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## Appeal Decision

Site visit made on 25 October 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 November 2016**

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**Appeal Ref: APP/Q9495/W/16/3153591**

**Broughton House, Field Broughton, Grange over Sands, Cumbria LA11 6HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Cate Davies against the decision of Lake District National Park Authority.
  - The application Ref 7/2015/5713, dated 20 November 2015, was refused by notice dated 5 May 2016.
  - The development proposed is the retention of timber cabin and yurt for holiday letting purposes.
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**"This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 11 November 2016"**

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of the timber cabin and retention of yurt used together as holiday letting accommodation at Broughton House, Field Broughton, Grange over Sands, Cumbria LA11 6HN in accordance with the terms of the application, Ref 7/2015/5713, dated 20 November 2015, subject to the following condition:
  - 1) The accommodation hereby permitted shall not be occupied otherwise than as a single unit of accommodation for holiday purposes only.

### Procedural Matter

2. The description of development I have used in the banner heading is taken from the original planning application form. I have noted the advice of the Authority that the timber cabin has been in place more than 4 years and is therefore immune from enforcement action. The development should more accurately be described as 'the change of use of the timber cabin and retention of yurt used together as holiday letting accommodation'. I have used this description in my decision.
3. The development the subject of this appeal has already taken place. It is therefore retrospective and I have considered the appeal on this basis.

### Main Issues

4. The main issues in this case are:
    - the effect of the development on the character of the landscape and the setting of the Grade II Listed Broughton House;
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- whether the development involves the appropriate reuse of an existing building having regard to national and local planning policies for sustainable rural tourism;
- whether the proposed development would create a precedent for other similar proposals.

## **Reasons**

### *Landscape Character and Setting of the Listed Building*

5. Broughton House forms a late 18<sup>th</sup> Century Early 19<sup>th</sup> Century property constructed in white rendered rough cast stone with stone dressings and a hipped slate roof. It is a Grade II Listed building. The property is set in an attractive lawned garden area bounded by existing hedgerows and mature planting. The timber cabin and yurt are physically and visually separated from the main house being located in a screened part of the garden. I observed on my site visit that only the very tip of the timber cabin roof could be viewed above the existing hedgerow. I note the Authority's view that the structures are well screened from the listed building and are not clearly visible in its setting.
6. In terms of the wider landscape, the existing mature hedgerows on the site boundaries and within the plot providing screening from the surrounding road network. The Authority has argued that the cabin and yurt are visible from certain vantage points adding clutter to the site. However these viewpoints have not been defined. I observed on my visit that there are limited views into the site from the north from an existing gateway into the site however very little of the appeal proposal can be viewed from this point above the existing mature hedges.
7. The Authority has made particular reference to the design and materials of the timber cabin and yurt and their lack of positive contribution to the landscape. It is accepted that the timber cabin forms a lawful building. Therefore its materials and design are not relevant as it is only the change of use of this building that is relevant to this appeal. In any event it is constructed in green stained timber typical of a domestic outbuilding and the yurt is clad in green stained timber with a green canvas roof. I consider that the materials of these structures, which they do not contribute positively to the character of the landscape, are acceptable in this location.
8. The Lake District National Park Core Strategy (CS) in Policy CS10 aims to achieve design excellence creating places that amongst other things are functional, aesthetic, flexible and suitable. I accept that the yurt forms a non-traditional style of building. However my observation of the structure is that it is robust, attractive internally, is functional and suitable for its purpose. As a result of its well screened location I consider it causes no material harm to the character of the landscape.
9. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The National Planning Policy Framework (the Framework) advises 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. I consider that the use of the timber cabin and the development of the yurt, having regard to their position within the site and the existing hedgerow screening, would preserve the setting of Broughton House and cause no harm to the significance of the heritage asset.

11. In conclusion I consider that the appeal proposal would comply with CS Policies CS02, CS10 and CS11 which amongst other things seek to achieve high quality design conserving and enhancing the character and quality of the local landscape and wider countryside. Additionally the development would comply with requirements of Section 12 of the Framework conserving the historic environment.

#### *Sustainable Rural Tourism*

12. The Framework in paragraph 28 advises that planning policies should support economic growth in rural areas and that to promote a strong rural economy local development plans should support sustainable rural tourism that benefits businesses in rural areas, communities and visitors, and which respect the character of the countryside. It explains that this should include supporting the provision and expansion of tourism and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in rural service centres.
13. CS Policy CS02 seeks to achieve vibrant and sustainable settlements. It explains that in the open countryside, exceptionally, the Authority will support development where it demonstrates an essential need for a rural location, or it will help to sustain an existing business or it provides for a proven and essential housing need or an appropriate reuse, redevelopment or extension of an existing building.
14. Turning to the case before me, it is accepted by the Authority that the appeal development would form an addition to an existing tourism business and would in this regard be acceptable having regard to CS Policies CS02. However the Authority considers that the change of use of the timber cabin does not form an appropriate reuse in the context of this policy. The policy does not define what it considers to be an appropriate reuse. I accept that the structure does not form a traditional building whose retention and reuse would contribute to the landscape of the area. However the use of the timber cabin would satisfy one of the criteria of CS Policy CS02, namely supporting an existing tourism business. It does not therefore need to comply with the other criteria of Policy CS02 but must be considered against the other relevant policies of the development plan.
15. CS Policy CS22a considers holiday letting accommodation and indicates that the Authority will only consider the reuse of an existing building for holiday accommodation where it would not utilise a building suitable for local needs or local affordable housing or for employment purposes. Due to its size and location, the timber cabin would clearly not be suitable for these uses. It would therefore comply with this policy.
16. Policy CS11 of the CS requires all proposals to apply the principles of sustainable development reducing peoples need to travel by demonstrating that the development is accessible by cycling, walking or public transport. Policy CS24 aims to support sustainable tourism focussing new development in

rural service centres, places which offer a choice of transport modes to visitors but permits tourism development in other locations subject to certain criteria being met.

17. The appeal site is located approximately 3 km from Cartmel which offers a range of services and facilities. The appellant advises that a number of guests travel by public transport to the site and walk or cycle from the train station. I have also been made aware of the many cycling routes in the area including the Bay Cycle Way. Whilst I accept that many visitors to the appeal site will travel by car there are alternative modes of travel.
18. I therefore consider that the development is in a reasonably accessible location suitable for tourism use and complies with CS Policies CS11 and CS24 which aim to promote sustainable tourism.

#### *Precedent*

19. I have considered the Council's argument that the grant of planning permission in this case would set a precedent for the use of ancillary outbuildings including new buildings and glamping units within the curtilage of existing tourism sites. However each site would be different in terms of its context and would need to be considered in relation to the relevant local development plan policies. I am also mindful that the combined use of two outbuildings for a holiday let as proposed in this appeal is not likely to be repeated. In any event each application and appeal must be determined on its individual merits. Accordingly, I consider that the appeal proposal if allowed would not set a precedent for further similar developments.

#### **Conditions**

20. I have had regard to the conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Practice Guidance. The Authority has suggested a condition requiring the commencement of the development within 3 years. However as the development is retrospective this is not necessary. A condition regarding the use of the buildings for holiday accommodation is necessary as the buildings are not suitable for permanent residential use.
21. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the guidance in the Framework and the PPG.

#### **Conclusion**

22. I have found that the appeal development would cause no material harm to the wider landscape, preserve the setting of the Listed Broughton House, and would form a sustainable tourism development which would not create a precedent for other similar proposals.
23. For the reasons given above and having had regard to all other matters raised I allow this appeal.

*Helen Hockenhull*

INSPECTOR