



Lake District
National Park

Planning Report

Reference: 7/2019/5613

Location: The High, Hyning Brow (A5074), Crosthwaite, LA8 8BX

Proposal: Farm diversification scheme including the conversion of existing buildings to holiday accommodation, siting of holiday lodges and associated infrastructure

The case planner has prepared this report and assessment taking into account our policies (known as the [Development Plan](#)), representations we have received, and any other material considerations. Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or the [National Planning Policy Framework](#). You can find more information about the planning process in the Government's [National Planning Practice Guidance](#).

We are taking this decision as the Local Planning Authority under our [Scheme of Delegation](#).

7 January 2020 is the statutory target date for the determination of the application. If we don't determine the application by this date, the applicant can appeal to the Secretary of State.

7 January 2020 is the date that the consultation period for this application expires. The application must not be determined until after this date unless all publicity has expired and all [Statutory Consultees](#) have already responded.

Recommendation: REFUSE

Having regard to the provisions of the Development Plan, the representations we have received, and all other material considerations, I recommend that the Authority takes the above decision, subject to any conditions and reasons in Schedule 1.

.....
Neil Henderson (Case Planner)

.....
7 January 2020 (Date)

I REFUSE in accordance with the above recommendation.

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A Smith (Assistant Head of Development Management)

.....
7 January 2020 (Date)

Case Planner's Report

Background and proposals

The High is a former farm steading set above the Lyth Valley beneath Whitbarrow Scar. It is reached by a metalled single track private road leading from the A5074. Part of this track also acts as a public footpath. Currently there are six residential properties at the site comprising the former farmhouse with an attached cottage; and two barns converted in the early 2000s to four dwellings subject to local occupancy conditions. There is a stables building and a single non-traditional agricultural building remaining. It is not clear how this latter building is being used, but it is clear there is very limited if any active agricultural use at the site. The adjoining fields are the only parcels of land in the vicinity owned by the applicant, with the bulk of the land at Winster. The fields appear to be used for sheep grazing.

It is proposed to convert the whole of the former farmstead and the adjoining fields into a single holiday complex by the following means:

- Changing the use of the existing converted barn into 4 holiday apartments, managers apartment and a spa area for use by visitors staying on the site
- Using an existing dwelling with local occupancy condition as a holiday house.
- Conversion of the stable block into 5 holiday suites
- Using the existing farmhouse for managers' accommodation
- Use of an existing cottage as a holiday cottage (as there is no occupancy condition this would not require permission in its own right)
- Agricultural building to be converted into 3 holiday suites
- 12 no. lodges to be sited on currently open agricultural land adjacent to the steading (these lodges would meet the statutory definition of caravans so this involves a change of use rather than operational development) ; and
- The construction of infrastructure to facilitate the above development, including the installation of a new drainage system.

Twenty five parking spaces are provided within the site of the existing farm steading, plus each of the lodges would have sufficient room for two cars.

The justification for the proposal is that it is a farm diversification scheme. The overall farming business is known as Low Moor Howe Farm Ltd and the bulk of the agricultural land is at Winster focussed around a property known as High House Farm. The active farm buildings are at High House Farm. A large amount of land is held with total landholdings measuring almost 700ha, of which just over 400ha are occupied for the purposes of farming. The agricultural land at the The High is confined to two fields adjacent to the former farm buildings.

As part of the application submissions it is indicated that the applicants are willing to transfer the local occupancy conditions to other properties in their ownership. Two of these are on site

- the existing farmhouse and one of the proposed ground floor units in the large barn – the other two properties are at Winster where the bulk of the owner’s landholdings are sited.

Consultee responses

Crosthwaite Parish Council has provided a lengthy letter in response to this proposal, strongly objecting to the development. In summary their objections are as follows:

- Loss of Local Occupancy Dwellings – the application will remove four local homes at The High, three of which are currently let. The other properties are already let to existing tenants to existing occupants at The High would be made homeless. We object to the removal of local occupancy homes from the properties on which they were granted.
- Farm Diversification – There is no farming operation at The High and there is already a healthy income stream for the local occupancy homes.
- Highway Safety – We object to this application on the grounds that the application does not demonstrate that safe access can be provided for the numbers and regular use that the tourism business will generate. The turning is manifestly unsafe, narrow, on the top of a blind hill and the volume of additional cars turning in and out of a single track drive will lead to accidents. The single track narrow drive is also a public footpath, thus risking danger to walkers. Drivers will be unsighted from seeing walkers on the path until it is too late. The main road is an A road carrying high volumes in the summer months. Most large and small developments have to provide a wide splay which appear to be missing on this application.
- Sustainability – The National Planning Practice Guidance and LDNPA core strategy state development should “reduce the need to travel”. The application does not and cannot, meet genuinely sustainable standards given its location in deep countryside. It does not provide a genuine choice of modes of travel. It does not demonstrate how the increase in carbon emissions it creates will be mitigated. Crosthwaite has no public transport links, the nearest small shop is at Levens, 5 miles away. All the tourist attraction are a minimum of 5 miles away. The applicant claims the use of a bicycle is a viable option for the tourists. This is patently not true. The High is up a steep, long, narrow track, icy in winter, that few normal cyclists could attempt. The A-road is busy and fast. There is no sustainable method of transport of any sort available. Lodges are in themselves unsustainable needing large amounts of fossil fuels and timber to manufacture, heat and light. These lodges additionally have hot tubs and will need replacing every 15/20 years.
- Tranquillity, traditional way of life and spectacular landscape – LDNPA has as a prime objective, protection of the landscape, tranquillity and preserving local tradition in addition to preserving dark skies. This application meets none of those objectives. It removes homes from local people, lights up what is currently a dark landscape will be highly visible from many aspects to the north, and develops an area that is currently tranquil, peaceful, non-polluting and sustainable.

