



Lake District
National Park

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

Application number:	7/2024/5620
Application type:	Full Planning application
Applicant:	David Johnson Agricultural Engineers Ltd
Location:	Upper Hawthwaite Farm, Hawthwaite, Broughton-in-furness, LA20 6AD
Grid reference:	322070 489438.1745
Proposal:	Change of use to mixed-use site serving agricultural engineering services business, with associated storage, sales and workshop functions
Report prepared by:	Chris Kempster, Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	REFUSE

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 I am reporting this application to committee because my recommendation is to refuse and we have received a significant number of representations in support of the application - the majority of which have been received once the application became aware of the likely recommendation.
- 2.2 The application is retrospective in nature and follows a compliance investigation.
- 2.3 Upper Hawthwaite Farm is approximately 1.5 miles north of Broughton-in-Furness and accessed via an unclassified road to the north of the A593. The application site covers an area of approximately 0.77 hectares.
- 2.4 The site comprises several buildings and a field. The way in which the site operates may be summarised as follows:

Workshop/Warehouse and Store – serves as the main operational space for the applicant, used for maintaining farm machinery and equipment, and also providing storage for essential parts and machinery.

Dutch Barn – used for storage of farm-related items.

Metal Shed – used predominantly for storing farm machinery and items for sale.

Field to east of buildings - storage of equipment and machinery for repair and sale

- 2.5 The proposal seeks to regularise the change the use of the site from agricultural to an agricultural engineering services business, with associated storage, sales and workshop functions. The workshop/warehouse building and the Dutch barn have permission as agricultural buildings so the proposal involves a change of use, the metal shed has no permission and therefore retrospective consent is sought both for its erection and use.
- 2.6 There is a lengthy planning history on the site with eight applications between 1982 and 2009 for various agricultural developments. The most recent permission was granted in 2022 for the restoration and remodelling of the farmhouse, with conversion and connection into the attached barn.

3 Consultations

- 3.1 Duddon Parish Council – No comments received.

- 3.2 Local Highway Authority and Lead Local Flood Authority – ‘No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere. This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be inspected by Building Control. It should be noted that the surface water discharge rate should not be greater than the existing, and if installing a soakaway, we would advise it is not positioned within 5m highway or property’.

4 Representations

- 4.1 51 letters of support have been received raising the following points for consideration:
- The agricultural engineering business is essential to the running of local farms for repairing agricultural machinery and selling machinery and parts. Without this business many farms would not be able to operate.
 - The current location of the business is ideal to allow farmers to take and leave machinery to be repaired or maintained. Without the buildings and yard being available for parking and storage, it is likely vehicles and machinery would be left on the roadside, making it unsafe or even impossible for DJ Agricultural Engineers Ltd business to continue to run.
 - The loss of this business would cause a detrimental impact on the local community which would far outweigh the impact on the local landscape.
 - Lake District National Park Policies support farming and the positive impact they have on the landscape. In achieving this aim, local businesses like this one should be supported to allow local farms to continue to run successfully and to maintain the National Park.
 - Prior to the business moving to the current site, the site was a working farm which had agricultural buildings on site and stored farm machinery and equipment on the yard. Therefore, there is no significant difference on the use of the land now, then there was during the previous ownership of the business.
 - The business runs 7 days a week, which not many businesses do now, and allows farming communities to get machinery repaired straight away.

5 Development plan policies and other relevant guidance

- 5.1 The relevant Development Plan comprises:
- The Lake District National Park Local Plan 2020-2035
- 5.2 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 05: Protecting the spectacular landscape
 - Policy 06: Design and development

- Policy 07: Historic environment
- Policy 16: Job creation and employment space
- Policy 19: Agricultural and land-based rural business diversification

Lake District National Park Landscape Character Assessment and Guidelines

- 5.3 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.
- 5.4 There is no community plan in this area.

