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## Appeal Decision

Hearing held on 6 May 2025

Site visit made on 6 May 2025

by **M J Francis BA (Hons) MA MSc MCI(A)**

an Inspector appointed by the Secretary of State

**Decision date:** 8<sup>th</sup> July 2025

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**Appeal Ref: APP/Q9495/W/24/3356167**

**Land at North Row, Bassenthwaite CA12 4RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs A Kirkbride against the decision of the Lake District National Park Authority.
  - The application Ref is 7/2023/2273.
  - The development proposed is agricultural workers dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether there is an essential need for a dwelling for a rural worker;
  - whether the proposal would conserve and enhance the natural beauty of the Lake District National Park; and
  - whether the proposal would protect and enhance the Outstanding Universal Value of the English Lake District National Park World Heritage Site (WHS).

### Reasons

#### *Essential need*

3. The appeal site is on a 4ha parcel of land which was purchased by the appellants in 2020. There is already a single storey agricultural building located on it, which was allowed on appeal<sup>1</sup> in 2021 and is reached by a track from North Row. The rest of the land is under grass and is used for grazing sheep. The appellants currently live in a property around one mile from the site in the village of Bassenthwaite. This has 2/3 bedrooms, with one parking space and no external storage or utility room.
4. At the hearing, the appellants provided maps showing the 68 ha of land which is currently farmed by the enterprise. Those areas, away from North Row, provide further grazing and a grass crop.

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<sup>1</sup> APP/Q9495/W/21/3267632

5. The enterprise has 100 high quality sheep, Suffolks and Valais, which they breed. Additionally, they farm a commercial flock of some 240 sheep and 20 tups. The submitted Farm Annual Calendar shows that lambing takes place from January to May, with a gap in February. In June and July, the 30 Aberdeen Angus suckler cows calve at the site, although they are housed elsewhere over winter.
6. Artificial insemination and embryo transfer is a major part of the enterprise, with the potential for a high profit. This is an intensive and highly skilled operation, which is done in combination with veterinary practices where embryos are stored. From August to November, sheep are prepared, including the flushing of the embryos and their later transplant, or alternatively they are frozen and exported elsewhere. At the hearing, the appellant advised that some of this work is 'to order', including for a breeder in New Zealand. There is also embryo transfer from the cattle, however, this is not done for the international market.
7. There is a constant need to look after the animals, but it is clear from the calendar that there are peaks and troughs in the schedule. The evidence provides varying calculations as to the numbers of workers required to service the enterprise, but a minimum of 1.5 workers, spread throughout the year, is a reasonable figure, based on the size and nature of the operation.
8. The proposed dwelling would be located to the west of the farm building and built into the steep, grassy bank. It would be three storeys in height, with an attached garage and guest annex. The annex would contain one bedroom, which based on the plans, appears larger than any other bedrooms. The lower ground floor of the house, which would be larger in area than the ground floor, would be used as a functional space, including a farm office and a 'dirty area'. The appellant has referred to the design of the house providing a flexible space, to satisfy family needs and to fit in with those buildings around it. However, I note from the plans that many of the rooms are excessively sized, with all bedrooms, including that within the guest annex, having en-suites and dressing rooms.
9. Policy 15 of the Lake District National Park Local Plan 2020-2035, 2021, (LP) supports new permanent homes on farm holdings that support the functional need of a farm business. Additionally, LP Policy 02 supports proposals in the open countryside where, amongst other things, there is an essential need for a rural location, it helps to sustain an existing business, or it is necessary for and designed to support agricultural use. The Planning Practice Guidance advises, that when applying paragraph 84 of the National Planning Policy Framework (the Framework), which refers to whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, it could include the degree to which there is confidence that an enterprise will remain viable for the foreseeable future.
10. Management accounts<sup>2</sup> for the years 2021 to 2023 were submitted. These indicate that from a small loss in 2021, profits have risen to £22,935 in 2022 and £32,772 in 2023. Additionally, £189,000 has been invested in assets. These figures differ from those provided by the Authority's agricultural advisor in their report<sup>3</sup>, however, the appellants' confirmed at the hearing that their profits are shown before depreciation and interest. I heard that while costs were overly low, the appellants explained that in lieu of some of their rent, they had undertaken land

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<sup>2</sup> Lamont Pridmore

<sup>3</sup> Report on a proposed permanent agricultural workers' dwelling, AG & P Jackson, 2024

improvements, such as fencing and drainage. I was provided with no evidence of the likely cost of rent in the future.

