Lake District National Park

4

Report from the Head of Development Management to the Development Control Committee

Application number:	**7/2024/2259**
Application type:	Full Planning application
Applicant:	Mr S Clark, E. Clark & Son
Location:	Braithwaite New Farm, Braithwaite, CA12 5RY
Grid reference:	323499 524206
Proposal:	Siting of 4no. seasonal tents including timber decks, 4no. motorhome pitches, a shepherds hut and washroom facilities and drainage system (amended scheme following approval ref. 7/2024/2056)
Report prepared by:	Phil Nicholls, Area Planner
Report agreed by:	Kevin Richards, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.

1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations,

following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

2.1 Planning permission is sought for the siting of four seasonal tents on a raised timber deck, four motorhome pitches and one shepherds hut, together with washroom facilities and drainage system at Braithwaite New Farm, on the north side of the A66.

2.2 This application is a revised scheme to the recently approved application for the siting of five seasonal tents, including timber deck, washroom facilities and drainage system on the same site (ref: 7/2024/2259). Works to install the washroom building have been completed.

2.3 The application is being reported to Committee because the recommendation of approval is contrary to the views of Above Derwent Parish Council.

3 Representations

3.1 Above Derwent Parish Council – Objection – This is a retrospective application; all the works have been completed.

Insufficient information to support the need for diversification. Request that the LDNPA investigate the need for diversification is justified. Encroachment on to agricultural land.

Highways – dangerous turning on to and off the A66, already an accident hotspot. Insufficient information on the drainage for the scheme, with particular reference to the shepherds hut.

No identified need for further motorhome pitches in the parish.

The definitive line of the footpath within the application is currently obstructed, and the new planting will exacerbate this.

3.2 Local Highway Authority: No objection.

3.3 Lead Local Flood Authority: No objection.

3.4 National Highways: No objection.

3.5 Environment Agency: No objection.

3.5 Senior Rights of Way Officer: The proposed planting may affect definitive line of the footpath.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:
- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:
- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 18: Sustainable tourism and holiday accommodation
- Policy 19: Agricultural and land-based rural business diversification

- Design Code Supplementary Planning Document

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

4.4 There is no community plan in this area.

5 Main issues and assessment

5.1 The main issues in this assessment are:
- Principle
- Character and appearance of the area
- Impact on amenity of neighbours
- Nutrient neutrality
- Highways
- Impact on the PROW

Principle

5.2 Whilst close to Braithwaite, a recognised village, the site lies in the open countryside where Policy 02 (Spatial Strategy) outlines that we will only support proposals where the application demonstrates amongst other things that it helps to sustain an existing business.

5.3 Policy 18 (Sustainable tourism and holiday accommodation) sets out that exceptionally, creation of new sites will only be permitted for short term holiday letting, and where:
- it contributes to the diversification of an agricultural or land-based rural business (Policy 19), pub or drinking establishment, and
- the proposed development area would be appropriately screened and is consistent with the landscape character; and

- the site has necessary infrastructure capacity, it does not introduce inappropriate levels of use to the location, and is well related to the existing road network.

5.4 Policy 19 (Agricultural and land-based rural business diversification) we will support proposals that demonstrate sustainable practices and outcomes, and where they:

- sustain the long term operation of the farm business; and
- do not compromise the working of the farm business; and
- are located within or well related to existing building groups; or
- are a small-scale renewable or low carbon energy scheme.

5.5 The application sets out that the applicant owns and operates the farm:

- It is a lowland farm and consists of 250 acres based mainly around the farm complex.
- At present they farm 60 cattle and 300 breeding sheep.
- Of the land farmed, 25 acres is set aside for Willow farming.
- As well as the applicant, his son is also fully employed on the farm.
- Over the last 10 years the farm has diversified with a number of industrial units formed within the main farm complex. These are located adjacent to the application site and are rented out to local businesses.
- To mitigate the loss of the single farm payment scheme the farm needs to consider other methods of diversification.

5.6 From the evidence available the proposals would sustain the long-term operation of the farm and not compromise the working of the farm business. The application site is in close proximity to the farm but on the opposite side of the main access such that the operation of the farm would not be compromised.

