



Appeal Decision

Site visit made on 26 June 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/Q9495/W/17/3172517

Saunderpot How, Haverthwaite, Ulverston, Cumbria LA12 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Wood against the decision of Lake District National Park Authority.
 - The application Ref 7/2016/5196, dated 15 March 2016, was refused by notice dated 28 September 2016.
 - The development proposed is revision to application 7/2014/5821 for erection of new dwelling and the retention and refurbishment of the existing bungalow at Sauderpot as a replacement for an existing and lawful residential caravan and domestic storage caravan.
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Decision

1. The appeal is allowed and planning permission is granted for revision to application 7/2014/5821 for erection of new dwelling and the retention and refurbishment of the existing bungalow at Sauderpot as a replacement for an existing and lawful residential caravan and domestic storage caravan at Sauderpot How, Haverthwaite, Ulverston, Cumbria LA12 8AB in accordance with the terms of the application, Ref 7/2016/5196, dated 15 March 2016, subject to the conditions in the attached schedule.

Procedural Matters

2. It is stated on the appeal form that the description of development has not changed. However the description stated is different to that on the original planning application form. As I consider the revised description to better reflect the proposal I have used it in my decision.
3. The appellant has submitted a unilateral undertaking under section 106 of the Town and Country Planning Act 1990. This supersedes the planning obligation accompanying the original planning application. It provides for the residential caravan and domestic storage caravan to be removed from the site within two months of the occupation of the new dwelling. I have taken account of this document in my consideration of this case.
4. During the course of the appeal, the English Lake District was designated as a UNESCO World Heritage Site for selection criteria (iii), (iv) and (vi) relating to its importance as a traditional human settlement and representative of culture or human interaction with the environment and associated with traditions, beliefs, artistic/literary works of outstanding universal significance. Both

parties were invited to comment on the implications of the designation for this appeal and I have had regard to the comments received.

Main Issues

5. The main issues in this case are:

- whether two unfettered dwellings would form an acceptable development having regard to the housing policies of the development plan;
- the effect of the proposal on the character and appearance of the landscape.

Reasons

Housing Policy

6. In 2015 planning permission¹ was granted for the demolition of the timber yard buildings on the site and the erection of a replacement dwelling. The new dwelling was to replace an existing bungalow. The permission was subject to a section 106 agreement that the bungalow should be removed within two months of the occupation of the new dwelling. A Lawful Development Certificate was granted in January 2016 for two caravans on the site, a static caravan for residential use and a touring caravan for ancillary domestic storage serving the static residential caravan. This appeal seeks to remove the two lawful caravans and retain the existing bungalow, thereby resulting in two unfettered dwellings on the site.
7. Whilst there are no policies referenced in the reason for refusal, the Authority in evidence refer to Policy CS18 of the Lake District National Park Core Strategy (Local Plan Part One) (CS). This policy considers housing provision and provides for new dwellings where they would contribute towards meeting an identified local need or local affordable need. The basis of this policy is to ensure that new housing meets the needs of the local community and would not be lost in the future to the open market or for holiday letting purposes. In order to achieve this objective the Policy provides for planning controls such as local occupancy conditions or legal agreements to ensure the homes are secured in perpetuity for local housing.
8. In the appeal case, there is an existing bungalow and a caravan with a lawful residential use. I note from the Certificate of Lawful Use that there are no restrictions on the use of the residential caravan so that it could be occupied all year round on a permanent basis. Therefore whilst the bungalow and the caravan provide different forms of residential accommodation, one being of permanent construction and the other being a mobile home, there are two residential dwellings on the site. The proposal for the construction of the new dwelling, the retention of the bungalow and removal of the residential caravan would still result in two residential uses on the site; there would be no increase in dwellings. Policy CS18 relates to the provision of new dwellings, either new build, conversions or subdivisions. Therefore, as no additional dwelling would be provided, I consider that the appeal scheme would not be in breach of this policy.

¹ Planning application Ref 7/2014/5821

9. I understand the Authority's concern that should the appeal be allowed two unfettered dwellings would be created on the site. However that reflects the current situation. I accept that a caravan would be replaced by a permanent dwelling. In normal circumstances this would require planning permission, however in the circumstances of this appeal, a residential property already exists and no new dwelling would be constructed.
10. In conclusion for the reasons outlined above, I consider that the appeal proposal would not conflict with Policy CS18 of the Lake District National Park Core Strategy (Local Plan Part One) .

Character and appearance

11. The appeal site includes significant areas of trees and mature planting which provides good screening from external viewpoints. The existing bungalow has a higher position on the site and I saw on my site visit that it can be seen from road to the west through the trees. I could also see glimpses of the residential caravan and domestic storage caravan together with another touring caravan and external storage through the boundary landscaping.
12. I acknowledge that my site visit was undertaken in the summer months when vegetation is in full leaf and that in the winter the caravans and the bungalow would be more visible from the road. Nevertheless whilst the Authority state that there is no landscape imperative to remove the caravans, I consider that due to their location on the edge of the site, that their removal would be of benefit to the character and appearance of the area. I am also mindful that the existing residential static caravan and the domestic storage caravan could be replaced by a much larger unit without the need for planning consent. The appellant advises that the maximum footprint that such a replacement could occupy, could be around 272 square metres. This would have a larger floor area than the existing bungalow and have a much greater impact on the landscape given the location of the caravan close to the site boundary.
13. In support of the appeal proposal, the appellant has brought my attention to a number of saved policies in the Lake District National Park Local Plan 1998 which relate to static caravans. Policy T9 states that static caravan sites will not be permitted as they appear incongruous in the landscape and Policy H10 states that they will not be permitted for permanent residential accommodation. Whilst not directly relevant to this appeal case, these policies confirm the Authorities' view with regard to static residential caravans in the National Park. The proposal to remove a residential caravan as in this case, would be in line with the objectives of these policies.
14. The existing bungalow is in a good state of repair and is constructed in traditional materials including slate and render. Whilst it is visible from the road through the planting on the site boundary and is at a higher level on the site, I do not consider that it causes harm to the character of the landscape.
15. The English Lake District is now a World Heritage Asset, an asset of the highest significance. The Framework in paragraph 132 gives great weight to its conservation. As I have found that the proposal would not cause harm to the character and appearance of the landscape, it follows that the development would not cause material harm to this historic environment.
16. Bringing the above points together, I consider that the removal of the static

