



Appeal Decision

Site visit made on 26 August 2025

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 10 November 2025

Appeal Ref: APP/Q9495/W/25/3364214

Cornhow, Brackenthwaite, Lorton, Cumbria CA13 9UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Julie Hope against the decision of the Lake District National Park Authority.
- The application Ref 7/2023/2224, dated 3 October 2023, was refused on 22 October 2024.
- The application sought planning permission for the change of use to provide land for the siting of camping cabins for holiday/tourism purposes without complying with conditions attached to planning permission Ref 7/2021/2236, dated 21 February 2022.
- The conditions in dispute are Nos 2 and 5 which state that:
 2. The development hereby permitted shall not be carried out other than in complete conformity with the following plans and details received by the Local Planning Authority:
 - Drawing No. 21.22.01 Proposed Parking & Section
 - Drawing No. 21.22.loc Rev A Location Plan
 - Drawing No. 21.22.site Rev A Proposed Site Plan
 - Heritage, Design and Access Statement
 - BS5837 Arboricultural Report by The Care of Trees, Arboricultural Consultancy dated 28 September 2021
 5. None of the cabins hereby permitted shall be replaced by any other structures or cabins 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.
- The reasons given for the conditions are:
 2. For the avoidance of doubt.
 5. For the avoidance of doubt and to safeguard the visual amenities of the area in accordance with Policy 05 and 18 of the Lake District National Park Local Plan 2020-2035.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the site visit it was immediately apparent that the development permitted under reference 7/2021/2236 had not been carried out in accordance with the approved plan 21.22.site Rev A dated July 2021. The cabins now known as Hansel, Gretle and Larch Cabin are not in the locations shown on the approved plan and are of two styles of wooden construction not the 'Typical Slate Clad Cabin' design shown on the approved plan. The plan submitted with the application the subject of this appeal, 21.22.site Rev B, confusingly still dated July 2021, in addition to showing these wrong locations and designs, only shows the location and design of two of the three additional cabins now proposed. In the circumstances a further plan was requested showing the accurate location of the existing and all three proposed cabins and their designs. This plan, 21.22.site Rev C, still dated July 2021, was

submitted during the course of the appeal and appears to show accurate locations for each cabin albeit this has not been confirmed by the National Park Authority (NPA). The plan includes a photograph of each cabin except the Camping Pod. At final comments stage a further plan was submitted, 21.22.SP, showing decking areas, hot tubs and pathways.

3. The application was determined on the basis of an erroneous plan without details of the sixth cabin. Since the latest plans give a more accurate picture of the position on the ground and the proposal I have taken them into account.

Main Issue

4. The main issue is the effect of the additional cabins, ancillary structures and the activity generated by the intensified holiday/tourism use on the character, appearance and arboricultural/ecological integrity of the woodland and the Lorton Vale which forms an integral part of the Lake District National Park.

Reasons

5. Planning permission was granted in February 2022 for the siting of three cabins for holiday/tourism purposes within about 0.95 ha of mature Oak woodland to one side of the access drive to Cornhow Farm, a mixed sheep and cattle farm in the Lorton Vale. The initiative is intended to help diversify the agricultural business and provide low-key tourist accommodation with minimal impact on the woodland, the cabins being portable with no foundations or mains services. The current application is to increase the number of cabins to six. On the date of the site visit six cabins were on site although it was not clear if all six were in use.
6. The original three cabins are of two designs. Hansel and Gretle, small timber cabins¹ clad with oak shingles and moss-covered roofs, and Larch Cabin, which may be larger and is of dark stained timber. To these have been added the Hutte, an oak shingle cabin similar to Hansel and Gretle, the Camping Pod, again small and of oak shingles but with a curved roof design and finally the Bus, a converted American-type school bus with the shell of a small camper van welded onto the roof. The latter is an intrusive, alien metallic feature totally out of place in its woodland setting with no architectural or cultural connection to the Lorton Vale. Indeed, the Bus does not fit the description of the permission for 'camping cabins'.
7. The design of the other five wooden cabins varies somewhat with the oak shingled cabins blending into the woodland most effectively. The dark stained Larch Cabin stands out more prominently within its setting but being within the overall woodland the variation in design does not in itself cause material harm.
8. Whilst the design and appearance of the wooden cabins (but not the Bus) may be visually acceptable in isolation, the primary impact of the scheme results from the numerous ancillary structures that accompany them and the level of activity that arises within the woodland as a result of their holiday/tourism use. The woodland is relatively small, and the latest plan 21.22.SP shows how a network of bark chipping and shale² paths have been laid out to serve the cabins, together with timber deck sitting out areas and hot tubs for the use of the occupiers, the latter apparently unauthorised by the planning permission. There are also barbeques, storage boxes, waste bins, gas tanks, outside seating and other paraphernalia around the

¹ The original design and access statement puts their size as 3.7 m x 5 m and 3.6 m to the ridge.

² Not a natural material in the woodland.

cabins. Outdoor living areas are no doubt necessary for supplementary space as the cabins are too small internally to provide adequate accommodation during a holiday break. However, the overall effect is of areas of domestic living clutter and activity within the woodland which forms part and parcel of the off-grid, back to nature type of break offered by the cabins but unduly detracts from the character and integrity of the woodland.

9. Whilst the 2021 application was accompanied by an arboricultural report³, this refers to the three cabins being on trailers with wheels to minimise the impact on the woodland, not the type used, and there is no reference to sitting out areas, hot tubs, barbeques or the impact of activity. The report's site survey shows trees in diagrammatic form only⁴, and whilst just five trees were said to be directly affected, the cabins have not been sited where shown on the plans so it is not clear that the recommendations in the report have been followed.
10. The current application is not accompanied by an arboricultural report assessing the impact of the original cabins or the new proposals on trees⁵, nor any ecological report assessing the impact of the existing or potentially increased holiday/tourism activity on the ecology of the woodland. In the absence of such reports or any mitigation/enhancement proposals the views of the NPA's trees and woodlands advisor are persuasive. The extra cabins will be likely to increase the pressure to manage trees for safety/clearance purposes, involve the loss of valuable open spaces/glades in the woodland and adversely affect the woodland habitat by increased human recreational activity and footfall leading to noise, trampling of plants, disturbance of wildlife, collection of firewood, damage to trees, setting of camp fires/barbeques and drifting/lingering smoke. The regular changeover of occupiers in the cabins also requires maintenance activity such as cabin cleaning, supplying water, firewood and clearing compost toilets. There are two storage buildings on the western side of the wood just outside the application site which appear related to the holiday/tourism use.
11. The woodland is sited on higher ground just to the northeast of Nos 1 and 2 Water Board Cottages, a pair of semi-detached houses, and adjacent to Woodhow, a bungalow on the farm access drive. Whilst the cabins are quite well screened within the woodland during the summer, they may be visible in winter and lights will be seen within the wood at night. As representations testify, nearby properties are close enough for the occupiers to be adversely affected by noise and disturbance from raised voices, barking dogs, music, drifting smoke, cooking smells and potential overlooking arising from activity within the woodland.
12. The approved plan 21.22.site Rev A shows a parking area for four cars outside the woodland adjacent to the access drive. This has been laid out and seems sufficient for the needs of the original three cabins. The current proposal as shown on plan 21.22.site Rev C shows an extension of this parking area to accommodate six cars by cutting into the raised bank. In the absence of an arboricultural report this may adversely affect adjacent trees. Additional parked cars would also be visible when approaching along the valley from the north, increasing the visual impact of the proposal.

³ Dated 28 September 2021 by Matthew Jones, The Care of Trees Consultancy.

⁴ Inexplicably the diagrammatic trees on the latest plans 21.22.site Rev C and 21.22.SP appear in different places.