6 Main issues and assessment

- 6.1 The main issues in this assessment are:
- Principle
 - Character and appearance of the area
 - Benefits of the business
 - Highways and access

Principle

- 6.2 Upper Hawthwaite Farm is located within the open countryside. Local Plan Policy 02 states that we will only support proposals for development in the open countryside 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
- 6.3 Local Plan Policy 16 states that growth and expansion of all types of business and enterprises will be supported. To achieve this, we will support:
- the extension of existing employment floorspace; or
 - conversion of buildings, including the flexible use of public buildings and community facilities that sustains their long term viability; or
 - the redevelopment of sites to provide employment floorspace; or
 - new build developments where they are located within or well related to a Rural Service Centre or Village, at existing employment sites, or on allocated sites.

New build development in Cluster Communities and Open Countryside locations will be supported where they meet the requirements of Policy 02.

- 6.4 Local Plan Policy 19 states that we want diversification proposals for agricultural and land based rural businesses to help sustain the rural

economy and communities, and the character of the landscape and environment.

To achieve this, 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.
- 6.5 There is no evidence in the planning record of an established agricultural repair business being run from the site, nor any application for such a use, so it is questionable whether there is any authorised business use to support at the application site. From the letters of support, it does appear however that the business has been operating for some years albeit not from the current site - the planning statement indicates that the use at Upper Hawthwaite Farm began in 2018. It is undisputed that the business maintains, repairs and sells agricultural machinery and is therefore designed to support the wider agricultural community.
- 6.6 The supporting statement supplied with the application indicates that the applicant has a holding of 10.9 hectares, the majority of which is in agricultural use – with approximately 0.25 hectares occupied by a caravan site and the farmhouse. No further information has been provided on the nature of the agricultural use. The development for which permission is sought includes the conversion of farm buildings into a workshop/warehouse and store which serves as the main operational space for the applicant, used for maintaining farm machinery and equipment, and also providing storage for parts and machinery. The proposal therefore appears to involve the supplanting of the agricultural use with the use for the repair, maintenance and sale of farm machinery. As such, I do not consider that the proposal accords with Policy 19 which requires diversification proposals to supplement not supplant farm businesses.
- 6.7 In summary policy support for the development in principle is mixed. There is a relatively long-established agricultural repair and maintenance business, but no permission for that business to operate from the application site, so there is no in principle support under Policies 02 and 16. There is ample evidence of a farm business going back many years at Upper Hawthwaite Farm, but it appears that farming has largely been replaced by the use for which permission is sought so the proposal is not supported by Policy 19. The reuse of redundant farm buildings for business purposes would be in accord with policy in principle but the proposal also seeks retrospective permission for one unauthorised building, and a large area of previously undeveloped land is used for storage of machinery. Although the business is strongly associated with farm businesses and provides a valuable service, it is not clear, other than for convenience, why an open countryside location in a National Park landscape is required for the activity.

Character and appearance of the local area

Decision making context

- 6.8 The importance of the National Park landscape is established through statute and legal duty, Development Plan policy and national planning policy as a material consideration.

The statutory purposes of National Parks are of conserving and enhancing the natural beauty, wildlife and cultural heritage and of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public. (National Parks and Access to the Countryside Act 1949).

- 6.9 The Development Plan reflects the legal framework and affords great weight to the conservation and enhancement of the natural beauty and landscape of the National Park. Local Plan Policy 01 indicates that development proposals will only be supported where they are consistent with National Park purposes and duty and that they conserve and enhance the special qualities of the Lake District National Park, including the attributes of Outstanding Universal Value which led to its designation as a World Heritage Site. Local Plan Policy 05 supports development that ensures the highest level of protection is given to the landscape, and where the type, design, scale and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity.
- 6.10 The adopted Lake District National Park Landscape Character Assessment and Guidelines divides the National Park into various landscape parcels. The application site lies within the Landscape Character Area 54: Broughton and Torver. This area is described as predominantly a tranquil area due to openness and perception of naturalness of the landscape and the relative absence of settlements and sources of artificial noise. It is noted that the A593 disrupts this sense of tranquillity. The strong agricultural vernacular of small farmstead are identified as being vulnerable to inappropriate development.