5.7 Extant permission is in place for five tent pitches and this application would expand this offer to include four touring pitches and a single shepherds hut. The resultant campsite would continue to support the farm business identified above. Whilst the Parish Council question the extent to which the proposals can constitute farm diversification, they have provided no specific evidence which would call into question the applicant's account of the farm business. I am satisfied that the principle of development remains acceptable, complaint with the aims of Policies 02, 18 and 19.

<u>Impact on the character and appearance of the area</u>

5.8 Permission exists for five tent pitches including a mobile toilet/shower block and a cess pit for drainage. The tents are shown as large canvas tents with areas of decking.

5.8 Permission is now sought to replace one of the tent pitches with a shepherds hut and also add four touring pitches within the same application site. The site is a strip of land backing onto a hardstanding/storage area belonging to the farm. The land is well related to the farm and is intended to be run and monitored from the main farm complex.

5.9 The tents and pitches are referred to as seasonal but there is no detail on what that season might be and there are no specific circumstances given the site context which would mean a condition was necessary restricting their use throughout the season. I have therefore assessed the proposals as a permanent development.

5.10 The site is closely associated with the existing farm buildings and business units. It is off what is effectively a private dead-end access from the A66 which originally served Braithwaite Station (the original station buildings are now two dwellinghouses) and now serves the farm and the sewage works. There is a public footpath on the access road from which the tents, tourers and shepherd's would be visible but in the context of the farm buildings. From further along this path more distant views would be possible, again in the context of the farm buildings. A new hedge boundary is proposed which would be a requirement of a condition.

5.11 There are example photos of the tents and shepherd's hut but as the permission would be permanent and tents could theoretically stay on the land year-round I consider it reasonable to control the appearance of the tents and I am recommending a condition in this regard.

5.12 Considering the site context and nature of the proposals, I am satisfied that the development proposed is acceptable in terms of its impact on the character and appearance of the area and that it satisfies the requirements of Local Plan Policies 01, 02, 05, 06, the Design Code SPD and the NPPF.

Impact on the amenity of neighbours

5.13 The original station buildings have been converted into two houses and behind these sit the farmhouse associated with the farm and under the ownership of the applicant.

5.14 The access alongside these houses is already used by farm traffic and by users of the business units. I consider the activity associated with a small camping use under the control of the farm would not be detrimental to the amenities of the neighbours given the distance to the application site and in the context of the activity associated with the existing uses served by the access.

5.15 The development is considered acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD and the NPPF.

Habitats Regulations Assessment (nutrient neutrality)

5.16 The application site lies within the catchment of the River Derwent and Bassenthwaite Lake Special Area of Conservation (the catchment of Bassenthwaite Lake (River Derwent and Tributaries Site of Special Scientific Interest unit 1) as identified by Natural England as a European protected site requiring nutrient neutrality strategic solutions.

5.17 We are required as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 (Regulation 63) to carefully consider the nutrients impacts of any new development proposals on habitats sites to avoid adverse effects occurring as a result of the release of nutrients into this catchment.

5.18 The applicant sets out their proposals in terms of waste water as follows:

- The tents and shepherds hut is aimed at 2 person occupancy.
- Expected occupancy levels around 40 weeks a year.
- They are unlikely to have full week bookings, more likely shorter breaks.
- If it was assumed there were 4 days a week occupied for the 40 weeks the discharge of foul sewage based on 110 litres/person per day would be 176000 litres.
- A 34,000 litre Klargester cesspool is proposed.
- The cesspool would need emptied approximately 10 times a year.
- The tank will be fitted with an alarm system to notify of the need to be emptied and emptying of the cesspool would be done as and when required, by a licensed contractor.
- There is no collection of surface water drainage.

5.19 The applicant proposes a closed drainage solution which theoretically does not require any mitigation for compliance with nutrient neutrality and makes reasonable assumptions about the level of use. Whilst I am not recommending a condition restricting the seasonality of the use, 4 days a week for 40 weeks seems a reasonable assumption. The type of tent accommodation proposed is unlikely to be appealing all year round in any case.

