

Appeal Decision

Site visit made on 13 September 2016

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/Q9495/C/16/3143165

Land at Latrigg House, St Herbert Street, Keswick, Cumbria CA12 4DF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Ian Hodge against an enforcement notice issued by Lake District National Park Authority.
 - The enforcement notice was issued on 21 December 2015.
 - The breach of planning control as alleged in the notice is change of use of guest house to a dwellinghouse.
 - The requirements of the notice are permanently cease to use the building on the land as a dwellinghouse.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the change of use of guest house to a dwellinghouse at Land at Latrigg House, St Herbert Street, Keswick, Cumbria, subject to the following condition:

1. The dwelling hereby permitted shall only be occupied for the purposes of short-term holiday accommodation, and shall not be occupied by any one individual, family or group for a period exceeding eight weeks in any three month period. The owner/occupier shall maintain an up-to-date register of the name of all occupiers of the residential accommodation and their home address, and shall make the register available to the local planning authority within 14 days of receipt of a written request.

Reasons

2. The main issue in the ground (a) appeal is whether the use of the property as a dwellinghouse conflicts with Development Plan housing policy.

3. Latrigg House is a building and, as indicated in the breach of planning control, its lawful use is 'guest house'. The explanatory text to policy CS18 of the Lake District National Park Core Strategy (CS) states that housing development includes, amongst other things, the change of use of buildings. The proposed change of use of Latrigg House is therefore subject to the provisions of policy CS18, which states that new dwellings will be permitted where they contribute towards meeting an identified local need or local affordable need and that this will be achieved by the use of appropriate planning control.

4. The Appellant has indicated that they would not accept planning control by the imposition of a planning condition that would restrict occupancy of the dwelling, if the appeal was to be allowed, to those in local need. They have indicated, however, that they would accept a condition that would restrict occupancy of the dwelling to short-term holiday accommodation. CS policy CS22a relates to the re-use of buildings for holiday letting purposes and states that such a proposal will only be considered where it would not utilise a site that is suitable for meeting a local housing need and use a building which is not viable or suitable for re-use for employment purposes under policy CS22.

5. The Authority has not put forward any evidence to indicate that they regard the building to be suitable for re-use for employment purposes. It is not clear therefore, given that this is a clear requirement of policy CS22a, how this policy applies to the appeal proposal. The Authority does not, furthermore, appear to have considered the consequences of the appeal being dismissed. If this occurred the building would remain a guest house, and would probably be run as a guest house to maintain income, and would not contribute to meeting any local housing need. There would not, in this regard and if the appeal was to be allowed or dismissed, be any loss of an opportunity to provide residential accommodation that would satisfy a local housing need.

6. Latrigg House in use for short-term holiday accommodation purposes would simply be an alternative to its use as a guest house and a change of use that would probably go unnoticed and would have no effect on the amenities of the surrounding area. The alternative use would support tourism in the National Park and would support the vitality of Keswick. These consequences are consistent with objectives of CS tourism policy and the proposed change of use, subject to a condition that would restrict occupancy to short-term holiday accommodation, does not conflict with Development Plan housing policies.

7. The ground (a) appeal thus succeeds and planning permission has been granted for change of use of guest house to a dwellinghouse at Latrigg House, St Herbert Street, Keswick, Cumbria, subject to a condition, the wording as suggested by the Authority, restricting occupancy to short-term holiday accommodation.

John Braithwaite

Inspector