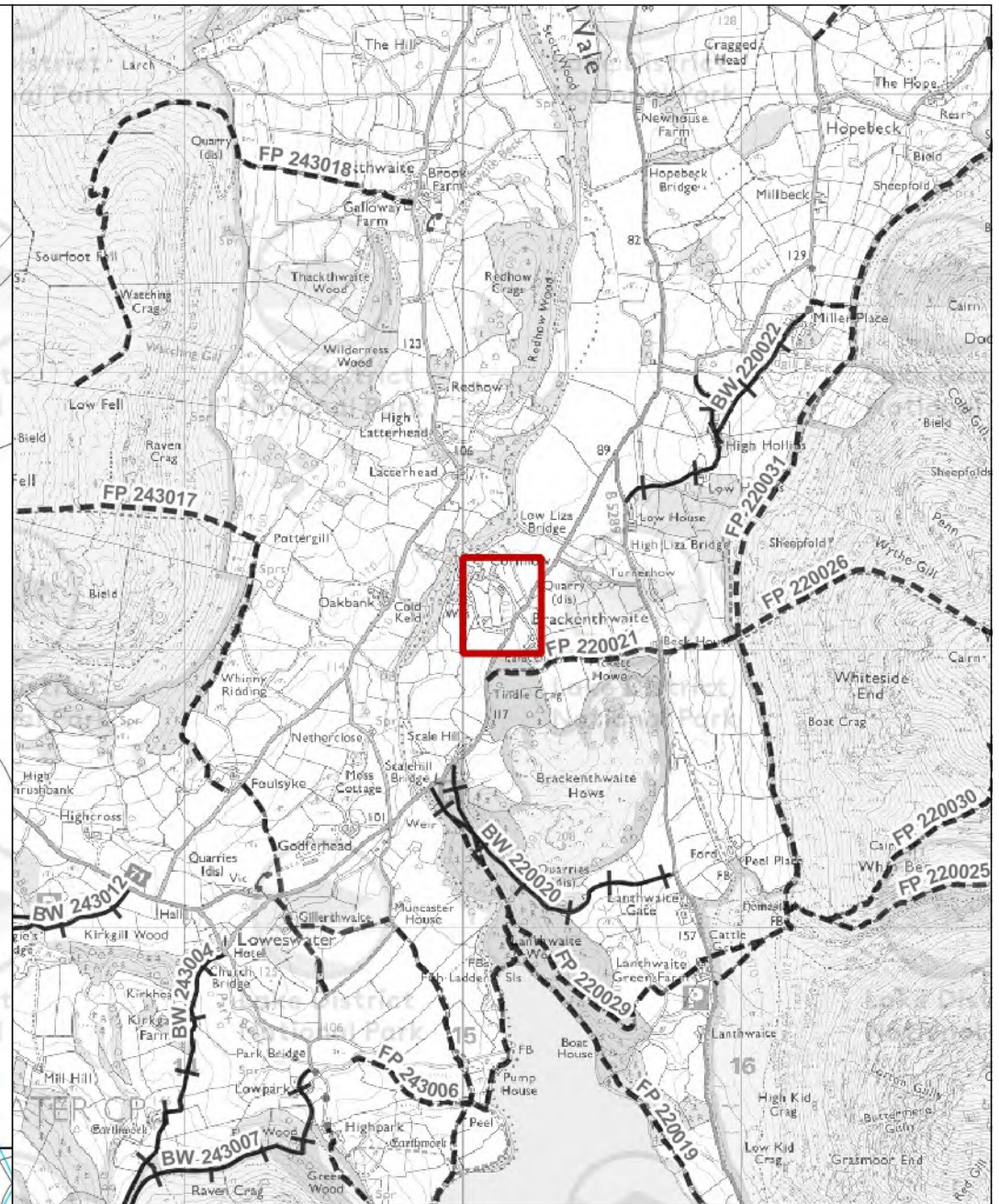
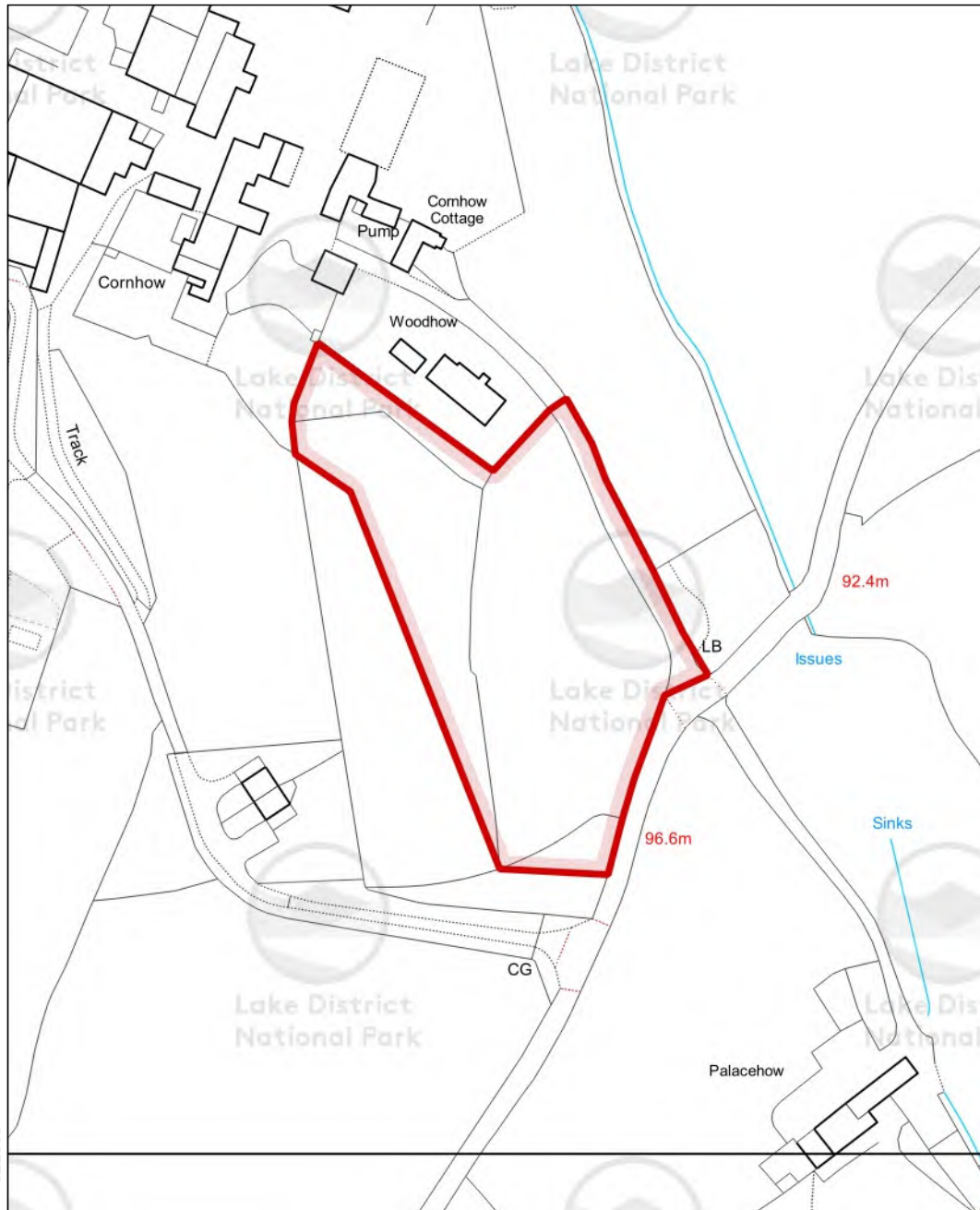
⁵ For example, the Hutte is sited hard up to a tree.

Conclusion

13. For these reasons the additional cabins, ancillary structures and activity generated by the intensified holiday/tourism use would significantly harm the character, appearance and arbocultural/ecological integrity of the woodland and the Lorton Vale which forms an integral part of the Lake District National Park. The proposal thus conflicts with Policies 01, 02, 04, 05 and 06 of the Lake District National Park Local Plan 2021. These seek to conserve and enhance the extraordinary harmony and beauty of the Lake District landscape and its special qualities by protecting and enhancing its authenticity and integrity, ensuring the highest level of protection is given to the landscape, ensuring that the type, scale and level of activity maintains local distinctiveness and tranquillity, ensuring development is of a scale and nature appropriate to the character and function of the location, reinforcing local character, does not have an unacceptable impact on the amenity of adjoining residents, and protects important habitats, sites and species.
14. The proposal also conflicts with the legislative duty to seek to further the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Landscapes such as the Lake District. Whilst the second purpose, to promote opportunities for the understanding and enjoyment of such areas by the public, might be argued to support the proposal, the conflict must be resolved in favour of the first purpose in accordance with the Sandford Principle.
15. The appeal should therefore be dismissed.

David Reed

INSPECTOR



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 Overview: 1:25,000

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Appeal Decision

Site visit made on 17 October 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/Q9495/W/25/3365500

Ambleside Tap Yard, Rydal Road, Ambleside, Cumbria LA22 9AN

- 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 High Spirits Leisure against the decision of the Lake District National Park Authority.
- The application Ref is 7/2023/5398.
- The development proposed is installation of plant and equipment.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Documentation before me identifies the plant/equipment the subject of the appeal as items 1, 2 and 3. The existing plans¹ clearly show the 3 items, and the evidence before me indicates to me that when the Council made its decision on the planning application all 3 items were installed. However, when I conducted my site visit, item 2 was not in place. The proposed plans² show all 3 items and their proposed enclosures. Therefore, and for the avoidance of doubt, I have determined the appeal on the basis that permission is sought for all 3 plant items together with their enclosures. Furthermore, despite 2 plant items being in place at the site, since the plans propose another item and their enclosures, I have determined the appeal on the basis that the development is proposed, and this is reflected in my use of tense.
3. Since the appeal site is within the Lake District National Park (the NP), Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) places a statutory duty upon me to seek to further the statutory purposes of the NP. In making my decision, I have had regard to this statutory duty. The appeal site is also within the Ambleside Conservation Area, and listed buildings are located within the area. Therefore, I have also had regard to the statutory duties at sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - The effects of the proposed development on the living conditions of neighbouring occupiers within properties on Millans Park, with particular reference to the potential for noise; and

¹ Elevation & sections as existing 2507-001

² Elevation & sections as proposed 2507-101

- Whether the proposed development would preserve or enhance the character or appearance of the Ambleside Conservation Area.