Highways and Local Lead Flood Authority – Not yet received. In the light of objections regarding highway safety a reminder was sent on the 10th December, but we have still received no response.

Natural England – The proposals are unlikely to have any impact on the notified features of the Whitbarrow SSSI, part of the Morecambe Bay Pavement Special Area of Conservation (SAC). The red line boundary includes an area of Priority Habitat – Traditional Orchard. This habitat needs to be preserved as part of the proposed scheme and where possible enhanced.

This proposal provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF.

South Lakeland DC Environment Health – No objections. Suggested conditions regarding drainage, contaminated land, noise, spacing between lodges and fire fighting facilities.

Cumbria Geo-conservation Group - The important Whitbarrow Local Geological Site lies just to the south of the area planned for development. This planning application, with the byway being its southern boundary, will have no impact on the geological conservation integrity of Whitbarrow Scar.

Friends of the Lake District – Object to the application. Their lengthy objection letter concludes:

The case that the proposal constitutes essential farm diversification cannot be justified and the proposal has clear potential to constitute major development given the introduction of new uses, expansion of the developed area and the intensification of use in this quiet, rural context. For these reasons, it should not find favour in principle. Furthermore, the proposal conflicts with and will harm the particular sensitivities and character of the landscape and therefore conflicts with the statutory purposes of National Park designation, policy CS01, CS25 and NPPF para. 172.

Representations

At the time of writing we have received a significant number of objections (over 50 letters from at least 44 households) to the proposal. Without exception they oppose the development. Their objections can be summarised as follows:

Scale and nature of the development

Policy CS02 states that development should be of a scale and nature appropriate to the character and function of the location in which it is proposed.

The proposal for a 24 room holiday village is more than local in character as it is completely at odds with the character of the locality in terms of nature and scale of use. This is a major development and as such it must be subject to the most rigorous examination and demonstrated to be in the public interest.

Impact on the landscape

The application is deficient in its evaluation as to its impact on the character of the landscape.

The size, scale and location of the proposed development is totally out of proportion with the area described by the Landscape Character Assessment (LCA). Such a large Holiday Village in a prominent location would negatively impact the character of the area beyond recognition.

The prominent position of the proposed development in one of the quieter, least developed parts of the southern Lake District is particularly disappointing and will have a significant adverse impact on the landscape character and visual amenity of this area. The LCA sets out that the proposal falls within an Area of Distinctive Character which “has a strong sense of tranquillity due to the relative absence of dwellings, settlements, minimal sources of artificial noise and night time light pollution. The sense of tranquillity is enhanced by the presence of

woodland and the limestone outcrops, which create a sense of naturalness". The sense of tranquillity is landscape sensitive, and maintaining that tranquillity and protecting far-reaching views are recommendations for managing landscape change to protect its character. Tranquillity in its broadest LCA definition, and the potential loss of it, is a critical factor to be considered when evaluating the scale and location of the proposed Holiday Village.

This development would be visible for miles around due to its elevated location. The site is not called The High for no reason. It would be seen easily from Crosthwaite, Whitbarrow Scar and all across the Lyth Valley and further afield. It would have a massively detrimental effect on the natural beauty of the entire surrounding area.

The proposal would be highly visible and not in keeping with local character. Screening by trees will only be effective for six months of the year when the trees are in leaf

Policy CS25 recognises unique landscapes, places with distinctive aesthetic and experiential characteristics and a defined local distinctiveness. CS25 goes on to state that tranquillity is a key part of landscape character, and that although such an emotional or spiritual quality is difficult to assess by standard methods, surveys consistently show that many people appreciate the relative solitude and peaceful character found throughout the National Park.

Whitbarrow divides the Winster and Gilpin valleys. The High is on the northern cusp of this great ridge. It is itself a place of outstanding beauty and the views to the north and west and east are extensive and superb. Policy CS07 recognises that; it states: *'We will strengthen the landscape character...by protecting the character of the quieter areas including the Winster Valley and Whitbarrow'*.

Light and Noise Pollution

The site is in an elevated position with direct views over the Lyth and Winster valleys toward the Central Lakes. No detail is provided to demonstrate how the aspiration to minimise light pollution will be achieved. Guests would not unreasonably expect a right to adequate illumination during their stay both within and around their accommodation, as well as across the broader site. The outside spa facilities will be a significant source of light pollution.