11. The proposed house would have a gross internal area of 623m<sup>2</sup>. The appellants stated that the build would be managed and constructed by themselves over a period of 9-12 months. They have experience of working in building construction and have family members and contacts in the building industry, which they consider would result in a reduction in the cost of the project. However, managing and building a sizeable property on a challenging site, as well as running the agricultural enterprise, would be demanding and may not be achievable within the proposed time-scale.
12. The appellants consider that the dwelling would cost around £1,000 m<sup>2</sup>, with the fit out of the building deferred until there were adequate funds. However, advisors to interested parties provided a figure of £2,000-£2,500 m<sup>2</sup>, based on using a small builder or managed by the client, plus external works of £200,000-£250,000. The Authority's advisor considered that the costs would be £2,000 m<sup>2</sup>. Therefore, even if I was to use the appellant's figure, which I consider is very low, the proposal would require significant funds, and more than the profits of the business to date would be able to provide.
13. Whilst the appellants intend phasing the build to spread costs, the house would need to be constructed as one build, even if the garage and annex was built later. There would also be additional costs from building in the National Park, due to the need to use local slate and stone. Moreover, even if parts of the fit out were left until funds are available, there needs to be some degree of certainty that the house, as proposed, would be completed.
14. Whilst it is not disputed that it would be the first dwelling on the holding and that the embryo and artificial insemination make it a high value enterprise, this does not of itself justify such a substantial house. I acknowledge that the Housing Supplementary Planning Document, 2023<sup>4</sup>, and the Framework, is silent on size, however, this would provide a large, three storey, three-bedroom dwelling, with two living rooms and a snug on the ground floor, an extensive lower ground floor, and a guest annex.
15. The proposal would, if allowed, have a condition restricting it both to rural workers, and those living within a restricted geographical area. However, a house of this size, even with such a condition, would unlikely be affordable to other farm workers. Indeed, the appellant stated at the hearing, that most properties in the National Park are unaffordable for farm workers.
16. Because of the high value of the enterprise, the appellants do not require much land for the business. They do, however, rely on rented land, the most common land tenure in Cumbria. However, none of this is subject to a written agreement, and some is not used all year round. Therefore, if this was no longer available, it would affect the viability of the existing business. Furthermore, having only 4ha of owned land to support a large agricultural dwelling, whose construction would reduce the grazing land further, results in an extremely small farmstead. This would be unlikely to support another enterprise using the site, which may not have the benefit of additional rented land. Although the appellants stated that they would like to purchase more land, the costs of doing so, quoted at £15,000 per acre,

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<sup>4</sup> How we use Policy 15: Housing in planning decisions, Lake District National Park Authority

which would require a loan, against renting land, around £200 per acre, would, understandably, make this uneconomic.