Assessment

- 6.11 The application site is clearly visible from public views from the road immediately to the south of the site. The impacts of the various aspects of the development vary however.
- 6.12 The metal shed is located to the side of the larger pre-existing agricultural buildings and is thus partially obscured from public view. It is modest in scale, well related to the existing modern agricultural buildings and is constructed of materials typical of modern agricultural buildings. Together the buildings form a group which is not untypical of a modern farmstead. As such, the shed causes little harm to the character and appearance of the local area, and complies with Local Plan Policy 05 and 06.
- 6.13 No external changes have been made to the Dutch barn and the larger agricultural building so they still appear as modern agricultural buildings. As such, the change of use causes no change to the impact of the buildings on

the character and appearance of the local area, and complies with Local Plan Policy 05 and 06.

- 6.14 The largest impact by far is the change of use of the agricultural field to a storage area for agricultural machinery. Hardcore has been laid to provide a surface for the machinery to be stored on. This field has not previously been built upon and has been used for agricultural purposes only. It is highly visible from public views from the road to the south. The storage is haphazard and extends to the field edge which although bounded on all sides by hedges does not shield the equipment in any significant fashion. No attempt has been made to screen or filter views by selective landscaping nor is any landscaping proposed as part of this application. Indeed there appears to be little room to provide landscaping given the extent of the storage area. Photographs will be provided at Committee to demonstrate the degree of landscape change that has occurred.
- 6.15 The character of the surrounding area consists of isolated farmsteads and agricultural fields. Although the storage area is located next to the existing agricultural buildings, and the machines that are being stored are agricultural in nature, the extent of the area used to store the machinery, the sprawling nature of the storage and the absence of landscaping or other visual containment causes harm to the character and appearance of the local area, contrary to Local Plan Policy 05 and 06.

Historic environment

- 6.16 Local Plan Policy 07 deals specifically with heritage matters and expects development to protect, conserve and enhance the internationally acclaimed historic environment of the National Park. This is consistent with national planning policy in respect of heritage. Paragraph 195 of the National Planning Policy Framework states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It describes World Heritage Sites as a heritage asset of the highest significance.
- 6.17 The World Heritage Site is a designated heritage asset. The site lies within the Coniston Valley as described and defined in the Nomination Document. The case for Outstanding Universal Value for the Lake District is based on a combination of attributes the most relevant here are the extraordinary beauty and harmony and the agro-pastoral system.
- 6.18 The adverse landscape and visual effects identified above would also adversely impact on both the extraordinary beauty and harmony and the agro-pastoral attributes of the World Heritage Site. Due to the size of the proposed development this would amount to less than substantial harm. The NPPF advises that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Public benefits and the planning balance

- 6.19 Local Plan Policy 16 promotes development which provides employment opportunities and Policy 19 supports development for farm diversification proposals. The agricultural repair and maintenance business provides employment for 8 people and provides a service to the local farming community, which is illustrated by the number of letters of support we have received. All of these matters provide public benefit,
- 6.20 We therefore need to weigh up the harm i have identified against these acknowledged benefits. I consider that a business of this nature confined to the existing buildings and farmyard would be likely to be supported, but the adverse impact of the storage area on the previously undeveloped field is significant and as the NPPF makes clear National Parks enjoy the highest level of landscape protection. The rationale for the support that Policy 19 offers for farm diversification is to maintain a strong farming community to sustain the landscape quality that farming practice has shaped. It is hard to square that aspiration for maintaining landscape quality with the impact of the development described above. I consider therefore that the acknowledged benefits of the development are outweighed by the landscape harm that has arisen.

Highways and access

- 6.21 The Local Highway Authority and Lead Local Flood Authority have been consulted as part of the application. They stated that they had no objection to the proposed development as it would not have a material effect on existing highway conditions and would not increase the flood risk on the site or elsewhere.
- 6.22 The farm is accessed via an unclassified road. There is an area to the front of the workshop and office building where customers can park, and there is space to turn around and enter the public road in a forward gear.
- 6.23 As such, I consider that the proposed development would not cause any highway safety harm.