The development will be visible from miles around and a source of considerable light pollution in an area currently with little human habitation and thus dark skies. Light pollution is increasing throughout the National Park with each new development. With the National Parks aspiration to become a "Dark Skies" destination it is imperative that light pollution is reduced and certainly not added to further.

Over and above the general increased levels of noise that would be associated with upwards of 50 people on the site, traffic movements etc. the layout of the facility, and in particular, the outside infinity pool and hot tubs on the Northern boundary of the development will result in significant noise pollution flooding from the site into the valley below. It is inconceivable that any steps proposed to mitigate and reduce noise pollution from guests, while they enjoy the outside spa facilities, will be effective.

The light and noise pollution which will be created by the proposed development is inconsistent with CS07, CS025, CS11 and the LCA's for the area. On this basis alone the application is unacceptable and if it proceeds will permanently destroy the unique characteristics of the area described in the LCA and tranquillity will be lost forever.

Sustainability/climate change

This proposal fails to meet the sustainability requirements of CS11, namely to; be in locations that are consistent with our strategy for rural service centres, villages and Cluster communities and CS14 which aims to reduce people's need to travel, by requiring that new developments should be accessible by cycling, walking or public transport.

The proposed site is totally inaccessible by public transport and guests are extremely unlikely to arrive by bike or on foot. The nearest railway station is Windermere which is over 10km away by taxi/car.

The village of Crosthwaite boasts limited facilities. Consequently guests will be wholly dependent on using their motor vehicles to access all the tourist attractions around the National Park, as well as pubs, restaurants and shops.

The proposed accommodation is self-catering in nature and it is highly probable that guests will avail themselves of grocery deliveries from the main supermarkets in Kendal, an increasingly common practice amongst visitors. This will add further to the number of vehicle journeys within the National Park as will the arrival of staff and maintenance contractors.

The proposal seeks to generate a meagre 10% of its electricity by renewable sources which feels very unambitious.

The infinity pool, hot tubs and other spa features do not sit comfortably in the context of mitigating and adapting to climate change. The pools will require constant heating (energy use) and the water will both evaporate and routinely be "blown down" to prevent the build up of salts and consequently require a constant replenishment with fresh water.

Disinfection chemicals will be required to control bacterial levels within the pools and these oxidising agents in turn will have to be reduced by other chemicals before they can be safely discharged to the environment. All this adds up to a very wasteful (in terms of energy and water) and environmentally damaging proposal.

Loss of local occupancy dwellings

There would be a loss of four dwellings with local occupancy conditions. We need local occupancy accommodation in the parish. Three of these houses are occupied by local people now (including in one case a family with children in the school). Long-term local tenants will be evicted.

The transfer of local occupancy clauses to other properties is wholly unacceptable and undermines the fundamental principle around providing properties to meet the proven demand for local residents. If allowed, the transfer of local occupancy conditions to other properties outside the Parish will create a dangerous precedent whereby properties in "honeypot" locations would be able to transfer their local occupancy conditions to properties in less popular locations for windfall gain. This would totally undermine the principle of providing local occupancy dwellings for local people in the places they want to live to maintain vibrant growing communities.

The conversion of buildings to holiday accommodation is at odds with CS22a which states that "We will only consider the reuse of an existing building to provide holiday letting

accommodation where it would not utilise a site that is suitable for meeting a local need or local affordable need;”

Farm diversification

This is NOT an agricultural Diversification Scheme as one has already been implemented to convert the buildings for residential and there has been no farming activity for a number of years. It is not a working farm. A farm cannot be diversified if it is not a farm, and owning a farm in another parish is not relevant.

The High has not been farmed for 20 years, in which time the land was sold off and the buildings converted under a residential conversion scheme to local occupancy and let approximately 15 years ago.

The High is an area of land remote from the main farm estate. The farm that supposedly needs diversification is based at Winster some four miles from the development site. It therefore fails to comply with the requirement of CS23 (Farm Diversification) to be “located within or near to the existing farm complex”.

The diversification policy does not apply where a company buys a number of farms and then seeks to justify a major development off-site on the grounds that the farms it has bought are not yielding sufficient income. Low Moor Howe Farm Limited’s principal place of business is at Kingmoor Business Park, Carlisle.

This vast majority of this proposal does not involve the reuse of buildings. The barn and farmhouse are currently residential dwellings (local occupancy) and the proposal provides for the construction of 12 new lodges. In fact only a steel framed open barn and the old stables are really being “reused”.

The Assessment seeks to make the case that the development is necessary because the farm business is no longer financially viable. To back this up we are given one set of accounts for the year 2018. It is not possible to judge the financial viability of a business from one set of accounts which contain what could be a lot of one- off non-recurring expenditure which would give a false impression of the profitability of the business. The Assessment should include accounts going back a number of years and budgets/ forecasts for at least a couple of years going forward.

