cease to be used for agriculture, as they would not be granted permission in the absence of agricultural need. However, the officer's reasoning does not refer to such need being pivotal in the planning balance, rather that there would simply not be character and appearance harm, as set out above. Accordingly, this factor weighs in favour of the development, though is not a critical consideration in this case, as I have already found the development to be satisfactory in character and appearance terms, on its own merits.
43. For the avoidance of doubt, had I not found the access track and areas of hardstanding to have been lawful, following the ground (d) appeal, I would have been minded to grant planning permission for the same in any event, because these elements also ensure that the character and appearance of the area would be conserved.
44. I have considered whether the proposal would promote opportunities for the understanding and enjoyment of the special qualities of the National Park. I find no reason to conclude (when also taking into account my findings on the other main issues later in this decision) the development would be harmful to such recreation objectives. I therefore consider this to meet the statutory duty, as a proportionate outcome, in relation to the second of the aforementioned statutory purposes, considering the nature and scale of the proposed development in this case.

⁶ Planning permission reference 7/2019/5661 – granted 13 November 2019.

Amenity of local residents

45. The Authority's concern about impact on local amenities is particularly with regard to noise disturbance and particle emissions, attributable to the machinery being used for timber fabrication and processing.
46. The appellant has submitted a noise assessment in relation to the operation of the band saw, located beneath the canopy at the rear of the building targeted by the enforcement notice. The assessment concludes the noise level experienced at the nearest residential property to the appeal site, known as Well Nook, situated close to the site entrance, would be some 5 dB below the background sound level. The assessment states that this assumes a worst-case operation of the band saw.
47. Whilst the assessment states that wood was cut for the benefit of the survey, when asked about this at the Inquiry, the appellant clarified that the survey did not include the actual cutting of wood. However, during my visit, I was able to listen to the sound of various timber processing machines in operation, including whilst wood was being cut. These machines included the primary band saw located beneath the canopy of the targeted building. I was also able to observe the use of a planer, other power driven saws and various other power tools associated with the business, being used within the buildings. The exercise was carried out when standing in close proximity to the machines and tools in question, and was then repeated when standing adjacent to the boundary of the nearest residential property.
48. I was able to observe, when at the nearest residential property, that the sound of wood being cut by the external band saw was only very faintly evident, with the sound of traffic passing on the nearby A590 road remaining the dominant noise source. The sound of the planer cutting wood was even less audible than the band saw doing so. The sound of the various other equipment and power tools was not evident at all.
49. In light of this, any argument that noise from the operation of machinery on the site, either individually or cumulatively, is harmful or intrusive to the living conditions of nearby residents is not at all compelling. Neither, in my judgment, is the suggestion that noise impact may vary noticeably, depending on the type or condition of the timber being cut.
50. The appellant confirmed at the Inquiry that whilst the timber business does not follow a regular working pattern, it remains a low-key operation, which over a typical month would run for some 5 to 6 days and for up to two hours per day. The Authority did not challenge this evidence.
51. When considering the findings of the noise assessment, combined with my own observations from the site visit, and also the limited cutting and processing of timber which is undisputed to take place there, I am satisfied the development does not result in harm to residential amenity as a result of noise disturbance. Accordingly, the development is not in conflict with Policy 06 of the LP, insofar as this seeks to protect the amenity of residents from unacceptable noise intrusion.
52. With regard to concerns expressed about particulate matter, the Authority has confirmed, following the receipt of further information, that because of its moisture content and coarse particles, the milling of 'green' timber would be unlikely to cause harmful amenity impacts. I have no reason to take a contrary view. Whilst it

seems to me that the processing of drier timber may have the potential to generate finer particulate matter, in my judgment the nearest residents to the site would still be too far away to be affected by any airborne sawdust arising from this process. Furthermore, there is no evidence before the Inquiry to suggest a problem of this nature. I conclude that local amenities would not be adversely affected due to the generation sawdust particles, and accordingly that a related planning condition would not be necessary.

53. The Authority also expressed concern that impact on amenity may be greater if the business was to expand over time. However, having regard both to the limited scale of built development there and the appellant's sustainable business ethos, as described in detail in the evidence, I am not persuaded that significant expansion on the site would be a likely scenario.

Highway Matters

54. The Authority's concern is that the change of use will result in more traffic movements to and from the site, and that there is a lack of evidence of satisfactory highway visibility.
55. The appellant reports that the business involves a minimal number of bulk deliveries of raw timber to the site, in any given year. There is no information to contradict the appellant's case, that because of the limited scale and low-key nature of the timber business, any associated traffic movements would be minimal.
56. The U5190 minor road serving the site, is subject to the national speed limit. However, it is also a single lane track, with bends, and is somewhat unevenly surfaced. I am in no doubt that these factors would combine to ensure the actual speed of a vast majority of vehicles passing the site would be significantly below the speed limit.
57. Furthermore, it was accepted at the Inquiry, by the Authority, that traffic passing the site will predominantly be residents of the small nearby hamlet of Ayside, or visitors to the 'Predator Experience' attraction, in relation to which visitor vehicles are heavily restricted by a planning condition. The number of vehicles passing the site could therefore reasonably be expected to be very limited, which is also consistent with my observations from the site visit.
58. Drawing these considerations together, and when also considering the position of the site access on the outside of a bend in the road, I am satisfied that there would be adequate visibility to ensure the development would not result in harm to highway safety.