17. I understand from the discussions at the hearing, that a mortgage would be more costly than borrowing money for a new build. I also realise that many farm incomes would not sustain the buying of a house. Although the appellants have additional funds, and an alternative income from one of the appellants working elsewhere, there is no substantive evidence as to the sums that are available and whether they would be adequate to construct the scale of house that is proposed. Moreover, whilst the house would be a family home, it would service an agricultural enterprise, and as such should be affordable by the business. Therefore, it must be able to financially sustain the existing business, as set out in LP Policy 02.
18. I acknowledge that the popularity of the National Park means that house prices are high. Several properties for sale, including other houses in Bassenthwaite, were provided in the evidence, although the appellants, having already invested in the land at North Row, consider that these do not meet their needs. One of these, Robin Hood Farm, is relatively close to the site, and includes a house, agricultural buildings and land. With an asking price of £475,000, and, despite any alterations that would be required, it would be considerably cheaper than building the proposed development, which would be at least £623,000, based on the appellants build costs.
19. Currently, CCTV is used for monitoring the stock, although this is solar powered and unreliable in winter. I understand that during lambing and calving and throughout the three-month period of artificial insemination and embryo transfer, monitoring the stock would require frequent visits to the site. However, whilst operating this from a permanent base on the site would be more convenient to the appellants, and the wellbeing of the livestock would be better served by living on site, there is limited substantive evidence that this operation has been curtailed, or stock has suffered because of not living there permanently.
20. The only building owned by the enterprise is the existing agricultural building at North Row. However, the evidence from third parties and the Authority suggest that this building is being used all year round for the keeping of animals, contrary to the provisions<sup>5</sup> of the General Permitted Development (England) Order 2015 (as amended) (the GPDO) by which it was approved. I saw that the building contained pens in which sheep were either waiting to lamb or had recently lambed. Equipment and machinery, including a tractor and trailers, were stored on the yard area next to the building. As the building was allowed under Part 6 of the GPDO, its use for lambing or emergency situations is appropriate. However, this permission does not allow it to be routinely used for the accommodation of livestock.
21. I have no reason to conclude that the enterprise is not financially sound, and this would not continue into the future. However, the appellants live a mile from the site and so are a short drive away. Moreover, there is no substantive evidence that the proposed large dwelling, within the open countryside, has been justified on a business basis and is required for the operational needs of the farm.

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<sup>5</sup> Schedule 2, Part 6, Class A

22. Therefore, I conclude, that based on the evidence before me, there is not an essential need for a dwelling for a rural worker. The proposal would conflict with LP Policies 02 and 15 which only support new dwellings in the open countryside where there is an essential need. It would also conflict with paragraph 84 a) of the Framework.

### *Natural Beauty*

23. The site is within the designated Lake District National Park, which, as such, has the highest status of protection in relation to landscape and scenic beauty. There is a statutory duty<sup>6</sup> upon relevant authorities exercising their function 'to seek to further the purposes' for which National Parks are designated. These purposes are conserving and enhancing their natural beauty, wildlife and cultural heritage, and promoting opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. Paragraph 189 of the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, as well as the conservation and enhancement of wildlife and cultural heritage.
24. The site has been classified by the Authority as being within the Bassenthwaite and Uldale Area of Distinctive Character<sup>7</sup>. It is a short distance from the village of Bassenthwaite and is dominated by views of the Skiddaw massif and Uldale Fells. Either side of the A591, which runs through this area, the land is flat and under grass, with the extensive Bassenthwaite Lake being a key feature of the area. This agro-pastoral landscape is typified by fields surrounded by hedgerows and small hedgerow trees. It has a distinct rural character.
25. North Row is a lane leading out of the village towards the west where it connects with the A591. It is lined by hedges, with rising ground towards the north, much of it covered by a dense block of woodland. The lane is visible from the A591, as the houses, many of which are white, and generally traditional in character, are dotted along its southern side, built into the slope of the land. However, the views, both from the lane and the A591, highlight the green spaces between the existing buildings.
26. The proposed dwelling would be built in the adjoining field, currently used for grazing. One of the guidelines for managing landscape change within the Character Assessment<sup>8</sup> is to ensure new buildings are sensitively designed to respect local vernacular building materials, scale and character. The appellants consider that whilst the design of the proposal has contemporary elements, the massing and shape is traditional.
27. However, the proposal would have a floor area of 623m<sup>2</sup> and a large footprint. While the rectangular windows on the front elevation would create a vertical emphasis, this would be visually disrupted by the oddly shaped and placed, square and wraparound window to one side. Furthermore, the design of the projecting dining room, with its ridge reaching to the eaves height of the house, and almost completely glazed to the front, would dominate and introduce a non-traditional feature to the front elevation. Additionally, the windows within the basement area, disrupt any vertical balance that is proposed in the elevations above.