The assessment report has been prepared on behalf of Low Moor Howe Farm Ltd which was established in 1981 with a view to operating a viable agricultural holding based around High House Farm at Winster. There is no mention of The High at Hying, Crosthwaite, which is the subject of this planning application, throughout the entire document.

The shooting activities on the estate are barely mentioned in the Assessment yet the scale and priority attached to this venture are well known locally.

In the absence of the required detail, the only conclusion that can still be drawn remains that in reality this is a Major Development and as such fails to meet the planning guidelines and considerations laid down by LDNPA in respect of development within both the National Park and the World Heritage Site.

Biodiversity

The proposed site is adjacent to Morecambe Bay pavements Special Area of Conservation and Whitbarrow Site of Special Scientific Interest, as well as an area of ancient woodland and priority habitat are very close to the site. Whilst the direct physical impacts may be limited, there will undoubtedly be disturbance, including through extra noise, light and movement which will have a detrimental impact on the biodiversity.

It is well documented that the prevalence of light pollution is having a significant detrimental impact on nocturnal species such as bats and the light pollution from this holiday village in open country adjacent to ancient woodland will have a disproportionate impact on the bat population. The proposal indicates that lodges are just 13 m from the edge of the tree canopy on the southern boundary. This provides too narrow a corridor for safe, unfettered movement for bats and is unacceptable

Water and Drainage

The use of borehole water source at the rate required could have a far reaching and irreversible impact on the aquifers in the surrounding area. The use of such a borehole needs much more careful evaluation than appears to have been afforded in this application.

The owner of the adjacent land states that their water is metered and the meter is in the stable block. They claim that over the summer months they are short of water for our animals, and wish to ensure there is no more detriment to this supply

We know that the owners of the development have put in a bore hole, this bore hole is approx. 28 metres from the septic tank soakaway so we are not sure if this water can be used for drinking which again gives us concern with regards water.

There is no mains drainage, the mains water supply is inadequate for current use let alone a further 16 houses. A bore hole is likely to affect water availability lower down the valley.

The water provision in Crosthwaite is of great concern and has been for a considerable time to residents who have regular outages and constant flow of emergency tankers travelling through the village bolstering the system at peak times/bank holidays. Even with water provided for this development via a borehole, there is much concern that, with the amount of water it is envisaged for a development on this scale, plus the major quantities of water for spa/hot tubs, this will fall short at times and United Utilities will be required to boost the supply.

Highways and access

The intention is to have a passing place in front of the main gated access route to land not in the applicant's ownership. 24 hr access is required and feel this passing place should not be directly in front of our field access.

Quite a lot of traffic will have to use a long drive the width of a single vehicle. The problem is compounded by the fact that the track is a well-used statutory public footpath. The track is too narrow for the proposed use.

The main entrance off the A5074 needs to be wide enough to accommodate a situation where two cars or more leave or arrive at the same time and encounter a vehicle or vehicles coming the opposite direction.

The junction with the A5074 on a bend and at the brow of a hill is dangerous.

The small access road is inadequate to cope with construction traffic and the number of guests when completed.

Other matters

The High by its nature overlooks many of us in Crosthwaite. I for one would no relish being looked down upon by more people.

The economic gain to the local economy, and community appears to be marginal at best.

The proposal cuts straight across the Sandford Principle requiring that conservation and enhancement of scenic/natural beauty is given priority if it is a choice between that and benefiting economic or social factors.

Development plan policies and other relevant guidance

Lake District National Park Core Strategy (Local Plan Part One)

- CS01: National significance and distinctive nature of the Lake District
- CS02: Achieving vibrant and sustainable settlements
- CS07: Central and South East Distinctive Area
- CS10: Achieving design excellence
- CS11: Sustainable development principles
- CS12: Major developments
- CS14: Sustainable transport solutions
- CS18: Housing provision
- CS22: Employment
- CS22a: Reuse of buildings for holiday letting accommodation
- CS23: Farm diversification
- CS24: Delivering sustainable tourism
- CS25: Protecting the spectacular landscape
- CS26: Geodiversity and biodiversity
- CS27: The acclaimed historic environment

Lake District National Park Local Plan 1998

- BE1: Roof and wall materials
- T9: Static Caravan Sites

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

Community Plan

There are no action in the Crosthwaite and Lyth Parish Plan which are directly relevant to this application.

Main issues and assessment

The main issues in this case are:

- The principle of this development in this location
 - Major Development
 - Farm diversification policy
- Sustainability of the proposal
- Appearance and impact on the character of the area including tranquillity
- Loss of local occupancy housing.
- Impact on the amenity of neighbours
- Highways and access
- Protected species and sites

Is the principle of the development acceptable?

Policy CS 12 indicates that major development will only be permitted in exceptional circumstances (reflecting longstanding Government policy) where it can be demonstrated that (among other things) there is a proven overriding national need that cannot be met in any other way.

In the case in hand there is no proven overriding national need for the development, so if the proposal *is* major development it would be contrary to policy in principle.