Other Matters

59. The appellant has referred to the financial benefit the timber business provides for his family, and to that of an employee; also to the support that diversification of activity gives to the existing alpaca farming operation on the site. I agree that this is consistent with Policies 02, 16 and 19 of the LP insofar as they support job creation and sustaining an existing business. In addition, due to the low-key nature of the business, I agree that being able to operate it successfully from a purposely designed industrial location would probably be financially impractical, because of the significant additional costs involved.

60. I also acknowledge from the evidence given, including at the Inquiry, the business seeks to source timber locally and has provided various bespoke products for local community groups and organisations. This is consistent with the sustainable development objectives of the Framework, including sustainable transport practices and sustainable agricultural diversification supported by Policy 19 of the LP.
61. I am also mindful the appellant is a resident in Ayside, and consequently is regularly able to commute to and from the site on foot, avoiding what might otherwise require lengthy vehicle journeys. The Authority points out this commuting pattern might not be sustained, if the business were to pass to a different operator. However, in this regard I take into consideration that the agricultural and timber business on the site appear to provide only a marginal income, which the appellant has expressed he is content to accept due to a combination of a passion for the type of work, together with a lifestyle choice which allows for low or modest income levels. This type of set up would be unlikely to suit the skills, needs and aspirations of many people. Accordingly, the notion of the business simply passing over to another operator seems to me to be unlikely.
62. The above factors therefore weigh in favour of the development.
63. The Authority has also raised the concern that the development has proceeded without planning permission first being sought, such that due process was not followed. They suggest that some adverse weight should therefore be given to the intentional unauthorised nature of the development.
64. However, I have no reason to doubt that the timber business has developed gradually and that the appellant did not realise at the outset he was in breach of planning control. A ground (a) appeal was made, and therefore a deemed application for planning permission was sought, albeit retrospectively. I am also mindful that it is possible to impose planning conditions to mitigate the development in this case. The 1990 Act makes provision for a grant of retrospective planning permission, including the imposition of planning conditions, and planning enforcement that is remedial rather than punitive. Drawing the above considerations together, I do not attach adverse weight to the suggestion that intentional unauthorised development has occurred.
65. A third party representation has questioned whether the development would present a fire safety risk. However, I do not consider there to be any compelling basis on which to refuse planning permission for this reason. I have also considered the argument that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

Planning Balance and conclusion on ground (a)

66. I have not found the development to result in harm to the character and appearance of the area, including the Lake District National Park and the World Heritage Site. Nor have I found harm in terms of impact on local residential amenity or highway safety. These factors are neutral in the planning balance.
67. I have found that the development has various economic, social and environmental merits, which collectively attract significant weight in its favour.

68. For the reasons given above I conclude that the proposed development accords with the development plan when read as a whole. The planning balance favours the grant of planning permission for the proposed use. The ground (a) appeal therefore succeeds.

Conditions

69. I have had regard to the various conditions suggested by the Authority and Appellant in the event the appeal is allowed.
70. A condition is required prohibiting, without the consent of the Authority, alterations to the existing access arrangements for the site, including the inward opening arrangement for the entrance gate, in the interests of highway safety (preventing any reduction in the depth of the existing vehicle waiting area) and the character and appearance of the area.
71. I considered the Authority's suggestion that the entrance gate ought to be set back further, in order to avoid the potential for large vehicles having to wait on the highway. However, I discounted the need for this requirement, due to the limited amount of traffic in connection with the site and using the road, and also because any alterations may result in visual harm to the drystone boundary wall.
72. I have also ruled out the need for a condition to partially surface the access with a bound material, given the overall relatively compact surface of the access track and hardstanding within the site, and limited traffic accessing the site and using the road. Similarly, I do not consider controls over the number of vehicles entering and leaving the site to be appropriate in this case, due to the limited amounts of traffic involved.
73. Conditions are required to control the details of any external lighting proposed within the site; the location and height of external timber storage there; the external appearance of the permitted building (Building 2) and removal of 'Building 3', in the interests protecting the character and appearance of the area.
74. In formulating these conditions, I am generally satisfied with the proposed location and storage height for timber, as shown on drawing 25198-LP. However, this should be submitted at a larger scale to assist interpretation, and further annotated to clarify the storage height for drying timber behind 'Building 2'.
75. With regard to the external appearance of Building 2, I have no reason to doubt the appellant's explanation that the timber finish will naturally weather down, or that this would be a satisfactory treatment. However, a condition remains appropriate, in order to address the possibility, though this may be unlikely, of any unacceptable change to appearance over time.
76. Although I have no reason to disagree with the Authority, there would be a procedure to remove Building 3, on the basis of it being in breach of an existing condition, this procedure can nevertheless be expedited through the use of a new planning condition, in relation to which I note the appellant has no objection.
77. Conditions are required to control noise emission levels and hours of operation of non-agricultural machinery on the site, in the interests of protecting the living conditions of local residents. However, in formulating these conditions, based on my observations on site, I am not persuaded regarding the need for a scheme of noise insulation measures, within a specific time period, for the buildings.