Reasons

Living conditions

5. The enclosed plant proposed would be sited on the rear elevation of the Ambleside Tap Yard building beside a narrow back lane. Lining the opposite side of the narrow back lane are residential properties on Millans Park some of which are served by rear offshoots containing windows and by back gardens.
6. The submitted noise assessment³ sets out at section 3.2 that, at the time of the attended noise measurements being undertaken, the only operational plant was a small silver box unit, marked 'Ashahi'. This is plant item 2. During that measurement, a noise level of 64.2 dB L_{Aeq, T} was recorded. The noise assessment makes clear at section 4 that the measured on-site noise level of the installed plant was utilised to predict the noise level impact experienced at the closest Millans Park properties. The predicted noise level impact experienced is identified by the noise assessment as being excessive.
7. Therefore, mitigation is proposed in the form of the plant enclosures with this mitigation predicated upon the noise recordings taken in relation to plant item 2. Other than the noise recordings, it is not clear to me from the noise assessment that any other factors, such as the technical specification of the 3 different plant items, have had a meaningful bearing upon the predicted noise levels or the type of mitigation deemed to be required.
8. In contrast with the findings of the noise assessment, plant item 2 was not in situ when I conducted my site visit. Instead, items 1 and 3 were operational. The noise arising from item 3 was the less intrusive, and item 1 was the noisier. Item 1 was also operating in an intermittent fashion, coming on and off. When it came on there was a noticeable and intrusive clunk, and this was especially distinctive against the acoustic environment.
9. Therefore, the noise assessment is not reflective of my observations on site. It is not clear to me from the evidence before me whether the noise I experienced was at a greater or lesser level than that the noise assessment reports was measured in respect of item 2. However, that the noise assessment's measured noise, predicted noise and proposed mitigation is based upon an entirely different plant item to that I experienced was emitting noise at the site, seriously undermines the confidence I have that the noise assessment proposes the appropriate mitigation necessary to protect the living conditions of the occupiers of the nearest Millans Park properties.
10. Furthermore, the noise assessment's appendix II figures clearly identify Noise Monitoring Position (NMP) 1 as being within the back lane, close to the appeal site, whereas NMP2a and NMP2b are on the edge of the car park off Rydal Road. However, section 3.1 of the noise assessment describes NMP1 as being within the Rydal Road car park. This inconsistency casts doubts in my mind about precisely where the measured noise levels were actually taken from, further undermining my confidence in the results of the noise assessment.

³ Plant Noise Impact Assessment 50-594-R1-3

11. For these reasons, the noise assessment and the submitted appeal as a whole, has not demonstrated to me that the noise effects of the proposed development on the living conditions of neighbouring occupiers within properties on Millans Park would be acceptable. Given the lack of clarity before me in relation to the noise emissions of all the plant proposed, I am not sufficiently confident that any of the noise-related conditions which have been suggested to me would be enforceable or could be relied upon to effectively mitigate the noise arising from the proposed development. Neither is it sufficiently clear to me that repositioning the proposed plant to a lower level on the host property would serve as adequate mitigation either. I therefore find that the proposed development conflicts with Policies 02 and 06 of the Lake District National Park Local Plan 2020-2035 (the LP) which, altogether and amongst other matters, set out that development must not have an unacceptable impact on the amenity of residents, including in respect of noise, is of a nature appropriate to the character of the area and brings benefit to the local community.

Ambleside Conservation Area

12. The Ambleside Conservation Area (the CA) has a varied townscape with distinctive character areas reflecting its development in different phases and eras. In part, the CA is characterised by a tight and organic street network of more minor roads and ginnels but, in some contrast, there are also more planned areas and a more spacious environment where Victorian expansion of the town occurred. The CA exhibits fine examples of traditional Lakeland vernacular. The outward views of high fells and Stock Ghyll's picturesque contribution to the town as a watercourse provide Ambleside with much scenic value. For such reasons, much of the significance of the CA is derived from its architectural interest.
13. Furthermore, Ambleside has historical associations with important figures such as William Wordsworth, the educationalist Charlotte Mason and the journalist Harriet Martineau. The CA also contains evidence of the importance of industry to the town in the past. Therefore, the CA also has historic interest.
14. The host property is a traditionally designed building and is constructed of Lakeland materials quite typical of Ambleside. Positioned beside narrow streets and ginnels, the appeal site forms a part of Ambleside where the CA's tight and organic street network is exhibited. For these reasons, the appeal site does make a positive contribution to the significance of the CA.
15. That said, the back lane beside the appeal site, and the rear of the properties which line it, exhibit a multitude of development features and material finishes. This includes the likes of a garden shed, varied gates and means of enclosure, different external wall finishes, telegraph poles, street lights and plant. Furthermore, the northern end of the back lane is a dead end. Although there is a narrow pedestrian path leading to the front side of Millans Park, I believe the back lane does not serve as a significant thoroughfare in this part of town. Therefore, I find firstly that the back lane's character is very much a varied one and, secondly, that the rear elevation of the host property upon which the enclosed plant items are proposed is situated within a relatively secluded part of the CA.
16. The proposed louvred enclosures would largely screen the utilitarian appearance of the 3 plant items. With dimensions of approximately 1.8m in height, 1m in width and 1m in depth, even the larger of the 2 enclosures surrounding the plant would be

quite modest in scale. Had I been minded to allow the appeal, the precise material and colour finish of the enclosures could have been controlled via condition. This would enable a final appearance of the enclosures to be devised so that it would be as subtle, and as sympathetic to the host building and the back lane, as possible. As a result, I am confident that the completed development would consist of small structures that would be visually unobtrusive.

17. Furthermore, development proposed within a conservation area must be judged according to its effect on that conservation area as a whole. As the proposed enclosed plant would be sited within a relatively secluded back-lane position, the proposed development would not be prominently positioned. Taken together with its scale and visual unobtrusiveness, I find that the proposal would not be detrimental to the CA and, consequently, would preserve its significance.
18. Therefore, the proposed development would preserve the character and appearance of the CA and, in these regards and insofar as relevant to this main issue, the proposal complies with Policies 02, 06 and 07 of the LP. Altogether, in summary, and amongst other matters, these Policies require development to be of a scale, layout, appearance and material finish appropriate to the area, and they seek to ensure that the significance of heritage assets is conserved and enhanced.

Other Matters

19. I set out earlier that a statutory duty applies since the appeal site is located within the NP. The NP has the highest status of protection in relation to landscape and scenic beauty. The NP's special qualities include its dramatic landscape of high fells and a mosaic of lakes, tarns, rivers and coastline, its wealth of habitats and wildlife, its farming and tourism heritage, and its distinctive settlement character. The Lake District is also designated as a World Heritage Site (WHS). The WHS is a designated heritage asset of the highest significance, internationally recognised as being of outstanding universal value (OUV). The OUV of the WHS is based upon a series of its landscape attributes, which are grouped under 3 themes: a landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions and local industry; a landscape which has inspired artistic and literary movements; and a landscape which has been the catalyst for key developments in the national and international protection of landscapes.
20. The National Park Authority has not set out that the proposed development would cause any harm to either the NP or the WHS. Having regard to the nature and extent of the proposal in relation to the expansiveness of these designated areas, I have no reason to disagree. I consider that it would have a neutral effect on the NP, including conserving its natural beauty, whilst no harm upon the OUV or significance of the WHS would result either. Nevertheless, a lack of harm in these regards is a neutral factor in my decision and does not weigh in favour of the appeal proposal.
21. The grade II listed Corbrig, Planetree House is attached to the appeal site. This listed building comprises of a pair of traditional houses, and its principal significance is derived from its architecture, particularly I find by the architecture exhibited by its frontage, such as its distinctive fenestration and porch detailing. A large driveway/courtyard space to the listed building's front also provides the listed building with quite an open aspect to this side of the building which provides it with a setting which allows for its architecture to be readily appreciated. In views along

the back lane there would be some intervisibility between the proposed development and Corbrig, Planetree House. However, given the small structures involved, the unobtrusive visual effects and, since the proposed development would not be visible in conjunction with the listed building's particularly meritorious frontage, I am satisfied that no harm to the listed building's setting would result.