For the purposes of Policy CS12 “Major development” is defined as development which is more than local in character and which has a significant adverse impact on the special qualities of the National Park. This reflects the NPPF which states, at footnote 55, that in designated landscapes, “whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”. Examples of major development proposals given within the explanatory text accompanying Policy CS12 include large scale tourism or leisure schemes. I do not consider that that a scheme of this size is more than local in character or would have a significant adverse impact on the special qualities of the National Park, particularly when taking into account the much larger caravan sites that are found within the National Park boundary. I therefore consider that the presumption against major developments contained in Policy CS12 is not engaged.

Policy CS02 requires that development should be of a scale and nature appropriate to the character and function of the location in which it is proposed and:

1. contribute towards meeting the needs of the local community, or
2. bring benefit to the local community, or
3. deliver sustainable tourism.

It is indisputable that the site in question lies within the open countryside, where CS02 only supports development where it demonstrates:

- an essential need for a rural location, or
- it will help to sustain an existing business, including farm diversification schemes, or
- it provides for a proven and an appropriate reuse, redevelopment or extension of an existing building.
- essential housing need, or
- an appropriate reuse, redevelopment or extension of an existing building

Of these criteria, it is not essential for holiday accommodation to have an open countryside location and the development would not meet an essential housing need. The re-use of the existing buildings (in particularly those not in local occupancy use) may be acceptable, but the siting of new holiday lodges can only be justified if it helps to sustain an existing business, including a farm diversification scheme.

Policy CS24: Sustainable tourism development seeks to focus new tourism development in rural service centres, but does permit tourism proposals where they contribute to the diversification of a farm business.

Saved Policy T9 only permits new caravan sites as part of a farm diversification scheme.

In order to determine whether the proposal is acceptable in principle when viewed against the above policies we therefore need to examine whether it is a true farm diversification scheme.

Several correspondents have commented that it is not a farm diversification scheme because farming activities at The High ceased several years ago. Nevertheless the applicant is a farm business and the land and the fields do form part of that businesses ownership. In the circumstances I consider that the proposal has the potential to be a farm diversification business and therefore cannot be ruled out on principal. Whether the proposal meets our farm diversification policy CS23 is considered later on in this report.

Is the proposal sustainable?

Policy CS11 sets out sustainable development principles which all developments should follow to avoid adverse effects on the special qualities of the National Park. A number of criteria are listed which taken together comprise sustainable development, including the conservation and enhancement of the character and quality of the local landscape; reducing people's need to travel, by demonstrating that the development is accessible by cycling, walking or public transport; providing high quality, sustainable design and construction, including minimising waste; minimising light and noise pollution.

Policy CS14 aims to reduce the need to travel within and through the Lake District National Park, and promote the development and use of sustainable travel choices.

Policy CS24 seeks to focus new tourism development in rural service centres, but does permit tourism proposals where they contribute to the diversification of a farm business. New development should deliver sustainable tourism by:

- *enabling the economic and physical regeneration of an area, or diversifying the economic base of an area; and*
- *not introducing inappropriate activities, or levels of use, or otherwise being of a nature and scale detrimental to the character and quality of the environment; and*
- *ensuring that, where appropriate, the development is commensurate with the level of suitable housing or dedicated accommodation for staff which is available locally and accessible to the development by sustainable forms of transport;*

If development will attract significant numbers of people, the proposal must incorporate improvements to its accessibility by sustainable forms of transport.

The conversion of existing buildings is a sustainable use of an existing resource. A proportion of the energy use of the site would be generated by solar panels on the roofs of the lodges. In most other respects the proposals do not represent sustainable development.

This farm diversification project is bigger than typical schemes so would generate reasonably high traffic numbers. Whilst the NPPF recognises that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making, the location of this site is particularly inimical to sustainable transport use. Realistically, virtually all users of the holiday accommodation would arrive by private transport and significant use of private cars by occupiers during their stay is highly likely. There is extremely limited public transport to and from the site and most services and many of the Lake Districts main attractions are sufficiently far away that access to them by any other means than a private motor vehicle is unrealistic for most holidaymakers. Those who have mobility problems are likely to struggle with the steep hill to the site.

The lodges would be located on previously undeveloped land, would be manufactured off-site and brought to the site by lorry. The proposed hot tubs devour energy at a significant rate which would only be partially offset by the use of solar panels.

In short a development of the type proposed would not lend itself to sustainable transport use. This is another element to be weighed against the benefits of the proposal.

Are the proposals acceptable in respect of appearance and impact on the character of the area?

Policy CS25 requires that the management of development and land use change will be guided by the Lake District Landscape Character Assessment recognising the distinctive characteristics identified in the Landscape Character Types and Areas of Distinctive Character. And that the type, design and scale of development, and the level of activity, should maintain and, where possible, enhance local distinctiveness, sense of place and tranquillity. In assessing development proposals the highest level of protection will be given to the landscape.

A Landscape and Visual Impact Assessment (LVIA) accompanied the application.

Whitbarrow divides the Winster and Gilpin valleys. The High is on the northern cusp of this ridge. The views to the north, west and east are extensive. Policy CS07 recognises that; it states: *'We will strengthen the landscape character...by protecting the character of the quieter areas including the Winster Valley and Whitbarrow'*.

