

7/2019/5613

TOWN AND COUNTRY PLANNING ACT 1990

**NOTICE OF REFUSAL OF CONSENT TO APPLICATION**



**Lake District  
National Park**

To: Mr Harry Tonge  
Steven Abbott Associates LLP  
130, Highgate  
Kendal  
LA9 4HE

**PART 1 - PARTICULARS OF APPLICATION**

- |   |  |   |
|---|--|---|
| 1 | Name and address of applicant                      | Low Moor Howe Farm Ltd<br>c/o Agent   |
| 2 | Date of application                                | 9 October 2019  |
| 3 | Land to be developed                               | The High, Hying Brow (A5074),<br>Crosthwaite, LA8 8BX   |
| 4 | Development forming the subject of the application | Farm diversification scheme including the conversion of existing buildings to holiday accommodation, siting of holiday lodges and associated infrastructure |

**PART 2 - PARTICULARS OF DECISION**

**IN PURSUANCE** of their powers under the Town and Country Planning Act 1990, the Lake District National Park Authority as local planning authority **HEREBY REFUSE PERMISSION** for the development referred to in Part 1 above for the following reasons:

- 1 The application site is situated within the Lake District National Park, an area afforded the highest levels of protection for its landscape and scenic beauty, and the English Lake District World Heritage Site, an area recognised as being of international importance as a landscape of exceptional beauty, shaped by persistent and distinctive agro-pastoral traditions which give it special character. As indicated in the Lake District National Park Landscape Character Assessment, this part of the National Park is characterised as a small-scale, intimate, low fell mosaic landscape with a scattering of vernacular rubble and render farmhouses and stone barns nestling into the valley sides. It is a predominantly tranquil area as a result of the relative absence of dwellings, settlements, minimal sources of artificial noise and night time light pollution. The area has high landscape value. The proposal would adversely affect the character of the area and result in harmful visual effects by occupying inbye land surrounding a historic farm steading with a lodge development at odds with its remote

elevated location, and disrupting the historic field pattern. The element of tranquillity would be disrupted as a result of the inevitable noise and disturbance generated by the proposal. Such adverse impacts would be felt by users of nearby public rights of way, in particular those using the public footpaths which flank the application site and share the access road to the site.

In addition the development would not be accessible by means of sustainable methods of transport, being heavily dependent on the use of private motor vehicles to reach the site and as a result of the limited facilities, services and attractions which guests could access by sustainable means when staying at the site.

The support offered to farm diversification proposals in principle by the Development Plan does not outweigh the harms identified, and the proposal does not demonstrate sustainable practices or outcomes.

The proposal would therefore be contrary to Lake District National Park Core Strategy (Local Plan Part One) Policies CS01, CS02, CS07, CS11, CS14, CS23, CS24, CS25 and CS27.

- 2 The proposal would result in the loss of local occupancy housing contrary to the provisions of the Lake District National Park Core Strategy (Local Plan Part One) Policy CS18 and CS22a and the Housing Provision Supplementary Planning Document. The transfer of occupancy restrictions to other properties would not adequately compensate for the loss of those dwellings from the pool of properties available locally and restricted to local occupiers.



Date: 7 January 2020

MURLEY MOSS, KENDAL

Director of Sustainable Development

**Notes and Informatives:**

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

The Local Planning Authority provided pre-application advice and were unable to identify solutions to the problems arising in relation to dealing with the application

## **NOTICE**

### ***Appeals to the Secretary of State***

If you are aggrieved by the decision of the Authority to refuse your application or to impose conditions on the permission with which you are dissatisfied, you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. All appeals are handled on behalf of the Secretary of State by the Planning Inspectorate.

If you want to appeal against this decision then you must do so within 6 months of the date of this notice, or such longer period as the Secretary of State may, at any time, allow. Although the Secretary of State can allow a longer period for giving notice of an appeal, he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made electronically. You can find more information online at [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate) or using a form which you can get from the Planning Inspectorate Customer Support Team (0303 444 50 00).

Please note only the applicant possesses the right of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Authority based its decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### ***Purchase Notices***

If either the Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the National Park Authority. This notice will require the Authority to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.