2.20 Overall I consider the applicant's assumptions to be reasonable. If volumes are greater the cesspool may require emptying more often. This in itself is not an issue and pollution arising is dealt with through parallel regulatory regimes.

2.21 Having regard to the nature and scale of the proposals as well as the details submitted as part of the application it can be concluded that the proposed development is unlikely to generate wastewater from overnight use which would discharge into the catchment. It is therefore possible to rule out a likely significant effect from the development on the relevant habitats site and as such the proposals are in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

Highways

2.22 The proposed site would be accessible by the existing access directly off the A66 which serves Braithwaite Farm and the dwellings at the Old Station and the Sidings. As the A66 forms part of the national highway network, National Highways have been consulted but have raised no objection. Similarly the Local Highway Authority have not objected to the application.

2.23 I am therefore satisfied that the increased use of the access would have an acceptable impact on local highway conditions.

Impact on the public rights of way network

2.24 A public footpath leads past the southern corner of the site. The definitive line of the footpath is slightly to the south of the existing field gate and footpath and would extend through an area shown to be planted a screening for the site.

2.25 The applicants would need to either alter the definitive line of the footpath or apply for a diversion order to enable the proposed planting to go ahead. This however would be dealt with by separate legislative regimes from the planning system. I am therefore recommending an informative to raise this issue with the applicant. Furthermore, the landscaping condition recommended would provide scope for changes to the planting to avoid impacts on definitive ROW route.

6. Conclusion

6.1 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 03, 04, 05, 06, 07, 18 and 19, the Design Code SPD and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority:

-Location Plan
-Proposed Site Layout
-Planning Statement

REASON: For the avoidance of doubt.

3 The tents, shepherds hut and touring pitches hereby permitted shall only be used in association with the working farm known at the time of the application as Braithwaite New Farm, Braithwaite and shall at no time be operated or managed separately from the farm enterprise. In the event that the land is sold separately from the farm or the farming operation ceases to trade as such then the use of land shall not be occupied pursuant to this planning permission.

REASON: In order to ensure continued compliance with Policies 02 and 19 of the Lake District National Park Local Plan 2020-2035.

4 Not more than four tents, one shepherds hut and four touring caravans shall be sited on the land.

REASON: In order to ensure that additional overnight accommodation does not introduce additional phosphates into the catchment area of the River Derwent and Bassenthwaite Lake Special Area of Conservation and in order to preserve the landscape character of the surrounding area in accordance with Policies 01, 02, 04, 05, 06 and 19 of the Lake District National Park Local Plan 2020-2035.

5 The tents and shepherds hut hereby permitted shall not be occupied otherwise than for short term holiday letting purposes and shall not be occupied as a person's sole or main place of residence. The owner/operator shall maintain an up to date register of the names and addresses on the occupiers of the pods and shall make the register available at all reasonable times to the Local Planning Authority upon request.

REASON: To ensure that the pods are occupied as holiday accommodation only in accordance with the provisions of Policy 18 of the Lake District National Park Local Plan 2020-2035.

6 Prior to their installation details of the permitted tents and shepherds hut shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the tents and shepherds hut shall be installed in accordance with the approved details. The tents and shepherds hut shall not be replaced by any other structures or tents differing from the approved details, unless and until details of the size, design and colour of such replacements have first been approved in writing by the Local Planning Authority.

REASON: For the avoidance of doubt and in order to preserve the landscape character of the surrounding area in accordance with Policies 02, 05, 06 and 19 of the Lake District National Park Local Plan 2020-2035.

7 Not later than 12 months from the substantial completion of the development, landscaping of the site shall be undertaken in accordance with the approved plans.

Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard the visual amenities of the area in accordance with Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.