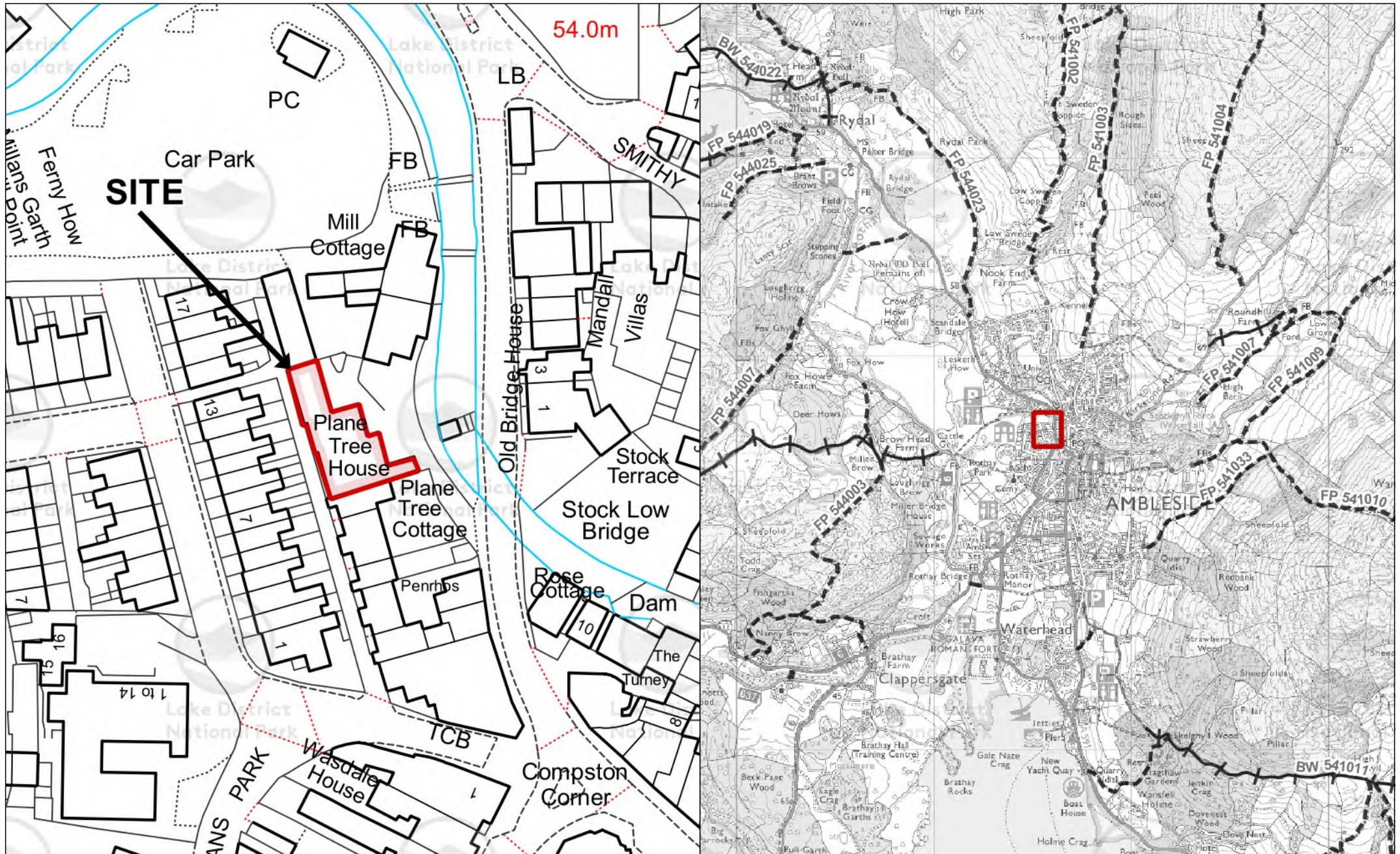
22. Bridge House is a grade I listed building. Its significance is chiefly derived from its architectural value: its modest scale and bridging over the underlying stream makes a very distinctive and picturesque property with whimsical qualities. Bridge House adopts a prominent position off Rydal Road, a main route through Ambleside, whilst its architecture and the passing stream it straddles are clearly visible from other nearby bridges and paths. This setting therefore plays an important role in its significance. Bridge House is opposite the frontage of the Ambleside Tap Yard. Since the proposed development would only affect the rear elevation of the Ambleside Tap Yard building, the proposal would not be seen in conjunction with Bridge House nor within those views of it from nearby paths and bridges which all allow for Bridge House's significance to be appreciated. Given this, no harm to the listed building's setting would result.
23. Finally, Mill Cottage Mill Stream is another listed building (grade II) located near to the appeal site. It now houses a pub, and it exhibits traditional Lakeland vernacular and external materials which provide it with architectural interest. However, another important facet of this listed building's significance is the evidence that it provides as a building once involved with Ambleside's history of industrial activities beside Stock Ghyll. Therefore, it has considerable historic interest. Since the building is beside Stock Ghyll, the connection between the building's history and the stream as a power source can still be made and, therefore, this setting plays an important role in understanding the value of the heritage asset. The proposal would not infringe upon this historic interest nor, given the proposed development's more secluded positioning at the back of the host building, would it affect the listed building's architectural qualities either. Therefore, no harm to Mill Cottage Mill Stream would occur. Accordingly, none of these listed buildings would be harmed by the proposal, but an absence of harm is, again, a neutral factor in my determination.

Conclusion

24. In my second main issue, I have identified that the proposal would not result in any harm to Ambleside Conservation Area. However, in my first main issue I have concluded that the submitted appeal has not demonstrated to me that the noise effects of the proposed development on the living conditions of neighbouring occupiers on Millans Park would be acceptable. Because of my conclusions on my first main issue, the proposal conflicts with LP Policies 02 and 06 when read as a whole, and I find that the proposed development conflicts with the development plan when taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR



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Overview: 1:25,000

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Appeal Decision

Site visit made on 14 October 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 November 2025

Appeal Ref: APP/Q9495/W/25/3366518

Windermere Business Centre, Bake House, Oldfield Court, Windermere, Westmorland and Furness LA23 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mrs M Rothwell (watchthisspace) against the decision of Lake District National Park Authority.
 - The application Ref is 7/2024/5563.
 - The development proposed is construction of 3 apartments with associated garages at ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application, the Planning Practice Guidance (PPG) has updated their guidance relating to flood risk and coastal change. This was updated 17 September 2025 and both parties have had the opportunity to comment on this in relation to the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Windermere Conservation Area (CA);
 - The effect of the proposed development on the living conditions of existing neighbouring occupiers with particular regard to outlook;
 - The effect of the proposed development on highway and pedestrian safety; and
 - Whether the site would be suitably located having regard to its location within flood zone 3.

Reasons

Character and appearance

4. The appeal site relates to land used as the car park of Windermere Business Centre located off Oldfield Court within Windermere. The proposed development seeks planning permission for a detached building within the car park area to the

west of the business centre and would comprise 3 apartments with associated garages at ground floor level.

5. The appeal site is located within the CA. I therefore have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which explains 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.
6. The immediate site context is defined by the business centre building which has a simple form with a traditional palette of materials comprising stone, slate and render. Residential properties nearby are also of simple and traditional appearance and there is a distinct lack of any prominent contemporary buildings. In the wider area, properties range from Victorian terraces to inter-war semi-detached properties to the more recent development within Oldfield Court. The form, massing and pallet of materials are however relatively consistent which forms part of the character of the CA.
7. The scheme would introduce twin gable features on the front and rear elevations leading to pitched slate roofs. Set within and between the roofscapes would be zinc clad dormer windows and the building would be finished in Lakeland stone walling. A pair of hardwood garage doors would be located at ground floor level on both the front and rear elevation and above these would be vertical and triangular windows. I appreciate that some of the materials would be reflective of the site context. However, the building would be a highly contemporary and unusual addition to the area. It would result in a boxy roof form by virtue of the dormer windows and roof valley extension. This, together with the highly unusual fenestration of the windows and dominant appearance of the garage doors would result in an unsympathetic addition to the built environment. I appreciate the appellants' reasoning behind the design and note that the windows allow for secure ventilation etc. I am also aware of the demand for co living arrangements already onsite and that the proposed development would supplement this. Such matters would not however alter my findings as the scheme would still be out of keeping in this specific setting.
8. For the above reasons, I conclude on this matter that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the character or appearance of the CA. This would result in less than substantial harm to the significance of the designated heritage asset. While less than substantial, the prominence and scale of the proposed development, would result in the extent of harm being at the higher end of the spectrum.
9. Paragraph 215 of the Framework explains that where a development 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 of the proposal including, where appropriate, securing its optimum viable use. There would be some social, economic and environmental benefits associated with the scheme including the provision of new dwellings and I am aware that such would be for local occupancy. The extent to which these would be beneficial is however limited

by the small-scale nature of the proposals and I attribute moderate weight to these benefits.

