



Appeal Decision

Site visit made on 30 March 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/E0915/W/21/3284915

Glen Croft, West Hall, Brampton CA8 2BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Sally Oliver against Carlisle City Council.
 - The application Ref 21/0812, is dated 12 August 2021.
 - The development proposed is described on the application form as 'Part Retrospective Proposal to Site 3 x Moveable 'Eco-Home' Holiday Chalets and creation (retrospective) of hardstanding'.
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Decision

1. The appeal is allowed and planning permission is granted for a part retrospective proposal to site 3 x moveable 'Eco-Home' holiday chalets and creation of hardstanding at Glen Croft, Brampton CA8 2BS in accordance with the terms of the application, Ref 21/0812, dated 12 August 2021, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Ms Sally Oliver against Carlisle City Council. This application is the subject of a separate Decision.

Procedural Matters

3. At the time of my site visit some hardstanding had been laid on site, hence the description of development above. The appeal is against the failure of the Council to reach a decision within the relevant statutory timeframe. The Council's position at appeal is ambiguous, albeit that the substantive matter raised in paragraph 4.4 of their appeal statement is 'whether the development would contribute to any farm diversification scheme'. Whilst I note the other points in that paragraph, all parties have had an opportunity for comment at appeal regardless of any certificates of ownership originally submitted, and by design the structures are moveable (albeit the supporting plans indicate their intended location).
4. At appeal Natural England (NE) issued advice regarding nutrient levels and river catchments, with a bearing on the catchment of the River Eden Special Area of Conservation (SAC) in respect of Carlisle. I consider that matter subsequently, on which both main parties and NE have had the opportunity to make comments at appeal. In that context I note, notwithstanding some ambiguity in the initial scheme, that waste water from the development proposed would now be dealt with using composting toilet facilities.

Main issues

5. In the context above, the main issue is whether the proposal would constitute appropriate rural diversification.

Reasons

6. The appeal site is a modest irregular parcel of land beside Glen Croft, a dwelling, and Park Nook, originally a substantial stone barn the opposite side of the historic farmyard to Glen Croft. I understand the site falls within what is described in the information before me as 'Park Nook Farm', which encompasses a substantial amount of surrounding land. I am told that some of that surrounding land is put to agricultural use, albeit that there is no robust evidence before me of an ongoing agricultural concern here. There are also more distant properties to the west, Heather Homestead and Allensteads, and to the east, Bark Mill and Clockey Mill, a Grade II listed building.
7. The site is somewhat nestled in the gently undulating rural countryside, which here is characterised principally by a varied field pattern cut by traditional hedgerows. It is quite some distance from the nearest discernible settlement. On account of the topography, intervening features in the landscape, and the form of Glen Croft and Park Nook, the appeal site is of limited prominence. It reads principally as associated with the historic farmyard, albeit there are glimpsed views of both buildings from surrounding rights of way criss-crossing the landscape. The site falls relatively close to the boundary of the Hadrian's Wall World Heritage Site (WHS).
8. Recognising the value thereof to the rural economy, Policy EC 11 of the District Local Plan 2015-2030 (Local Plan) accords in principal support to rural diversification. Similarly, in broad terms, paragraphs 84 and 85 of the National Planning Policy Framework (the Framework) are supportive of rural business, including sustainable rural tourism. The latter also recognise that development which is economically beneficial to rural areas may not be particularly accessible, and both relevant development plan provisions and elements of the Framework seek to ensure all such development integrates appropriately with its surroundings.
9. The proposal would inherently be an artificial intervention in the landscape, both by virtue of the surfacing proposed and the form of the 'eco-lodges'. It would also result in an additional intensity of use in what I have reasoned above is a strongly rural and tranquil environment. I have noted above that the proposal is in part retrospective, and accept that there is little substantive evidence that the scheme before me would contribute to existing incomes from farming or agriculture.
10. Nonetheless, given the affinity of the site with the historic courtyard between Glen Croft and Park Nook, the topography and intervening features in the landscape described above, the proposal would have a barely perceptible effect on the landscape character. Regardless of whether the proposed 'eco-lodges' may or may not accurately be compared to shepherds' huts, they would nevertheless be modest, rustic in appearance and visually similar to utilitarian outbuildings commonly found in rural areas. Subject to a sensitive approach to landscaping and lighting, as could be secured via appropriately-worded conditions, the scheme would integrate acceptably with the landscape

character and setting of the WHS and of Grade II listed Clockey Mill some 160 metres away¹.