Mineral safeguarding

- 6.24 Policy 28 aims to safeguard minerals of economic importance from being sterilised by non-mineral development. The site is located within an area safeguarded by Policy 28. Policy 28 states planning permission will be granted for non-mineral development within Minerals Safeguarding Areas where specific conditions exist. I am satisfied that, because of the site specific circumstances, the proposal would not affect the overall value of the mineral resource present, and therefore meets the requirements of Local Plan Policy 28 and the NPPF.

7 Conclusion

- 7.1 The site is in an area of exceptionally high landscape value given its location in the Lake District National Park and English Lake District World Heritage Site. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies and the

National Planning Policy Framework which expect that great weight will be given to conserving and enhancing landscape and scenic beauty. The development plan and National Planning Policy Framework also expect that great weight should be given to the conservation of the World Heritage Site, with any harm to its significance requiring clear and convincing justification.

The storage area adversely impacts the character of the extraordinary beauty and agro-pastoral attributes of the English Lake District World Heritage Site and results in less than substantial harm to a designated heritage asset..

There are undoubted benefits of the business in terms of local employment and the service it provides to the local farming community, but I consider that this does not outweigh the identified harm.

RECOMMENDATION: REFUSE

Conditions/Reasons

- 1 The site is in an area of exceptionally high landscape value given its location in the Lake District National Park and English Lake District World Heritage Site. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies and the National Planning Policy Framework which expect that great weight will be given to conserving and enhancing landscape and scenic beauty. The development plan and National Planning Policy Framework also expect that great weight should be given to the conservation of the World Heritage Site, with any harm to its significance requiring clear and convincing justification.

When viewed from public vantage points from the adjacent road, the storage area appears as a sprawling, incongruous feature that results in an adverse visual and landscape impact inconsistent with the landscape character of the area.

The storage area adversely impacts on the character of the extraordinary beauty and agro-pastoral attributes of the English Lake District World Heritage Site and results in harm to a designated heritage asset. This would amount to less than substantial harm.

The acknowledged benefits of the machinery repair and maintenance business in terms of employment provision and the service it offers to the local farming community do not outweigh the identified harm.

The development would fail to maintain local distinctiveness and sense of place and would not reinforce the importance of local character, in conflict with Policies 01 (National and international significance of the Lake District), 02 (Spatial strategy), 05 (Protecting the spectacular landscape), 06 (Design and development), 07 (Historic environment), 16 (Job creation and employment space) and 19 (Agricultural and land-based rural business diversification) of the Lake District National Park Local Plan 2020-2035 and

the National Planning Policy Framework.