10. Taking the stated benefits of the proposal together, there would be a high level of less than substantial harm to the significance of the CA, so I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the assets' conservation and the considerable importance and weight to this harm. Within the context of my statutory duties in the PLBCAA, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would conflict with Policies 01, 02, 06 and 07 of the Lake District National Park Local Plan 2020-2035, 2021 (LP) which together, amongst other matters, explain that the National Park will seek to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the historic environment.
11. For the same reasons, the proposed development would also be contrary to the Lake District National Park Design Code, 2023 and section 16 of the Framework relating to conserving and enhancing the historic environment.

Living conditions

12. The dwellings along Park Avenue are located to the southwest of the appeal site and their rear elevations and garden areas face towards the appeal site. Currently, the outlook from these properties to the rear is largely open with views across the garden areas and car park. The proposed scheme would be positioned on the rear boundary of the garden areas particularly No 9-15 Park Avenue and despite changes made to the size and scale of the building, it would still result in a substantially sized building being introduced to the rear. This would result in an overbearing impact for the existing occupiers of these properties particularly when utilising their garden areas. These areas would be located much closer to the development where its presence would be highly apparent. I have had due regard to the scale/orientation of the properties to one another, but I find that the proposed development would still compromise the outlook of existing neighbouring occupiers to a harmful degree.
13. For the above reasons, the proposed development would unacceptably harm the living conditions of existing neighbouring occupiers with particular regard to outlook. It would be contrary to Policy 06 of the LP which amongst other matters, explains that development must not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development, due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts. For the same reasons, the proposed development would also be contrary to section 12 of the Framework relating to achieving well-designed places.

Highway and pedestrian safety

14. As set out earlier, the appeal site is currently utilised as part of the car park for the business centre and HMO which is located on the upper floors. There are currently 19 car parking spaces available which I understand presents an under provision for the centre. The Cumbria Design Guide offers guidance on the level of parking provision that is expected for different developments. The requirement in this case would be for six parking spaces. This is indeed met by the proposed scheme, but its provision would result in the reduction in parking available for the business

centre as not all of the 19 existing parking spaces would be available for the business centre to use. As a result, cars would be displaced onto on-street parking in the area. Whilst 19 spaces would remain, the proposed development would add further users onto the site and would result in an increase in the requirement for off-street parking. A compliant scheme would need to retain the 19 existing spaces and provide six spaces for the proposed scheme which is not met by this appeal.

15. The Council explain that there are existing on street parking issues in the area. Whilst only a snapshot in time, I observed at my site visit that parking around the appeal site was busy and there were also poorly parked cars blocking footpaths etc. The displacement of cars onto on-street parking would exacerbate the existing problems leading to conditions prejudicial to highway and pedestrian safety.
16. The appellant claims that the demand for parking has reduced and that a lot of the car parking is surplus to requirements. There is however no substantive evidence of this and again whilst only a snapshot in time, the car park was well used being around half full at the time of my site visit. It cannot be assumed that most people are without transport, and I have no evidence that this is the case. The appellant refers to a previous suggestion for parking spaces, but I understand that such a suggestion was not accepted by the Council, and I have determined the scheme based on the plans the Council based its decision on.
17. For the above reasons, the proposed development would unacceptably harm highway and pedestrian safety. It would therefore be contrary to section 9 of the Framework relating to promoting sustainable transport.

Flood risk

18. The appeal site is located in flood zone 3 which means that it has a high probability of suffering from flooding. Paragraph 170 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 175 of the Framework explains that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
19. Details about the sequential test and if necessary, exceptions test are included in the PPG. It should show that there are no reasonably available, lower-risk sites that are suitable for the proposed development. As set out earlier, the PPG has updated their guidance relating to flood risk and coastal change. To this end, paragraph 027 of the PPG expands on paragraph 175 of the Framework. It explains that, in applying paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by

Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

20. The appeal before me has been accompanied by a Flood Risk Assessment which demonstrates that the development would be resilient to flooding and would not increase flooding elsewhere. That said, the assessment presents no sequential assessment as to whether there are other more sequentially preferable sites available for the development at lesser risk of flooding. I have had due regard to the updated guidance contained within paragraph 027 of the PPG, but this is concerned with the risk of flooding from surface water sources only. The appeal site is located in flood zone 3 with a high probability of flooding from rivers or the sea - flooding from fluvial sources, rather than surface water sources. On this basis, I find that a sequential test would still need to apply in the particular circumstances of this case.
21. The appellant claims that the flood maps are vague and inaccurate and that the site has not flooded. Even so, the site is located within flood zone 3 as per the current flood risk maps and I must determine the appeal on this basis, and I have no compelling reason to deviate from this. I note the previous approval within the adjacent business centre, but that scheme was indeed different to the appeal I am considering which was assessed accordingly based on a change of use.
22. For the above reasons, I conclude that it has not been demonstrated that there are no sites available to accommodate the development which are at lower risk of flooding and the development therefore fails the sequential test as required by local and national policy. The proposed development would not therefore be suitably located having regard to its location in flood zone 3. It would be contrary with Policy 03 of the LP which explains amongst other matters, that the Council will support development proposals in accordance with the approach to managing flood risk in the Framework and associated PPG. For the same reasons, the proposed development would also be contrary with section 14 of the Framework relating to meeting the challenge of climate change, flooding and coastal change.

Other Matters

23. I am aware of the matters that are not in dispute and responses received from various consultees. I am also aware of the appellant's frustrations with the Council in terms of communications during the application process and changes made to the scheme. Such matters would not alter my findings in relation to the above main issues.
24. Reference has been made to other schemes elsewhere and I do not dispute that such a scheme may be acceptable/integrate successfully in other areas, but this would not alter my findings that the scheme is unacceptable in this particular location. I also have very limited details of previous schemes to be able to comment fully and I have considered this scheme based on its own merits.