78. A condition is needed in order to secure a biodiversity planting scheme, so as to conserve and enhance biodiversity in accordance with Policy 04 of the LP.
79. I am not persuaded regarding the need for a condition limiting the radius of timber supplied to the business. I concur with the appellant's explanation that this would tend to be inherently controlled by economic factors.

Conclusion

80. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice, as corrected. The enforcement notice will be corrected and quashed. In these circumstances the appeal on grounds (f) and (g) do not fall to be considered.

Formal Decision

81. It is directed that the enforcement notice is corrected and varied by:
- the deletion of the wording describing the breach of planning control in Section 3 in its entirety, and its substitution with the following wording:
- “Without planning permission, the making of a material change of use from agriculture to a mixed use of agriculture, timber processing, the fabrication of timber buildings and furniture and the storage of timber, with associated operational development to erect a timber building.”
82. Subject to the corrections and variation, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the making of a material change of use from agriculture to a mixed use of agriculture, timber processing, the fabrication of timber buildings and furniture and the storage of timber, with associated operational development to erect a timber building at Land at South Barn, Ayside, Grange over Sands, LA11 6HY as shown on the plan attached to the notice and subject to the conditions in the schedule below.

R Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no alteration to the existing access arrangements for the site, including the inward opening arrangement for the gate.
- 2) Details of any external lighting shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. Such lighting shall be maintained in accordance with the approved details thereafter. No lighting other than that approved shall be installed.
- 3) No non-agricultural machinery shall be operated on the premises outside the following hours:-
8.00 am to 6.00 pm Monday - Friday
8.00 am to 1.00 pm Saturday
No non-agricultural machinery at all shall be operated on the premises on Sundays or Public Holidays.
- 4) Noise from non-agricultural sources should be controlled, such that the noise rating level (L_{Ar},T_r) emitted from the development does not exceed the background noise level (L_{A90},T), by more than 3dB. Noise level measurements shall be taken at the eastern boundary of the property known as Well Nook. All measurements shall be defined and derived in accordance with the methodology of the BSI Standards Publication BS 4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound.
- 5) Within one month of the date of this decision, a plan shall be submitted to the Local Planning Authority showing the location for external timber storage within the site, together with the maximum height for each of those timber stockpiles.

Once approved by the Local Planning Authority, no external storage of timber shall take place except within the areas shown for that purpose on the approved plan.

Timber stored externally shall not exceed the maximum heights shown on the approved plan.

The external storage of timber shall thereafter be carried out only in accordance with these approved details for the lifetime of the development unless otherwise agreed with the Local Planning Authority.

- 6) Within two months of the date of this decision, a biodiversity improvement planting scheme shall be submitted to the Local Planning Authority. Once approved by the Local Planning Authority the planting scheme shall be implemented in the first available planting season, unless otherwise agreed in writing.
Any trees or plants which, within a period of five years of the planting scheme being implemented, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

- 7) Within three months of the date of this decision, Building 3 as identified on Plan Ref: 25198-LP shall be permanently removed from the land.
- 8) Notwithstanding the details hereby approved, within one month of the date of this decision, the full details of external finishes of the existing timber building annotated as Building 2 on Plan Ref: 25198-LP shall be submitted to the Local Planning Authority.
Once agreed, the approved scheme shall be implemented within one month and retained as such for the lifetime of the development.

END OF SCHEDULE OF CONDITIONS

APPEARANCES

FOR THE APPELLANT:

Freddie Humphreys	Barrister
Christie McDonald	Planning consultant
Richard Fallowfield	Appellant
Michael Fallowfield	Appellant's father
Mark Grunnell	Local resident
Michael Hails	Local resident
Adam Kirk	Local forestry business operator
Emile Moore	Local resident
Robert Sutcliffe	The Creative Health Trust UK
Ben Turner	Business employee

FOR THE NATIONAL PARK AUTHORITY:

Stephanie Bruce-Smith	Barrister
Julie Birkett	Planning Manager - Enforcement
Paula Allen	Area Planner

INTERESTED PARTIES:

Kieran Anders	Forestry business director
Stephen Beresford	Senior Conservator, Windermere Jetty Museum
Jan Elsayed	Local school governor
Sam Thompson	Forestry manager

Documents submitted at the Inquiry:

1. Suggested planning conditions from main parties.
2. Building / timber storage location diagram.
3. Appellant's and Authority's written opening submissions.
4. Extract from Part 6 of the GPDO.
5. Technical note on Noise.
6. Further suggested noise condition.
7. Appellant's and Authority's written closing submissions.

Documents submitted following the Inquiry:

1. Comments from main parties in relation to Appellant's supplementary Costs submissions.
2. Comments from Authority regarding further suggested noise condition.