NPPF decision notice requirements

It is an offence to obstruct a public highway. A footpath/bridleway diversion order may be necessary to enable the planning permission to be fully implemented. This should be applied for before starting development. Details of how to apply and relevant fees are available to view on our website www.lakedistrict.gov.uk/rowchanges

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

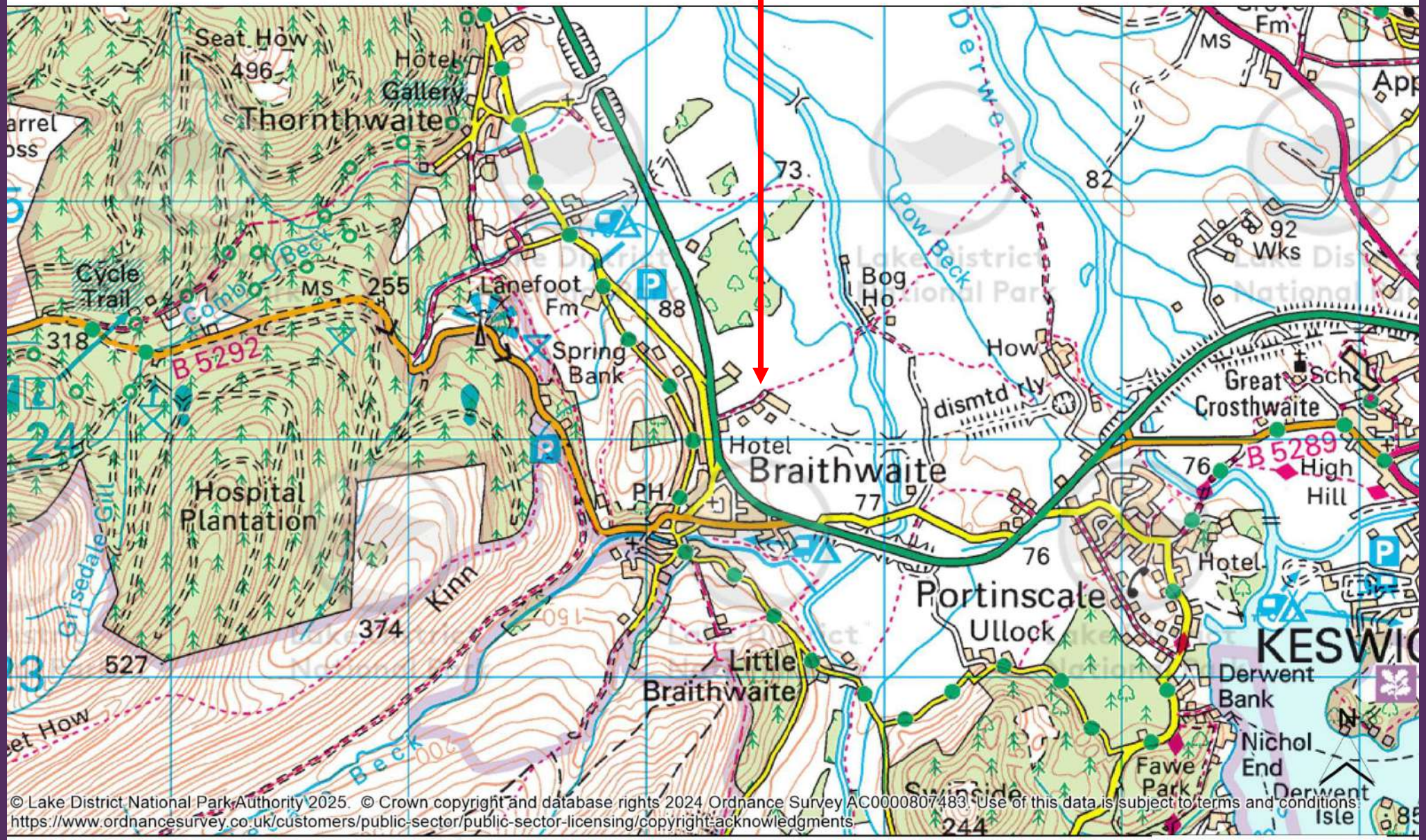
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/2259

Braithwaite New Farm, Braithwaite, CA12 5RY

Siting of 4no. seasonal tents including timber decks, 4no. motorhome pitches, a shepherd’s hut and washroom facilities and drainage system (amended scheme following approval ref. 7/2024/2056)