Balance and Conclusion

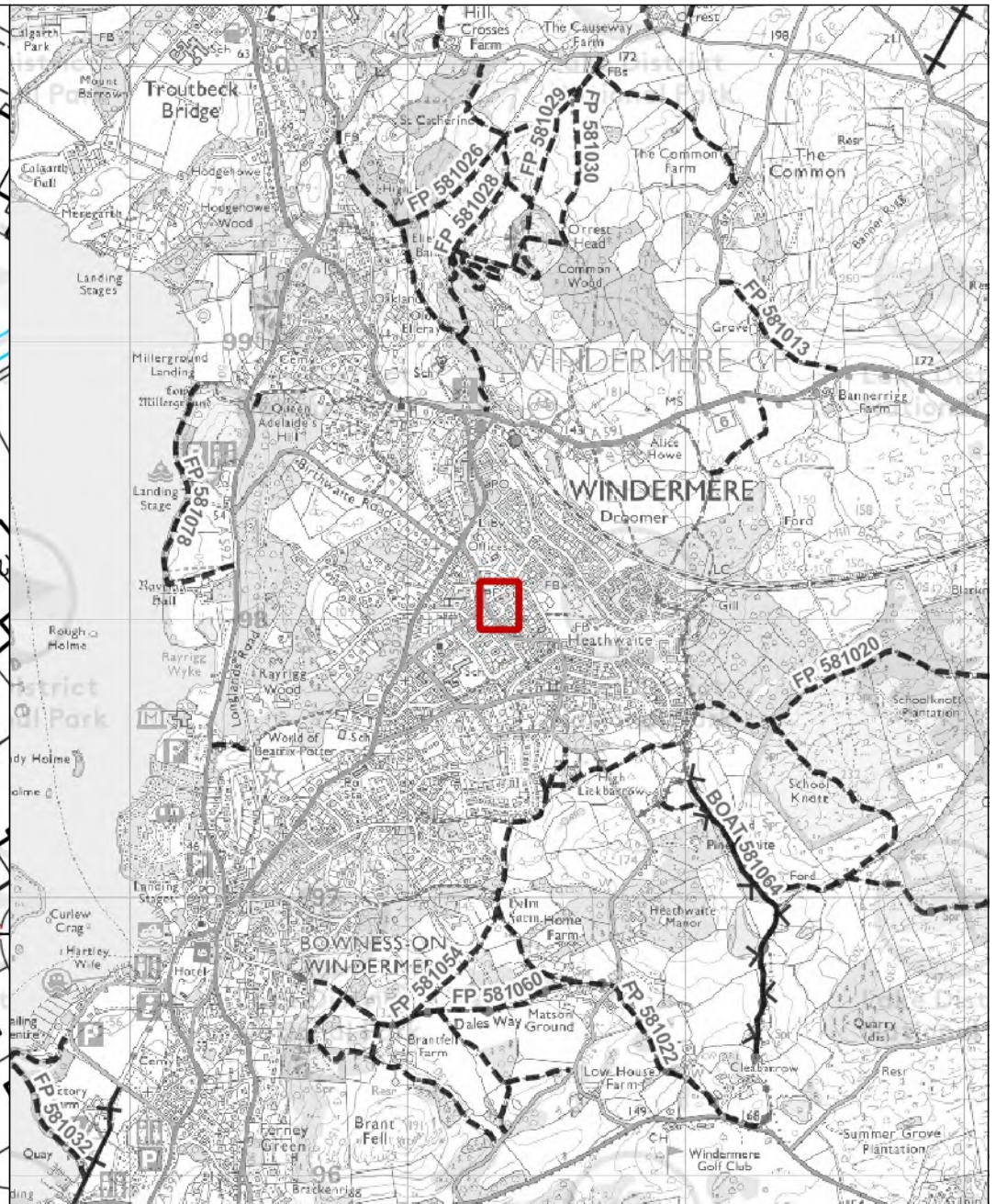
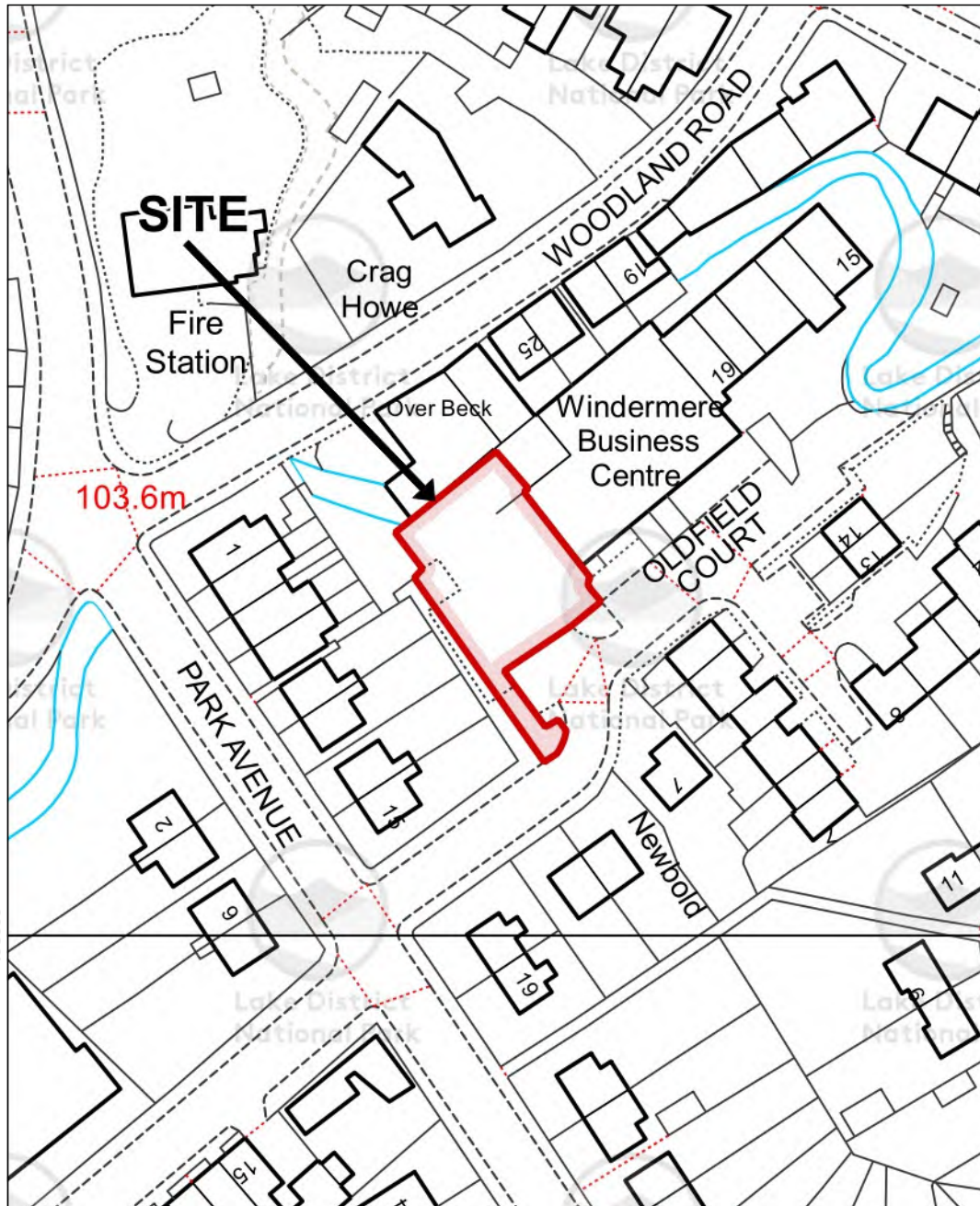
25. The proposed development would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the character or appearance of the CA. The development would also unacceptably harm the living conditions of existing neighbouring occupiers with particular regard to outlook. It would unacceptably harm highway and pedestrian safety and would not be

suitably located having regard to its location in flood zone 3. I attribute great weight to such matters. As set out earlier, there would be some benefits associated with the scheme, but these would not be sufficient to outweigh the harm that I have identified.

26. Bringing everything together, the development conflicts with the development plan when considered as a whole. There are no other considerations, including the provisions of the Framework that individually or cumulatively outweigh this harm. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR



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 Overview: 1:25,000

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Appeal Decision

Site visit made on 17 October 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/Q9495/D/25/3367536

How Beck, Broadgate, Grasmere, Westmorland and Furness LA22 9RH

- 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 Ian and Mrs Jennie Denton against the decision of the Lake District National Park Authority.
 - The application Ref is 7/2024/5633.
 - The development proposed is refurbishment and first floor extension to an existing dwelling, removal of an existing conservatory, a new detached annex within the garden and associated driveway improvements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The various documents and plans before me identify the host property as both 'How Beck' and 'Howbeck'. Since it matches the name provided at the site's access, I have referred to it as 'How Beck' in my decision.
3. Since the appeal site is within the Lake District National Park (the NP), Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended) places a statutory duty upon me to seek to further the statutory purposes of the NP. In making my decision, I have had regard to this statutory duty. The appeal site is also within the Grasmere Conservation Area, and listed buildings are located within the area. Therefore, I have also had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Grasmere Conservation Area; and
 - The effects of the proposed development upon the risks posed by surface water flooding.

Reasons

Grasmere Conservation Area

5. The Grasmere Conservation Area (the CA) is situated within a plain surrounded by high rugged fells which provides for an amphitheatre-like setting. A hallmark of Grasmere is the contrast which can be found between its more natural, verdant or open features, such as its meadows, woodland, the River Rothay and the designed landscape of its larger houses, with the tight-knit and more enclosed character of the town's central areas. Good examples of Lakeland vernacular are on display within the CA, and there is a notable homogeneity among many of the CA's traditional buildings. For these reasons, much of the significance of the CA is derived from its architectural interest.
6. Furthermore, Grasmere is a centre of Wordsworth heritage, and the likes of its hotels provide evidence of the development of tourism in the Lake District. Therefore, the CA also has historic interest.
7. How Beck is a large house. Although it has been extended and altered, owing to the likes of its Lakeland stone walls, slate roof, dormers and wind vane, it is nevertheless a distinctive property and, overall, it exhibits a traditional character. How Beck is noticeably set well back from Broadgate and, since its rear plot is curtailed by steeply rising land, it is instead served by a very spacious front garden.
8. I note that the Grasmere Conservation Area Appraisal and Management Plan (the CAA) does not identify How Beck as a building of special character, its large front garden is not identified as an important green open space nor an area of landscape value, whilst it does not feature within one of the CA's major views outlined by the CAA. Nevertheless, How Beck provides an example of a large, traditionally designed house set within a spacious plot which is very reflective of the CA. The large front garden adds to the overall patchwork of open and verdant spaces within the CA. From both sides of Broadgate, How Beck's front garden is appreciable beside and opposite its access point. Furthermore, in the background to it, the trees straddling the footpath to the north of the appeal site, and which are identified as being important trees within the CAA, can also be appreciated. For these reasons, I find that How Beck positively contributes to the significance of the CA as a whole.
9. In forming these views, I acknowledge that other properties in the area do not share all of these characteristics. For example, developments off Broadgate, such as Broadgate Orchard, are positioned closer to the road and have smaller front gardens. I also observed during my visit that the Rothay Garden Hotel has added ancillary buildings to its gardens. Nevertheless, the distinctive character of How Beck and its positive contribution to the area remains.
10. The Council's reason for refusal, in relation to this main issue, was based solely on the effects of the proposed annex. Other development is also proposed as part of the appeal scheme. This includes the demolition of the existing conservatory extension and a balcony with undercroft parking, the provision of a new upper ground floor extension, a modified driveway and fenestration alterations. These other elements of the proposed development would be appropriately designed, and they would be sympathetic and subordinate to How Beck. Therefore, like the Council, I raise no objection to them.