11. Noise, disturbance and traffic generated by the scheme would, in all likelihood, be limited given its small-scale nature. In my experience individuals would elect to holiday in this location because of its rural peaceful character rather than in spite of it. I saw that there is quite some separation from properties other than those immediately next to the site, such that I am not of the view that unacceptable effects would arise in these respects (and note that separate provisions exist elsewhere to address noise amounting to a statutory nuisance). Whilst I accept perceptions of noise and actual levels of sound differ, given the nature of the proposal and its surroundings there is nothing to indicate the proposal would unacceptably affect those nearby or their mental wellbeing. Sufficient parking on site could also be secured via condition. I would, moreover, note that Local Plan Policy EC 11 and Framework paragraphs 84 and 85 inherently accept some degree of change associated with supporting a thriving rural economy.
12. Moreover on a plain reading there is nothing within Local Plan Policy EC 11 or Framework paragraphs 84 or 85 that limits the support to appropriate rural diversification to that which sits beneath, or provides a supportive income stream to, agriculture or farming. Undoubtedly the proposal would be beneficial to the rural economy in broad terms, noting the location of the scheme set out initially. As reasoned above, I foresee no real likelihood that holidaymakers here would adversely affect surrounding uses but would rather value the countryside and all that comes with it. As immediately above the potential for conflict to occur could be mitigated by ensuring the site operates in line with an agreed management plan secured via condition.
13. Consequently, I conclude that the proposal would represent appropriate rural diversification in compliance with the relevant provisions of Local Plan Policy EC 11 and of the Framework referenced above.

Other Matters

14. The appeal site lies within the catchment of the River Eden which is identified as a Special Area of Conservation (SAC) and, during this appeal, Natural England (NE) has advised that the river is in an unfavourable condition due to excessive nutrients. Under the Conservation of Habitats and Species Regulations 2017, the River Eden is subject to statutory protection. As the proposal consists of overnight tourist accommodation then, subject to the waste water strategy, there could be a risk of significant effect on the SAC from any additional treated effluent being discharged. Regulation 63 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply such a requirement reasonably and proportionately relative to the nature and context of the development proposed.
15. The Council, appellant and NE, the appropriate nature conservation body as defined in the Regulation, have been consulted regarding this matter. As there are no main sewers on the site, the proposal is to use composting toilets with no direct discharge to the River Eden. The compost waste from the toilets

¹ Mindful of the duty upon me in that regard by virtue of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

would be disposed of in accordance with the Environment Agency guidance. This approach would mitigate the potential effect of the proposal on the SAC. NE were consulted and agreed that this approach was acceptable however, they requested that disposal of any compost waste be completed outside of the SAC catchment. These requirements can be secured by condition.

16. On the above basis, I am satisfied that the proposed use of composting toilets with disposal of any compost waste outside of the SAC catchment would ensure the proposal would not adversely affect the integrity of the SAC. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017.
17. I have taken careful account of the representations of those nearby in addition to the points addressed above, including in respect of tourist demand, emergency services access, the practicalities of installing and maintaining 'eco-lodges', increased crime, litter and environmental harm. However, as reflected by Policy EC 11 and various uses nearby, tourism is evidently a significant component of the local economy, and there is nothing within the scheme before me to indicate that the scheme would presage any other uses being proposed (which would have to be treated on their merits).
18. Points raised in respect of crime, litter and environmental implications could adequately be dealt with via conditions related to a management plan and landscaping, and there are remedies via other regimes in those respects. I appreciate that practicalities of installing the lodges may be a temporary inconvenience to some road network users, albeit there is no substantive evidence before me that their installation or maintenance would be unfeasible or cause undue adverse effects (in much the same way as the surrounding road network, whilst rural, is capable of accommodating larger vehicles on occasion). Therefore, whilst I understand those perspectives, there is nothing substantive to lead me to a different conclusion to that in respect of the main issue.
19. I have taken careful account of the representations of those who raise concerns regarding mental wellbeing and appreciate that different people respond differently to various situations. However inherent in my reasoning above is that, in material planning terms, the proposal would not result in unacceptable effects to the living conditions of those nearby.