The proposal is located in Area of Distinctive Character 59: Whitbarrow and the Winster Valley. The Landscape Character Assessment (LCA) describes the core characteristics of this area as;

- Small-scale, intimate, low fell mosaic landscape with a great variety of different habitats, including large areas of deciduous and coniferous woodland, orchards, pastoral fields and the valley of the River Winster;
- Frequent outcrops of underlying limestone, for example Whitbarrow Scar, a dominant, high landmark feature;
- From higher locations, stunning views over the colourful mosaic landscape and Lake Windermere to the west;

- A scattering of vernacular rubble and render farmhouses and stone barns nestling into the valley sides, adds a significant element to the landscape scale and character; and
- Predominantly a tranquil area due to the relative absence of dwellings, settlements, minimal sources of artificial noise and night time light pollution.

Its elevated position on the far northern edge of Whitbarrow Scar, on the western edge of the Lyth Valley, one of the quieter, least developed parts of the southern Lake District, means there is limited capacity to accommodate new development without compromising key characteristics identified to the Lake District Landscape Character Assessment (LCA). As several respondents to the consultation have indicated tranquillity is one characteristic which is particularly vulnerable from the development.

Farming operations have ceased at The High but its contribution to historic landscape character remains. The relationship between the former farmhouse and farm buildings and the adjoining fields enclosed by dry stone walls is readily recognisable as an example of a traditional farmstead. The land on which the lodges would be placed is identified as inbye land in the English World Heritage Site nomination documents. The use of this land for leisure purposes, in particular the siting of lodges within the inbye area and the need to punch through historic field boundaries to provide the access road would be harmful to the setting of The High and consequently to the landscape character to which it contributes. This adverse impact would be particularly felt by users of the public footpath (514031) which flanks the eastern boundary of the application site boundary. This impact would be significant as footpath users would not expect to come across a commercial leisure development in this isolated location. From either direction the lodge development would suddenly come into view, either when emerging from woodland from the south or when cresting the hill when approaching from the north. I consider that the development would be a jarring incongruous interruption of the prevailing landscape character.

The LVIA acknowledges that users of the public footpath are likely to be highly sensitive receptors and that the impact at close range would be moderate to slight (moderate in the short term while hedgerow establishes itself). I consider that the LVIA downplays the impact somewhat by arguing that only a small proportion of the undisturbed pasture landscape would be lost. In an essentially undisturbed landscape the impact of only a small change can be more damaging than when there is already a degree of disruption. Even setting aside my reservations in this respect, the visual effect would be moderate to major according to the level of visual effects matrix contained within the LVIA. Within a National Park which enjoys the highest level of landscape protection, such an effect is considered to weigh heavily against the proposal.

Many respondents have indicated that the elevated position of the site means that it would be highly visible over a wide area including from Crosthwaite village on the other side of the valley. For various reasons I consider that the wider landscape impacts would not be as severe as feared. The conversion of the various buildings to other uses would have little impact on the wider landscape, and the position of the lodges would be screened at distance because they would occupy a plateau before the land continues its rise towards Whitbarrow. As a result I do not consider that those looking towards the site from the valley below would be able to see the lodges - which would have a maximum internal height of 3m in order to comply with the definition of a caravan. The existing buildings would provide a degree of screening also. From other directions the screening effect of the lie of the land and trees would be strong although glimpses of the site from the byway open to all traffic 514030 which runs around the northern flank of Whitbarrow would be possible during the winter months at

least. I therefore concur with the conclusions of the LVIA that there would no major effects on the wider landscape.

Even though I have concluded that the lodges themselves are unlikely to be prominent in the wider landscape, the impact of light spill has the potential to affect a wider area. I consider however that given the variety of lighting solutions on the market that subject to a suitable condition requiring details to be agreed and perhaps subject to restrictions on hours of operation that lighting could be provided which would not cause significant harm. Tall lighting columns for example would be entirely unacceptable.

Finally with regard to landscape character a significant number of objectors have raised the issue of tranquillity and I consider this to be an important issue. At present the site is in a quiet part of the national park detached from other properties and separated from the busy A5074 by a lengthy access road. The vicinity is well used by walkers and cyclists with the Byway Open to all Traffic (BOAT) to the south a popular route. There is currently very limited development at this level above the valley floor. The introduction of a holiday complex with hot tubs would inevitably disturb the character of the area by the generation of noise and disturbance both from the use of the site and from traffic traveling to and fro. In an area which is well used for the quiet enjoyment of the National Park but located away from the traditional honeypot destinations in the Central lakes, the development would be a significant disruption. Users of the public footpath which shares the access track for part of its length would suffer disruption from vehicular traffic generated by the development.

I therefore consider the proposal would have adverse impacts at a local level on landscape character as identified in the Landscape Character Assessment both in terms of its visual appearance and as a result of the impact on tranquillity that the noise and disturbance a holiday complex would inevitably generate. As such the development is contrary to the requirements of Local Plan policy (CS01, CS02, CS07 and CS25) and the NPPF.