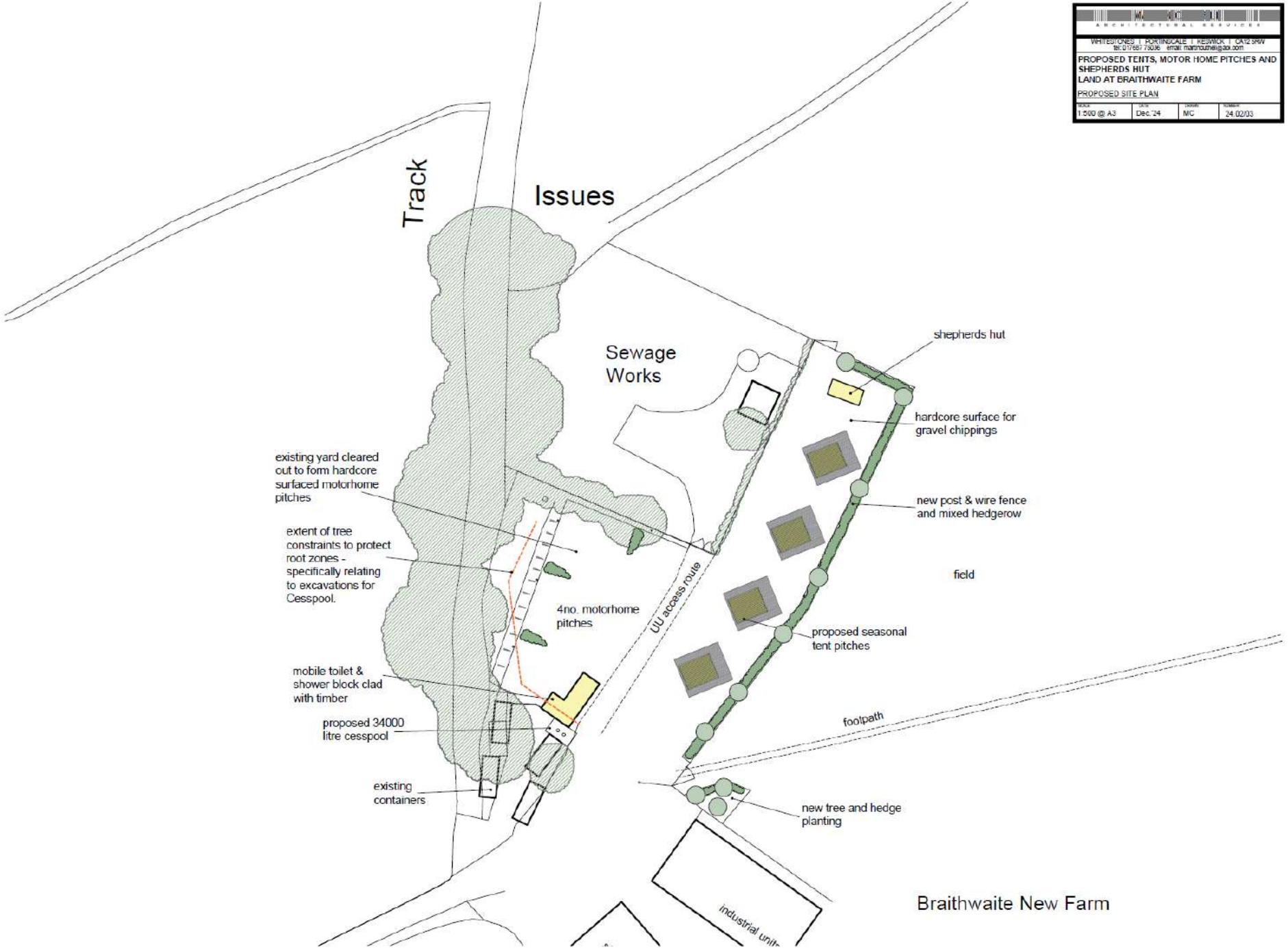


© Lake District National Park Authority 2025. © Crown copyright and database rights 2024 Ordnance Survey AC0000807483. Use of this data is subject to terms and conditions: https://www.ordnancesurvey.co.uk/customers/public-sector/public-sector-licensing/copyright-acknowledgments

Produced by Phil Nicholls for Development Control Committee planning presentation only.