Background papers

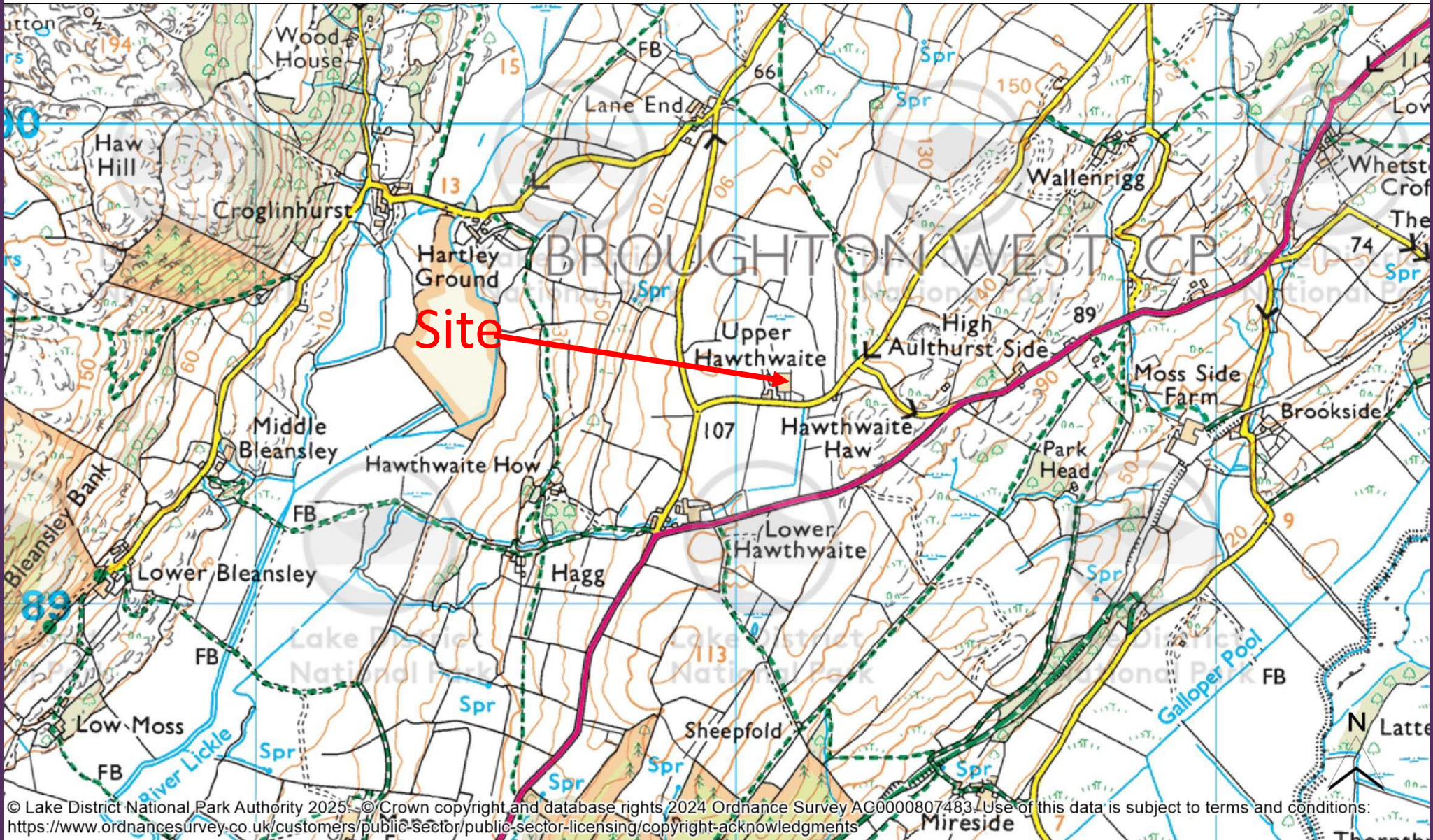
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2024/5620

Upper Hawthwaite Farm, Hawthwaite,
Broughton-in-furness, LA20 6AD

Change of use to mixed-use site
serving agricultural engineering
services business, with associated
storage, sales and workshop
functions

Location Plan 7/2024/5620



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Plumtree Bank Moss Location Plan