Is the use of local occupancy housing for holiday letting acceptable?

Policy CS18 requires all new houses within the National Park to be subject to a local occupation condition. This policy follows on from those in previous development plans.

Policy CS22a indicates that the reuse of an existing building to provide holiday letting accommodation will only be considered where it would not utilise a site that is suitable for meeting a local need or local affordable need; and where it is not viable or suitable for reuse for employment uses in line with Policy CS22 (which defines employment uses as B1, B2 or B8 uses).

At present four of the six houses at the site are subject to local occupancy conditions requiring that the occupants and their dependants have a local connection through residency or employment. The proposals would result in all six houses being occupied for holiday purposes or by those involved in the management of the holiday complex.

No unilateral undertaking accompanied the application but the applicants have offered to enter into a legal agreement switching the occupancy restrictions to other houses under their ownership, which are not currently subject to occupancy conditions. Two of the alternative premises are at the site with the others being in a different parish.

I am content that a legal agreement could be constructed which would achieve this aim. I am not convinced however that displacing existing local occupancy dwellings to this extent is

acceptable. As far as I am aware the existing dwellings are occupied by persons complying with the condition. The development would result in their eviction and there is no guarantee that they would be offered accommodation in the suggested alternative premises or that the premises would meet their needs. In a sparsely populated area of the National Park where unfettered house prices are very high in comparison to average income, it would not be easy to find comparable alternative accommodation for those displaced.

With regard to Policy CS22a, as the properties already have planning permission for local occupancy housing use and I understand are occupied, they are clearly suitable for such a use. The proposal to convert them to holiday use is therefore contrary to policy.

In short in approving the application we would be losing local occupancy dwellings in a location where new housing opportunities are limited. Current occupants are likely to be displaced and may struggle to find alternative accommodation in the vicinity. Two of the four suggested replacement dwellings are sited a significant distance from the application site, and three of the four would be required to house workers of the business so would not be available to the wider public. In these circumstances the loss of the local occupancy dwellings would not be acceptable and would be contrary to both CS18 and CS22a.

Are the proposals acceptable in respect of impact on the amenity of neighbours?

As the entirety of the former farm complex will be used for leisure use I do not consider there would be any direct impacts on residential properties given the distance from the application site of any properties not in the applicant's control.

There would be some indirect impacts on the property (High Wood Cottage) adjacent to the junction of the A5074, as the development would result in an increase in traffic using the access road. Given that the house is set back in excess of 15m from the access road and the property is currently around 30m from the busy A5074 I do not consider that the traffic, as a result of the development, would be at such a level to significantly adversely affect residential amenity.

Is the proposed treatment plant acceptable in respect of flooding and drainage?

A flood risk assessment and drainage strategy was submitted with the application. The site is not within an area particularly sensitive to flood risk. The only potential risk is from surface water or groundwater, both of which appear to be low given the free draining limestone geology underlying the site.

In respect of foul drainage, the assessment concluded that main drainage is not accessible within a reasonable distance of the site. I concur with that conclusion. The drainage strategy concludes that there is sufficient space on the site to construct a drainage field of appropriate size, based on the calculated foul water loads and a conservative assessment of soil percolation rate.

Given the discharge volume calculated, a permit to discharge to ground will be required from the Environment Agency. It is a well-established principle of the planning system that it should operate on the basis that related regulatory controls operate effectively and should not be duplicated (NPPF paragraph 183). In this case it is reasonable to conclude that the discharge from the treatment plant will be satisfactorily regulated by the pollution control regime.

In summary there is no reason to refuse the application on the grounds of flood risk or inadequate drainage.

With respect to water supply, abstraction from a borehole requires a licence from the Environment Agency if it exceeds 20 cubic metres per day. An average household of four people uses around 165 cubic metres per year. I consider that this is a reasonable basis on which to estimate consumption for this site given that the holiday lodges are unlikely to be permanently occupied but the provision of hot tubs means that daily use when occupied might well be higher than average. There would be 27 units on site (compared to six previously) which on this basis would fall well short of the 20 cubic metre threshold. I have insufficient evidence to conclude that abstraction on this scale would have any impact on water supplies generally.

Are the proposals acceptable in respect of its impact on protected sites and/or species?

Under Article 12 of the EC Habitats Directive and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 we have had regard to the requirements of the Habitats Directive.

The applicant commissioned a bat and owl survey of the stables building to be converted, the report of which was submitted with the application. The survey found no evidence of barn owls using the building and low potential for such use. One common pipistrelle was found roosting in the building and as a result the report concluded that a European Protected Specie Mitigation (EPSM) licence for bats would be required prior to work being carried out. A mitigation scheme has been prepared also.

I consider that subject to a condition requiring the implementation of the mitigation strategy that the barn could be converted without affecting the local population status of protected species.

As such the development is considered of low risk in respect of protected species, satisfying the requirements of the NPPF and Local Plan policy CS26.