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<sup>6</sup> Levelling-up and Regeneration Act, 2023

<sup>7</sup> Area 2: Bassenthwaite & Uldale Character Assessment, Lake District National Park Authority Landscape Character Supplementary Planning Document, 2021

<sup>8</sup> 7

28. Whilst the proposed dwelling would be built as close as possible to the farm building, and it would not be the only building in this landscape, these features, as well as the large terrace with its glass balustrade, would result in it being visually intrusive within the landscape. Although Lake District stone and local slate would anchor the building to the site, the size of the building, particularly when viewed from the west with the elevated terrace and lower ground floor, in combination with the garage and guest annex, would result in a building that is unduly prominent and unsympathetic to the site and surrounding landscape. Moreover, glazing on the rear stretching from the ground floor to eaves level, would be visually dominant from North Row.
29. Although the existing building on the site is sizeable and is clearly visible in the landscape, it is low in height. This proposal would result in a much taller building infilling a large, currently green space, which is part of the characteristic agricultural landscape. The house, because of its size and proposed landscaping, would dominate the current greenfield and gentle pastures that exist within the site. It would cause harm to the character and appearance of the area, and the landscape and scenic beauty of the National Park. As such, the proposal would not further the statutory purposes of the National Park, and it would not promote opportunities for the understanding and enjoyment of its special qualities. I therefore conclude that the proposed development would not conserve and enhance the natural beauty of the Lake District National Park.
30. It would conflict with LP Policies 01, 02, 05 and 07 which collectively require development to respect the statutory purposes of the National Park and not result in an unacceptable change to its character. It would also not accord with paragraph 182 of the Framework, as it would not conserve and enhance the landscape and scenic beauty of the National Park, a matter to which I must give great weight.

#### *World Heritage Site*

31. The National Park is a WHS. Such sites are internationally recognised to be of Outstanding Universal Value (OUV). The Statement of OUV for the Lake District National Park refers to its mountainous character, glaciated valleys and numerous lakes, which has created a landscape of some beauty, shaped by an agro-pastoral land use. The landscape has been celebrated by artists and poets since the 18<sup>th</sup> century, with villas, gardens and formal landscapes being added. This cultural landscape also helped form both a landscape conservation movement and a tourism and outdoor movement. These features and its continuing agro-pastoral landscape are all identified within the Bassenthwaite Valley, therefore demonstrating the attributes of OUV.
32. World Heritage Sites are designated heritage assets of the highest significance. Paragraph 202 of the Framework refers to assets such as WHS being an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. However, the construction of a large dwelling, of modern design, within this agro-pastoral landscape, would be out of scale with the character and visual qualities of the area. Moreover, it would intrude into and infill the open character that currently exists between the properties along North Row. Therefore, whilst the harm would be localised, it follows that in the terms of the Framework, this would be less than substantial harm.

33. Based on this, and in line with paragraph 215 of the Framework, any harm should be weighed against the public benefits of the proposal. Whilst the benefits include the continuation of farming practises in the area, the support of a local farm enterprise and the provision of a house, and some economic benefits during construction, these would not of themselves outweigh the harm that I have identified. Accordingly, the proposal would not protect and enhance the OUV of the WHS.
34. It would conflict with LP Policies 01 and 07 which require the conservation and enhancement of the attributes of the OUV and designated heritage assets. Moreover, it would conflict with paragraphs 202 and 215 of the Framework.