11. Whilst it would be only single-storey, the proposed annex's accommodation would include 2 bedrooms, a living area and a kitchenette. Consequently, upon completion of the proposed development, a building of considerable footprint and quite significant overall scale would be developed within the front garden. This would harmfully erode the garden's existing sense of openness and, in the roadside views, the new building would disrupt the pleasant, verdant outlook of the garden, and of the trees north of the appeal site by placing a new building in the foreground to them. Furthermore, I find that the siting of a building of the proposed annex's scale would be at odds with, and unsympathetic to, the established characteristic of How Beck being setback so considerably from Broadgate. I note that trees are to be planted which, in time, may assist with softening the effects of the annex. However, these would be likely to take time to mature and, once matured, they would also have the negative consequence of screening views of the garden and the trees near the footpath.
12. For these reasons, the proposed annex would respond unsympathetically to the character and distinctiveness of How Beck to the extent that it would result in the proposed development as a whole harming the CA, failing to preserve its character and appearance.
13. Using the language of the National Planning Policy Framework (the Framework), the harm to the CA as a whole would be less than substantial and, given the proportion of the CA which would be affected, the level of harm to the CA would be low. However, harm would nevertheless arise and, having regard to the relevant statutory duty I set out earlier, this is a matter of considerable importance and weight in my decision.
14. The proposed development would bring with it some public benefits. The development would incorporate some renewable energy technologies, and coupled with the refurbishment and fabric upgrade measures proposed, I expect that improvements to the property's energy efficiency would arise, as asserted by the appellant. This would contribute to the property being more resilient to the effects of climate change, and I am mindful that policy within the Framework strongly advocates energy efficiency and low carbon heating improvements to existing buildings. That said, the precise extent to which the property's energy efficiency credentials would be improved has not been very clearly quantified. Elements of the existing property now in decline would be replaced, which would also improve its durability and long-term performance. I find that these are the most substantive benefits of the proposal, and I attribute to them a moderate amount of weight.
15. In addition, some of the alterations and refurbishments proposed would also bring with them some accommodation, layout and security improvements which, in turn, would result in improved living conditions for the occupiers of How Beck and neighbouring residents in some regards. However, these benefits would only be modest. The appellant also asserts that the proposal's planting would result in some landscape enhancements and, consequently, biodiversity betterments. However, the detail before me that this would be the case is limited and, again, any benefit derived would be modest.
16. Overall, public benefits would arise from the proposal but, taken together, they would not be sufficient to outweigh the harm identified to the character and appearance of the CA.

17. Therefore, for the reasons I have set out, the proposed development would fail to preserve or enhance the character and appearance of the CA. As a result, the proposal conflicts with Policies 06 and 07 of the Lake District National Park Local Plan 2020-2035 (the LP). Together, in summary and amongst other matters, these Policies seek to ensure that developments achieve design excellence, including by contributing to local distinctiveness and reinforcing local character, and seek to conserve and enhance the significance of heritage assets.

Flood Risk

18. Amongst the evidence before me, is an extract from the Environment Agency's Surface Water Flood Map and an overlay of it onto the proposed site plan. This depicts that the proposed annex would be sited within an area the subject of a low risk of surface water flooding rather than within a medium-risk or high-risk area. However, I am mindful that caution must be exercised when using the Environment Agency's Surface Water Flood Map in respect of small parcels of land or individual buildings.
19. That said, the portion of How Beck's front garden identified as being at medium and high-risk of surface water flooding coincides with lower-lying land on the site, which the topographical information in the submitted flood risk assessment indicates is approximately 70–71m AOD. The garden rises farther west, toward the house itself. Therefore, the site's topography suggests to me that the Surface Water Flood Map's indication of where within the site surface water flooding is most and least likely is accurate, and I have no compelling evidence before me to the contrary.
20. The proposed annex would be sited on the western half of the garden. Based on the evidence before me, this leads me to conclude that the annex is proposed to be located within a part of the site the subject of the lowest surface water flood risk rather than those areas more susceptible to it. Furthermore, the submitted flood risk assessment sets out that the finished floor level of the annex would be set at 73m AOD. Setting the floor level at this height would reduce the likelihood of the annex being affected by surface water flooding.
21. Since the annex would be introduced onto the currently open garden, the flow of surface water over the land could potentially be affected by it. However, I have no substantive evidence that the annex would be likely to cause any deflection or constriction of any water flow routes such that it would increase the flood risk to neighbouring land and property. Furthermore, had I been minded to allow the appeal, I could have imposed a condition to resolve the detail of the drainage system to serve the development having regard to the surface water disposal hierarchy. This would enable particular drainage measures to be deployed, as necessary, to ensure that surface water is discharged at a controlled rate and, as required, attenuated.
22. Since the annex is proposed on the basis that it would provide additional accommodation associated with How Beck, in the event that a serious surface water flood event occurred, How Beck itself could provide refuge. Furthermore, the appeal site benefits from more than one means of egress off-site. Therefore, these are facets of the appeal site and the development which would assist in managing residual flood risks.

23. Therefore, in conclusion on this main issue, I find that the proposed annex has been directed away from those parts of the site at the higher risk of surface water flooding whilst measures have been incorporated into the design, and could further be required and controlled via the imposition of a condition, which would ensure that the development is sufficiently flood resistant and resilient to the level and nature of the flood risk. I have no substantive evidence before me which leads me to the conclusion that flood risk would be increased off-site as a result of the proposal either.
24. Therefore, I find that no increase in the risks posed by surface water flooding would arise as a result of the proposed development. The proposal is therefore compliant with Policy 03 of the LP. This Policy seeks to increase the resilience of the Lake District to all types of flood events, supports those developments which accord with the approach to managing flood risk set out within the Framework and the Planning Practice Guidance, and seeks to ensure that surface water is discharged in accordance with the surface water hierarchy. I also find that the proposal complies with the Framework's content on flood risk, including those policies which set out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and which seek to ensure that developments do not increase flood risk elsewhere.

Other Matters

25. I set out earlier that a statutory duty applies since the appeal site is located within the NP. The NP has the highest status of protection in relation to landscape and scenic beauty. The NP's special qualities include its dramatic landscape of high fells and a mosaic of lakes, tarns rivers and coastline, its wealth of habitats and wildlife, its farming and tourism heritage, and its distinctive settlement character. The Lake District is also designated as a World Heritage Site (WHS). The WHS is a designated heritage asset of the highest significance, internationally recognised as being of outstanding universal value (OUV). The OUV of the WHS is based upon a series of its landscape attributes, which are grouped under 3 themes: a landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions and local industry; a landscape which has inspired artistic and literary movements; and a landscape which has been the catalyst for key developments in the national and international protection of landscapes.
26. The Council has not set out that the proposed development would cause any harm to either the NP or the WHS. Having regard to the nature and extent of the proposal in relation to the expansiveness of these designated areas, I have no reason to disagree. I consider that it would have a neutral effect on the NP, including conserving its natural beauty, whilst no harm upon the OUV or significance of the WHS would result either. Nevertheless, a lack of harm in these regards is a neutral factor in my decision and does not weigh in favour of the appeal proposal.
27. The grade II listed Dockray Cottage is located south of the appeal site and closer to the centre of Grasmere. The principal significance of this listed building is derived from its architecture, and the evidence it provides of the development of traditional cottages within the Lake District. The open land to its surrounds provides it with a pleasant setting and allows the cottage to be readily appreciated. The appeal site benefits from a considerable separation from the listed building and the open land which provides it with a pleasant setting. Owing to this

separation, and the scale of the proposed development, no harm to the listed building's architectural interest would result whilst the evidence it provides of traditional cottages would be unaffected. No harm to the listed building's special features of interest or setting would therefore result.