A wider ecological assessment focussing on the area to be used for the siting of lodges was also provided. It concluded that the plant species assemblages on the site are common and of low ecological value. Moderate numbers of common bat species were recorded foraging over the site particularly along the south woodland edge. No other notable or protected species were recorded on site. The mature trees on site are of high ecological value.

In response to the survey, new lodges are proposed to be sited away from the immediate woodland edge with trees to be retained and landscaping would incorporate wildlife friendly plant species.

The ecological appraisal is limited in respect of the likely impact on the Whitbarrow SSSI which is part of the Morecambe Bay Pavements SAC and lies within 200m of the application site. The citation refers to it being important for plant species and invertebrates, neither of which are likely to be particularly sensitive to disturbance from the proposed development. Natural England has responded to state that the proposal is unlikely to have any impact on the notified features of this designated site.

In the light of the above I consider that the proposals are acceptable with regard to their impact on nature conservation interests.

Would the access be acceptable in terms of highway and pedestrian safety?

A number of objectors consider that the existing access which serves the site is inadequate to cater for the increased traffic the proposal would generate. For reasons unknown the Highway Authority has not responded to our consultation requests so the following is my own assessment of the proposal.

The starting point is that there is an existing access from the A5074 to the site which serves the six dwellings at The High plus one other property. The question is whether the existing junction and 350m access road is adequate to serve the development.

As part of the application it is proposed to provide three further passing places along the access road to allow vehicles to pass one another. A transport statement accompanying the application notes that two vehicles are able to pass each other at the junction of the site access road and the A5074, such that a stationary vehicle waiting to turn out of the site access road does not impede vehicles entering the site from the A5074.

I consider that the level of parking provided would be adequate to cater for the development.

In the absence of any advice to the contrary from the Highway Authority I consider that the proposal could be adequately served by the existing access track subject to the provision of additional passing spaces. There is adequate visibility between passing spaces to allow for the continued safe use of the access as a public footpath for part of its length.

Is the proposal in accord with Policy CS23 on farm diversification?

Core Strategy Policy CS23 Farm Diversification seeks to support and promote sustainable farming activity as an important sector of the National Park's economy. As such:

"Farm diversification proposals will be supported where they demonstrate sustainable practices and outcomes, and where they:

- _ sustain or maintain the core farm business;*
- _ do not compromise the working of the farm;*
- _ are located within or near to the existing farm complex; and*

Where the proposal involves the use of buildings

- _ they reuse or extend existing buildings.*

In the explanatory text accompanying the policy it is explained that the main aim of diversification proposals should be to supplement the core farm business and not to replace it.

As many objectors have pointed out, farming operations have not been carried out at The High for many years, rather the farmer and the farm buildings are in another parish around four miles from the site. Barns at The High were converted to dwellings in the early 2000s, and I understand that the majority of the farmland associated with The High was sold off at, or before, this time leaving just the two paddocks which comprise part of the application site.

The proposal would result in the entirety of the farmland at The High being used for non-farming purposes. The policy requires development to be located within or near the existing farm complex, and to not compromise the working of the farm. In the case in hand the

development would actually involve the complete loss of farming at the site, and the former farm complex was given over to non-agricultural residential development many years ago.

An agricultural viability assessment has been provided which indicates that the farm business is not profitable and therefore seeks to bolster the case for the development proposed.

I appreciate that the agricultural industry as whole is under a great deal of economic pressure, and I have no reason to believe that the particular farm business is any different. I do however consider that the assessment provided is flawed in that it provides only one year's profit and loss account. This is insufficient to get a true picture of the viability of the farm. For example, expenditure on repairs and maintenance was in excess of £100,000 for the year which seems high. It is also the case that agricultural incomes can fluctuate significantly depending on the costs of inputs and the value of produce. Finally we have no estimates of the costs of carrying out the development or the profit it would generate when complete. In short it is unclear how the farm business would directly benefit from the development.

There is no shortage of buyers of agricultural land with average prices holding up well over the last few years following rapid growth up until 2015. There is no reason to believe therefore that should the business be sold or fail, that agricultural would cease on the land holding.

Furthermore it is not clear how farming would be supported by the proposal, with no mechanism to show how the income generated from the development would be directed towards agricultural operations contributing to the character of the National Park.

In conclusion while the development plan is supportive of farm businesses and the need to diversify this does not remove the need to comply with other plan policies and does not mean that development can be approved at any cost in an area which benefits from the highest degree of landscape protection. Even if it could be incontrovertibly demonstrated that the farm was unviable the identified harm which would arise from the development would outweigh the benefits in providing an increased income.

Conclusion

Having regard to the provisions of the Development Plan, in particular Lake District National Park Core Strategy (Local Plan Part One) policies CS01, CS02, CS07, CS10, CS11, CS12, CS14, CS23, CS24 and CS25, and other material considerations (including the provisions of the NPPF), the development is considered to be unacceptable for the reasons above.

Recommendation: REFUSE

Schedule 1: Conditions/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.

Schedule 2: Notes, Informatives and Directives

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.