You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Lake District
National Park Authority



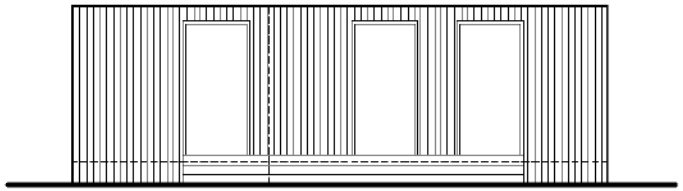
ARCHITECTURAL SERVICES

WHITEHORSE | PORTINSCALE | KESWICK | CA12 5RW
tel: 017687 75096 email: marinasutherl@aol.com

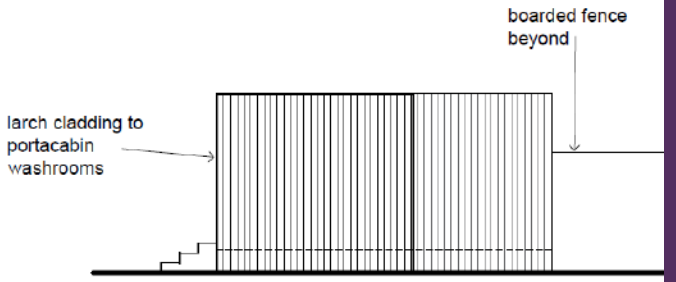
PROPOSED TENTS, MOTOR HOME PITCHES AND SHEPHERDS HUT
LAND AT BRAITHWAITE FARM

PROPOSED SITE PLAN

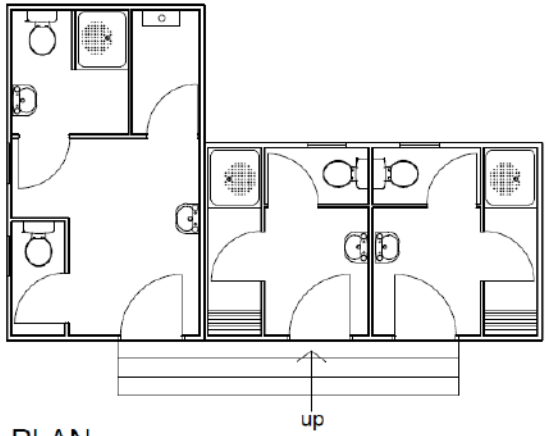
Scale	Date	Drawn	Number
1:500 @ A3	Dec.'24	MC	24.02/03



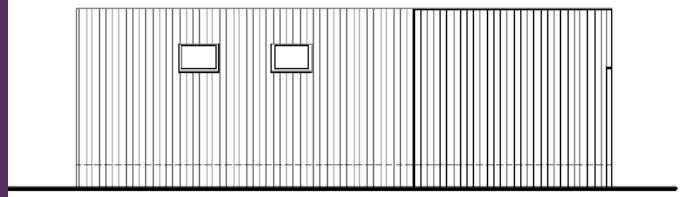
FRONT ELEVATION (S.E)



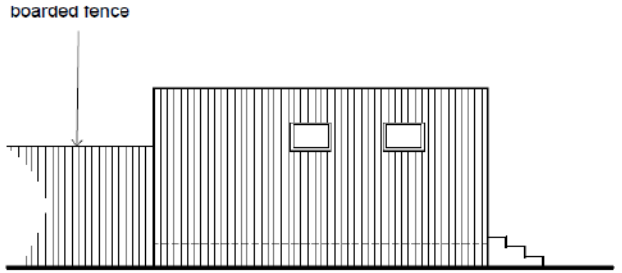
SIDE ELEVATION (N.E)