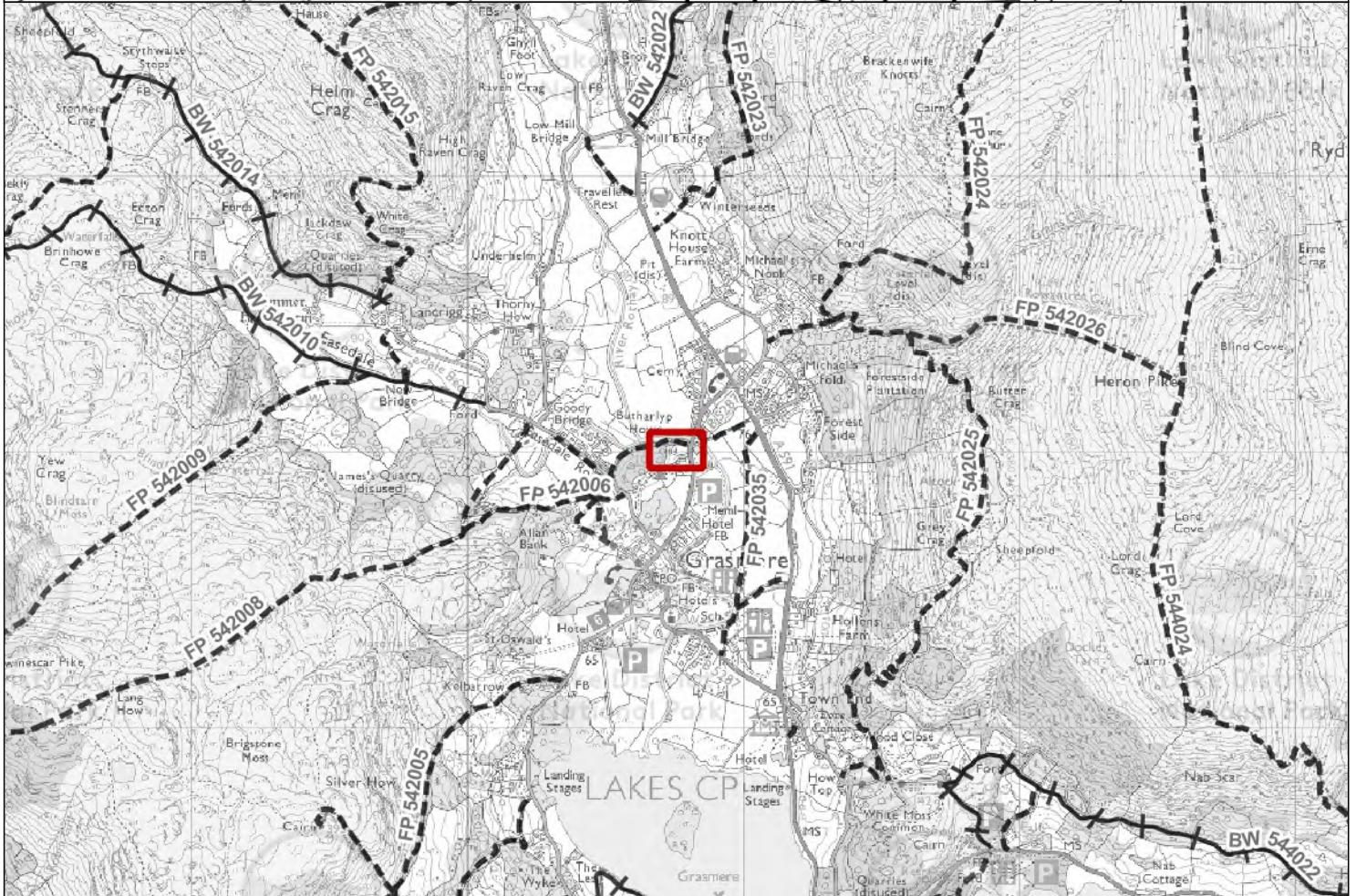
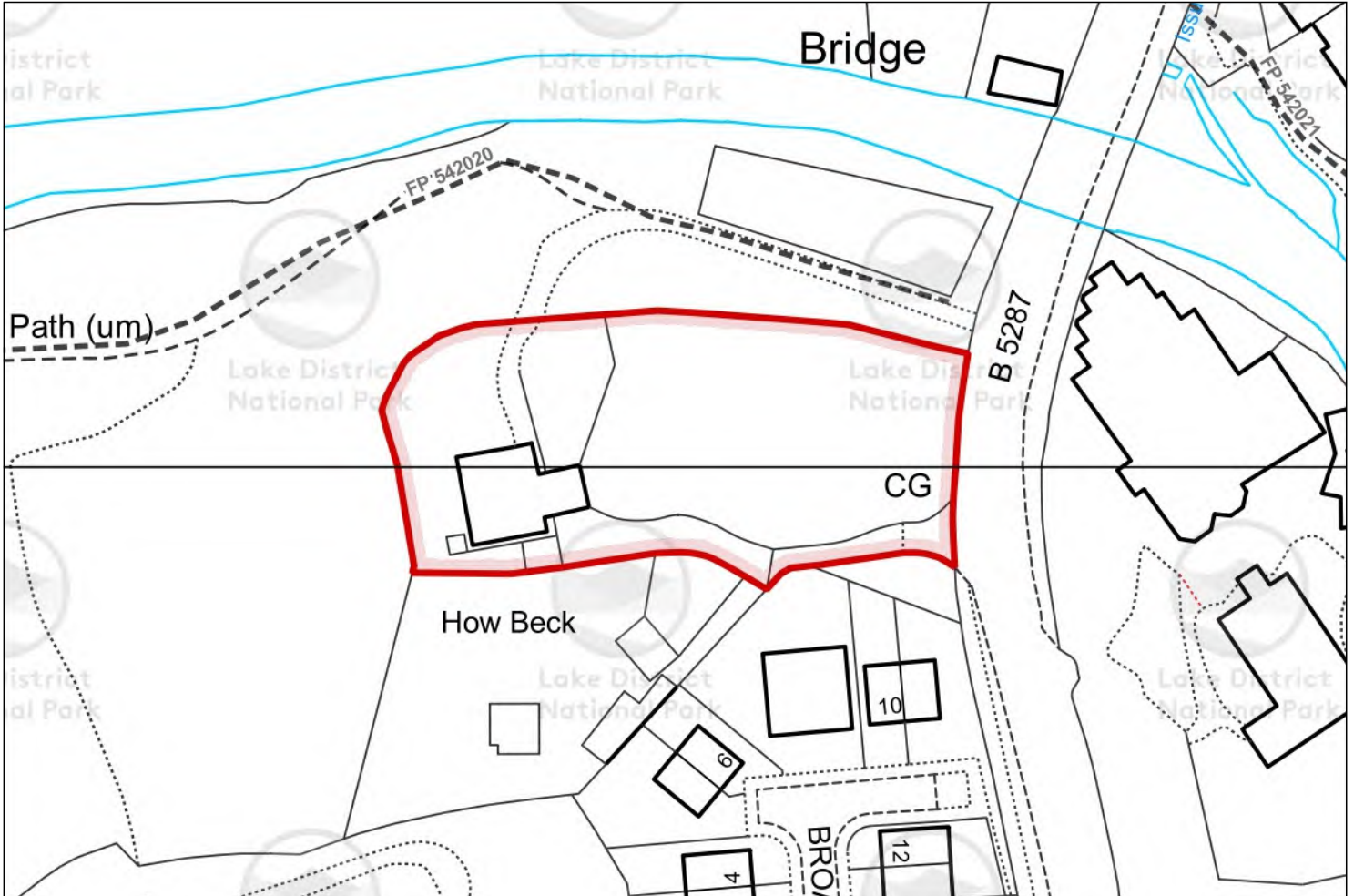
28. The Grasmere War Memorial is another grade II listed building. It has historical significance as it commemorates members of the local community who lost their lives at war. It also exhibits architectural interest due to its ornate design features. Sited beside open land and trees, it has a pleasant setting, and it is accessible so that the public can appreciate it. The appeal site is very well-separated from the memorial with landscaping and buildings on the intervening land. Consequently, the proposal would have no effect upon its architectural significance, and its historic significance would also be unaffected. No harm to the designated heritage asset would therefore result.
29. Finally, the Swan Hotel is another grade II listed building within the local area. It is an old coaching inn and as such it has historical value, providing an example of a traditional Lakeland inn. Its traditional architectural detailing also contributes to its significance. It is viewed against the backdrop of high fells, which provides it with a scenic setting. Again, the proposed development is too distant from the listed building to have any effect upon it, and its historical value as an inn would also be conserved. Therefore, none of these listed buildings would be harmed by the proposal, but an absence of harm is a neutral factor in my determination.

Conclusion

30. In my second main issue, I have identified that the proposal would not result in an increase in the risks posed by surface water flooding and that it complies with Policy 03 of the LP as a result. However, in my first main issue I have identified harm to a designated heritage asset and conflict with other LP policies. Overall, I find that the proposal conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR



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Overview: 1:25,000

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