### **Other Matters**

35. The site is within the catchment of the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC). Under the Conservation of Habitats and Species Regulations 2017 (the Regulations), and as advised by Natural England, a Competent Authority must consider the nutrient impacts of projects and plans which affect habitat sites. However, as I am dismissing the appeal on other grounds it is not necessary for me to consider this matter further.
36. The site has been considered in accordance with Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development has been screened as it is within a 'sensitive area', as defined by Regulation 2 of the EIA Regulations, in this case the Lake District National Park; and it is within the SAC. The proposal was found unlikely to have significant effects on the environment and so an Environmental Statement is not required. Therefore, this requires no further discussion.
37. I have taken into consideration the Human Rights Act, 1998, which enshrines in UK law, most of the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). Article 6(1) of the ECHR provides that, in summary, everyone is entitled to a fair and public hearing; and by an independent and impartial tribunal established by law. The appellants were able to attend and fully participate in the hearing and so I consider that their Article 6(1) rights have not been interfered with.
38. At the hearing, an agricultural worker's dwelling that had been approved by the Authority at Whelpo Bridge Farm<sup>9</sup>, was cited by the appellants. The evidence suggests that the site had a longstanding farm business which had been bought by the new owner, with existing livestock buildings, a land area twice the size of the appeal site, and secure common grazing rights. Therefore, based on the evidence, this is not comparable to the appeal case.
39. The appellant has referred to an appeal at Forked Elm<sup>10</sup> where an agricultural worker's dwelling was allowed. Whilst this similarly farmed both sheep and cattle, the floor area of the proposed dwelling was 335m<sup>2</sup>, considerably smaller than that proposed at the appeal site. Furthermore, the site was in a landscape character area, not within a nationally important landscape or WHS, as found at North Row. Therefore, this case provides limited weight.

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<sup>9</sup> Ref 7/2023/2010

<sup>10</sup> APP/U3935/W/18/3197000

40. Reference has also been made to a court judgment<sup>11</sup> which had two grounds of challenge, one of which was whether the Inspector had failed to discharge the duty of “seek to further” the statutory purposes and whether they discharged that duty. The judge held that when determining an application for planning permission within a National park, it is necessary for the decision maker to consider whether the proposed development will leave unharmed the natural beauty, wildlife and cultural heritage of the National park in its existing state. As I have concluded above that the proposed development would harm the character and appearance of the area and would not protect and enhance the OUV of the WHS, I have considered this issue and decided that the proposal would not seek to further the statutory purposes.

### **Planning Balance and Conclusion**

41. Interested parties who support the proposal refer to the decreasing number of farms within the National Park, the lack of affordable housing, and the need to support those who wish to farm, work and raise families in the area, which is important to the village and local community.
42. I saw and heard how the appellants had built up their business and had already invested considerable time and money in their enterprise. This has created a viable business, which they wish to expand in the future, including selling beef directly to the public and constructing a building for the cattle. The evidence includes support from a wholesale meat supplier<sup>12</sup> to the dining and corporate hospitality industry that has already taken cattle from the appellants, with further proposed in 2025. This, as well as prizes won for championship sheep, shows the high-quality meat and stock that is produced.
43. However, the farming operation currently operates from the site, and whilst it would be more convenient to be resident there, the appellants live only a short distance away. Therefore, the necessary justification for a large dwelling on the site has not been provided, in addition to the other harms that I have already identified.
44. For the above reasons I conclude that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
45. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

*M J Francis*

INSPECTOR

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<sup>11</sup> New Forest National Park Authority v SSHCLG & Anor [2025] EWHC 726 (Admin)

<sup>12</sup> Lake District Farmers

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Adam Kirkbride	Appellant
Mrs Alisha Kirkbride	Appellant
Mrs Kate Bellwood	Kate Bellwood Associates, Joint Agent
Ms Julie Liddle	PFK Rural, Joint Agent