PLAN

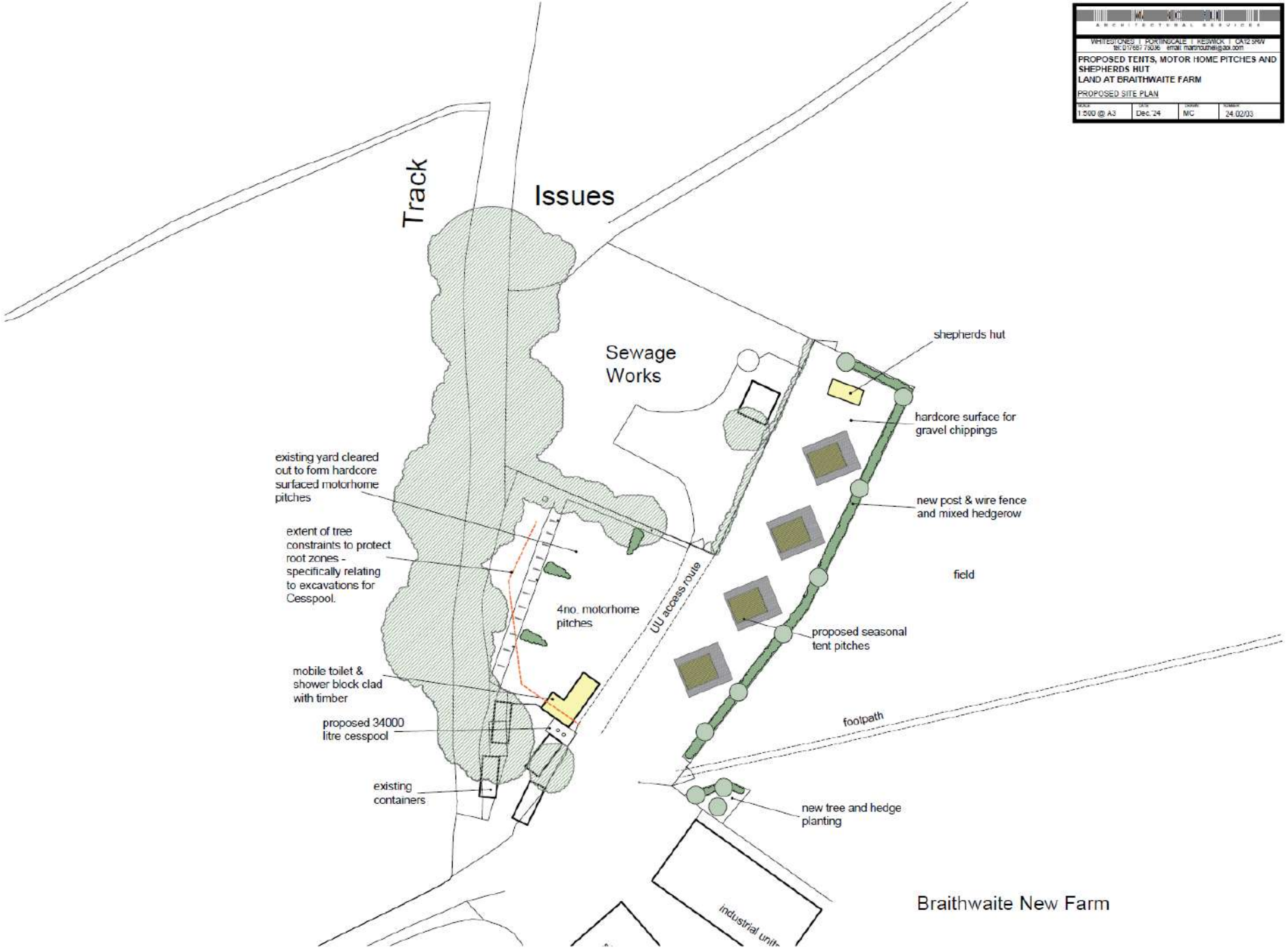


REAR ELEVATION (N.W)



SIDE ELEVATION (S.W)

PROPOSED SHEPHERDS HUT



ARCHITECTURAL SERVICES

WHITEHORSE | PORTINSCALE | KESWICK | CA12 5RW
tel: 017687 75096 email: marinasutherl@aol.com

PROPOSED TENTS, MOTOR HOME PITCHES AND SHEPHERDS HUT
LAND AT BRAITHWAITE FARM

PROPOSED SITE PLAN

Scale	Date	Drawn	Number
1:500 @ A3	Dec.'24	MC	24.02/03