Conditions

20. The Council and appellant have requested conditions to be applied, which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG). The conditions that I have imposed are broadly reflective of those suggested by the parties although I have amended some of the wording in the interests of precision and clarity.
21. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans and the number and locations of the moveable 'Eco-Home' holiday chalets are defined for certainty. Conditions are necessary so that composting toilet and waste water drainage, refuse receptacles, hard and soft landscaping and parking provision are secured. Conditions relating to the provision of a management plan are required to ensure the site is operated safely and with care and consideration to nearby occupiers. The holiday let

conditions, including the provision of a letting register, are necessary to ensure it remains in use for that purpose, can be monitored and be enforceable.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

J Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – Drawing: YRPS-OL140695-01A
 - Existing Site Plan – Drawing: YRPS-OL140695-02A
 - Proposed Site Plan – Drawing: YRPS-OL140695-03A
 - Large eco Home Plans and Elevations – Drawing: YRPS-OL140695-05A
 - Large eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-07A
 - Small eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-08A
- 3) No more than three holiday accommodation vehicles or structures shall be stationed on the land at any one time, and they shall be sited in accordance with drawing YRPS-OL140695-03A.
- 4) The development hereby permitted shall not be occupied until a hard and soft landscaping scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The scheme details shall be agreed with the local planning authority and shall consider the following:
 - new areas of trees and shrubs to be planted including planting densities;
 - new groups and individual specimen trees and shrubs to be planted;
 - specification/age/heights of trees and shrubs to be planted;
 - existing trees and shrubs to be retained or removed;
 - any tree surgery/management works proposed in relation to retained trees and shrubs;
 - any remodelling of ground to facilitate the planting;
 - timing of the landscaping in terms of the phasing of the development; and

- protection, maintenance and aftercare measures.

The hard and soft landscaping shall thereafter be retained and maintained in accordance with the approved details.

- 5) The development hereby permitted shall not be occupied until the parking areas have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The parking areas shall thereafter be retained and maintained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until the conveyance, treatment and disposal of the surface water drainage to serve the development shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment (inclusive of how the scheme shall be managed for its lifetime after completion) shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system. This assessment shall have regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall be provided to the local planning authority. No surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.
- 7) No waste water, including any composting waste, from the development hereby permitted shall be allowed to be spread, drained or discharged onto land, water or groundwater which has a hydrological or hydrogeological connection to the River Eden SAC catchment.
- 8) The development hereby permitted shall not be occupied until a scheme for the conveyance, treatment and disposal of the waste water, including the use of composting toilets and the disposal of any compost waste outside of the River Eden SAC catchment, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. This scheme shall thereafter be retained and maintained in accordance with the approved details.
- 9) The development hereby permitted shall not be occupied until a scheme for the siting and provision of suitable refuse receptacles to serve the development has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained and maintained in accordance with the approved details.
- 10) The development hereby permitted shall not be occupied until a Management Plan for their operation has been provided and implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall include:
 - arrangements for the storage and collection of waste;
 - arrangements for the arrival and departure of guests;

- arrangements for the cleaning and servicing of the site;
- arrangements to control any noise disturbance to neighbouring properties caused by the proposed use of the site including prescribed quiet hours;
- a means by which contact details for a managing agent/owner can be displayed on the premises; and
- the procedure for considering and mitigating where appropriate any issues that are identified to the managing agent/owner.

The Management Plan shall thereafter be adhered to.

- 11) The development hereby permitted shall not be occupied until a register to monitor the occupation of the holiday units/structures has been established. The register shall contain details of all persons occupying holiday units, their name, normal permanent address and the period of occupation. This register shall be made available for inspection at all reasonable times to the local planning authority.
- 12) The development hereby permitted shall be used for holiday letting accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
- 13) The development hereby permitted shall not be used as a second home by any person, nor shall it be used at any time as a sole or principal residence by any occupants.