### FOR THE LOCAL PLANNING AUTHORITY:

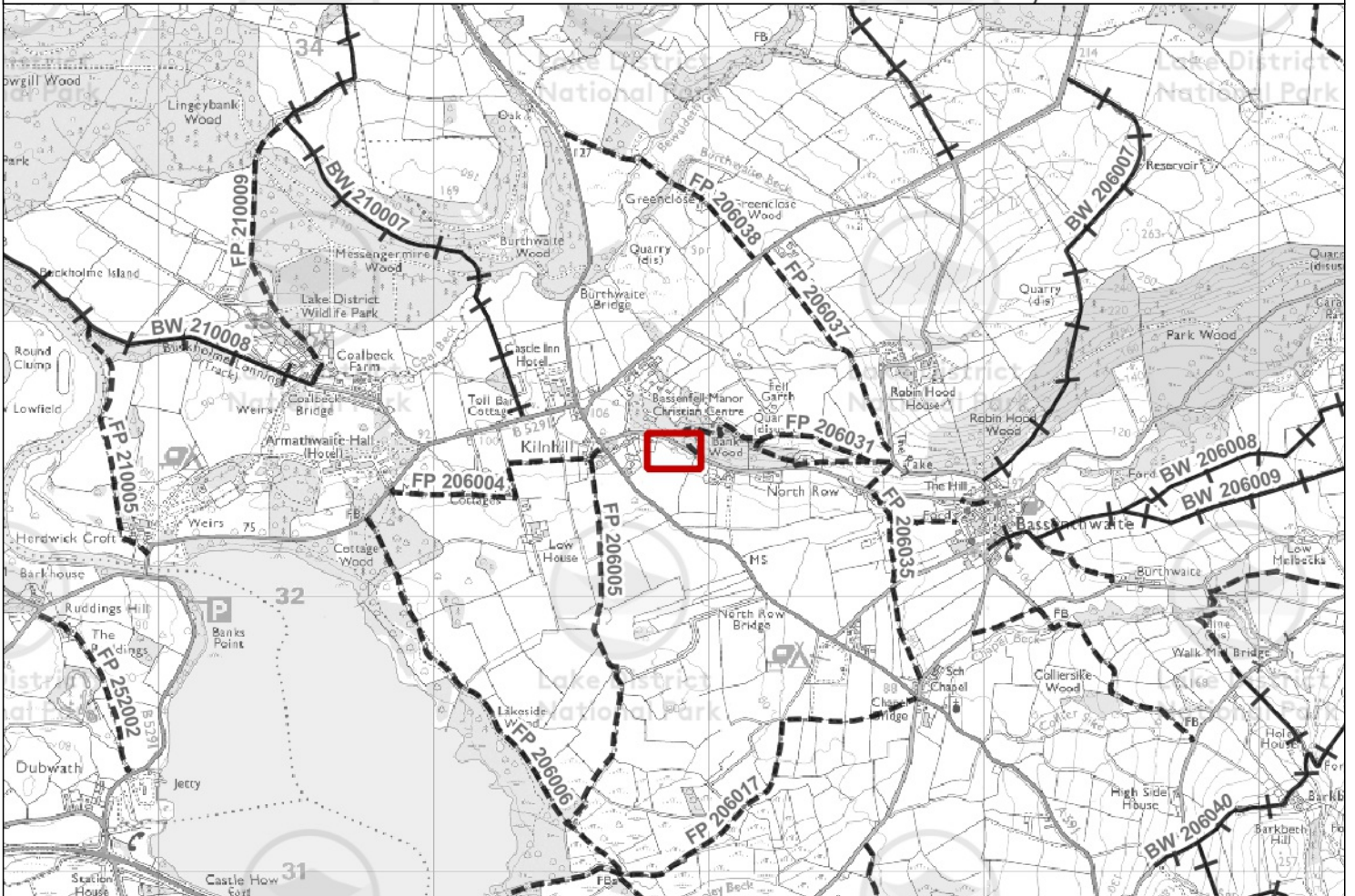
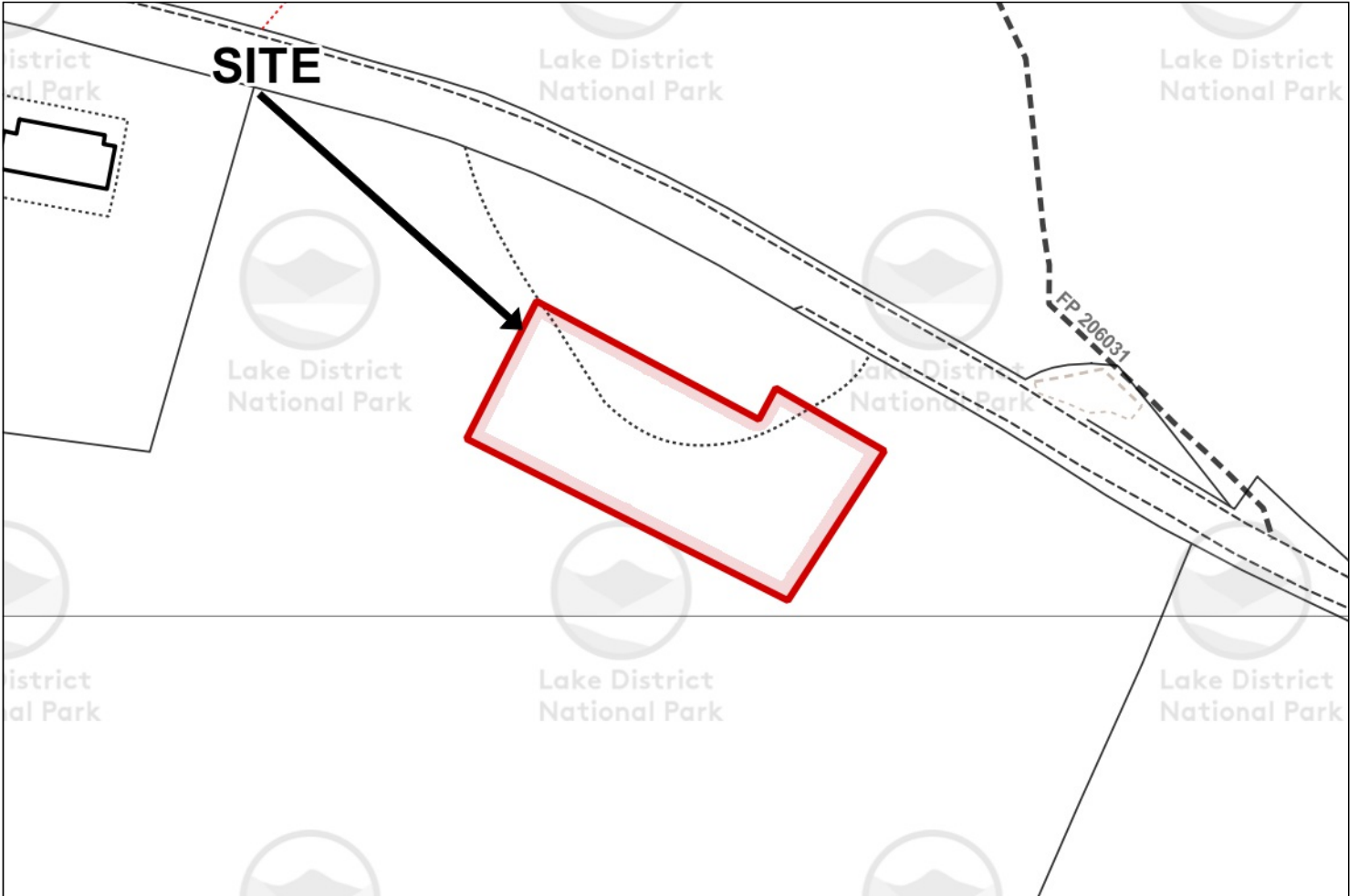
Mr Neil Henderson	Planning Manager
Miss Kelsey Blain	Planner

### OTHERS:

Mr Angus Hutchinson	hg associates
Mr Jonathan Hird	hg associates
Mr Roy Williamson	hg associates
Dr D McNally	Local resident
Mr John Grace	Local resident
Mrs Coral Grace	Local resident

## **DOCUMENTS**

1. Farm Annual Calendar (based on 2025)
2. Four maps of the appellant's farmed land – PFK Rural
3. Report on a proposed permanent agricultural worker's dwelling, North Row, Bassenthwaite, AG & P Jackson, February 2024



0 10 20 m Plan scale: 1:1,000 Date Authored: 22/07/2025  
 Overview: 1:25,000

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