residential caravan and domestic storage caravan would bring material benefits to the character and appearance of the area and the retention of the existing bungalow would cause no harm in landscape terms. There would therefore be no conflict with CS Policy 25 which aims to protect the spectacular landscape.

Planning Obligation and Conditions

17. The appellant has submitted a signed and dated unilateral undertaking made pursuant to section 106 of the Town and Country Planning Act 1990. This would supersede the section 106 agreement pertaining to the original planning application ref 7/2014/5821. It would make provision for the residential caravan and domestic storage caravan to be removed from the site within two months of the occupation of the new dwelling.
18. I consider that the unilateral undertaking is necessary to make the development acceptable in planning terms, directly related to and fairly and reasonably related in scale and kind to the development. It would therefore meet the tests of paragraph 204 of the Framework and Regulation 122 of the CIL Regulations 2010. I therefore give significant weight to this document in my determination of this appeal.
19. The Authority requested that should the appeal be allowed, the unilateral undertaking should provide for the Authority to be notified in writing of the first occupation of the dwelling and also of when the caravans have been removed. This is so that compliance with the timescales for removal can be monitored. I consider this to be reasonable and necessary. The appellant is in agreement to this request however suggests that this matter could instead be achieved through the imposition of a condition. I consider that this would be an appropriate way forward and I have made such an addition to the attached schedule.
20. The Authority have suggested a number of other conditions should the appeal be allowed. These are the same as those imposed on the original planning approval for the replacement dwelling on the site. In addition to the standard timeframe condition I consider it necessary to require the development to be carried out in accordance with the submitted plans for the avoidance of doubt. In the interests of sustainability, a condition regarding the provision of solar panels and ground source heat pumps would be required. In addition in order to safeguard existing trees on the site, conditions are necessary to secure their protection during construction and their future management. In order to safeguard the character and appearance of the area, conditions regarding the materials for the external walls, roof and windows would be required. Finally, conditions regarding the submission of details and the implementation of a surface and foul water drainage scheme would also be necessary to ensure that the site is properly drained.
21. I have amended the wording of conditions where necessary in order to reflect the requirements of the Framework and Planning Practice Guidance. The appellant has stated that the development has commenced and that some of the original conditions may have been discharged. On my site visit there was little evidence that the new dwelling had been commenced apart from site clearance works. As I have no evidence that any of the conditions have been discharged I therefore impose them all again in full.

Conclusion

22. I have found that the appeal proposal would comply with the housing policies of the development plan and would cause no material harm to the character and appearance of the landscape.
23. For the reasons given above, and having regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:
 - i) Drawings which formed part of planning permission ref 7/2014/5821 which this permission is seeking to amend - Drawing Nos. P1210, D1a, D2a, D3a and D4a, Design and Access Statement received by the local planning authority on 11 December 2014, Bat Survey received by the local planning authority on 11 December 2014, CS16 compliance statement received by the local planning authority on 23 December 2014, Pre-development arboricultural report received by the Local Planning Authority on 11 December 2014.
 - ii) Drawings submitted with this application - Drawing No. PB1
- 3) Details of solar panels and /or ground source heat pump shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the new dwelling hereby approved and shall be installed and fully working prior to or not later than one month from the first occupation of the dwelling hereby approved.
- 4) Prior to the commencement of the development hereby permitted, tree protection measures shall be put in place in accordance with the approved details as specified in the pre-development arboricultural report and Appendix 7 of that report. All tree protection measures shall be retained for the duration of the works.
- 5) A tree management plan for the woodland to the west of the location of the new dwelling hereby approved between the site boundary and the access road shall be submitted to and approved in writing by the local planning authority prior to occupation of the new dwelling and thereafter implemented in full accordance with the approved details.
- 6) A sample panel of stonework to be used on the new dwelling hereby permitted shall be constructed for inspection and approval by an Officer of the local planning authority prior to the application of the stone to the building. The external walls of the building shall thereafter be constructed in such a manner as to harmonise with the approved panel.
- 7) The roof of the new dwelling hereby permitted shall be covered and maintained in local blue-grey slates (that is slates which have been mined or quarried in Cumbria). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.
- 8) The windows hereby permitted shall be opening casements of timber construction and either left in a natural state or painted white or a colour to be agreed in writing with the local planning authority prior to first occupation of the development hereby approved.
- 9) The development hereby permitted shall be not occupied until measures for the disposal of surface water and sewage have been installed and fully brought into operation in accordance with the approved details.

- 10) Development shall not begin on the construction of the new dwelling hereby approved until details of foul and surface water drainage works have been submitted to and approved in writing by the local planning authority.
- 11) The developer shall give written notice to the local planning authority of the following :
 - i) the first occupation of the new dwelling;
 - ii) the removal of the static residential caravan and ancillary domestic storage caravan from the site.