0m 15m 30m 45m

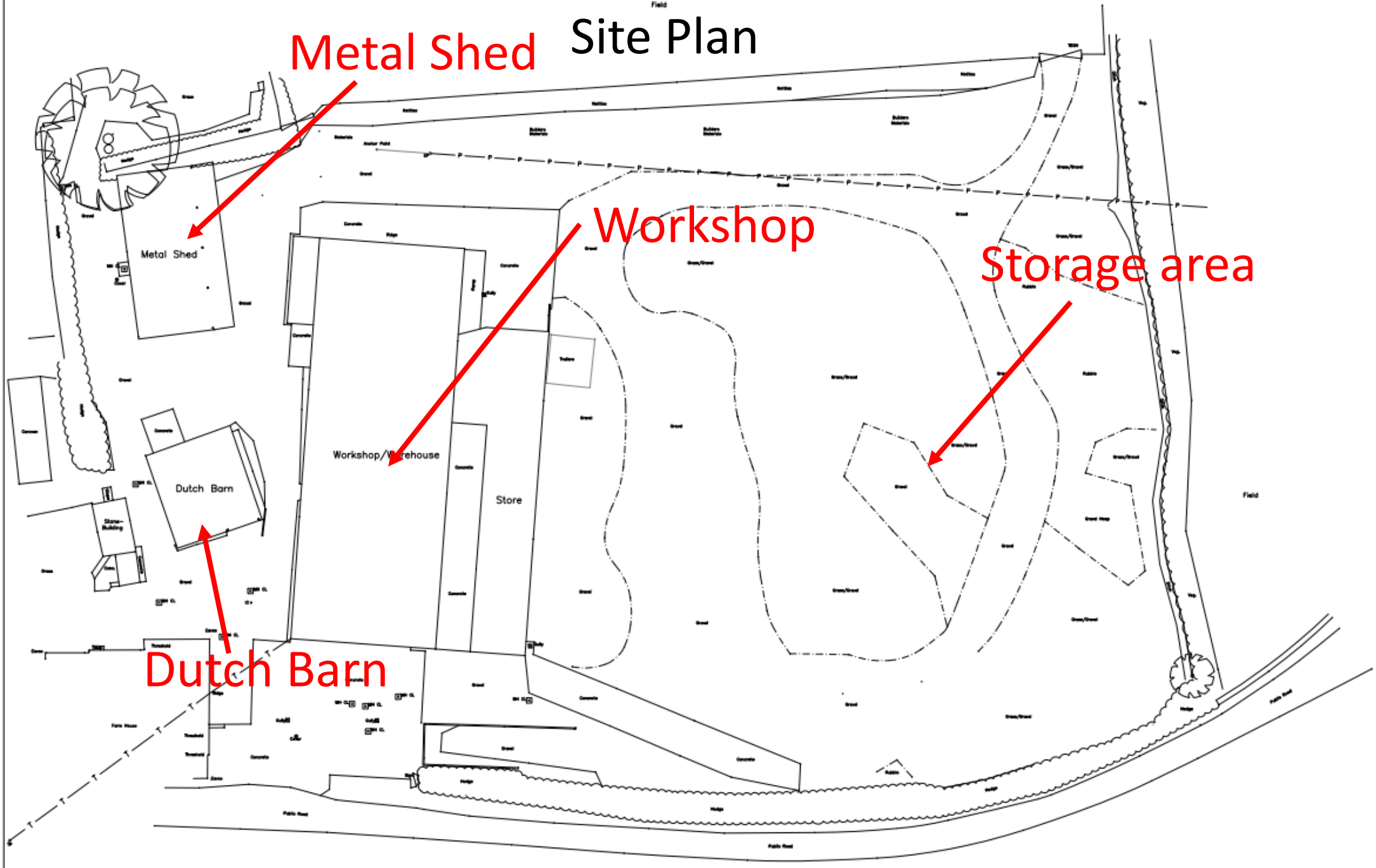
Site Plan

Metal Shed

Workshop

Storage area

Dutch Barn



Workshop



Dutch Barn



Metal Shed



Storage area



Storage area





Public view of the storage area from road



View of site prior to change of use (April 2009)



View of site (September 2024)



View of site prior to change of use (April 2009)

Search Google Maps



Share

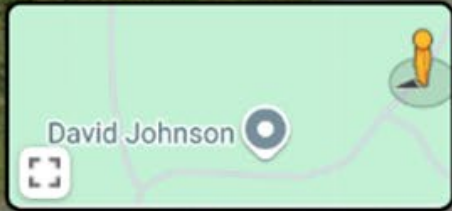


England

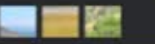


Google Street View

Sept 2024 See more dates



Google



View of site (September 2024)

2014 Aerial Photo

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2024 Aerial Photo



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David Johnson

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