



Appeal Decision

Site visit made on 17 February 2020

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/Q9495/W/19/3239237

The Old Map Shop, Calbeck, Wigton CA7 8HF

- 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 and Mrs C Jordan against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/2024, dated 7 February 2019, was refused by notice dated 12 June 2019.
 - The development proposed is for a change of use to holiday letting accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use to holiday letting accommodation at The Old Map Shop, Calbeck, Wigton, CA7 8HF in accordance with the terms of application reference 7/2019/2024, dated 7 February 2019 subject to conditions set out in the attached schedule.

Procedural Matters

2. Although Policy CS22a was not cited within the reasons for refusal, it is raised by both parties. I consider that this policy is relevant to determination of this appeal and have proceeded as such.

Main Issue

3. The main issue is whether, in the context of adopted local planning policy, the development is appropriate on this site.

Reasons

4. The appeal property is a stone-built, slate-roofed, detached two-storey building. Access to the ground floor is gained through a large sliding door in one gable wall of the building and the first floor is reached via an external staircase at the opposite gable end. It has no associated curtilage being surrounded by common land which, as observed during my site visit, is used as public car parking, particularly associated with the local school.
5. There is a shortage of affordable housing within many areas of the National Park. Consequently, Policy CS18 of the Lake District National Park Core Strategy 2010 (Core Strategy) sets a delivery target of 900 dwellings between 2010 and 2025. In 2015 a planning application¹ to change the retail use of this building to a one-bedroom dwelling was granted. Although the consent was not linked to provision of affordable housing, a restrictive condition was attached

¹ Application reference 7/2015/2229.

which requires occupation of the dwelling by a person with a local connection as his or her principal or only home. This was to ensure retention of the dwelling to the housing market,

6. Policy CS22a of the Core Strategy has a presumption against reuse of buildings for holiday lets unless they are unsuitable for meeting a local housing need or reuse for employment. The Authority contend that the dwelling would meet such a housing need. Additionally, the Parish Council do not support the proposal and consider that the property is more appropriate for business use. Although I acknowledge the Parish Council's position on this, the decision was taken in 2015 to allow conversion to a residential use and a retail use is not before me.
7. The property has limitations due to the absence of outdoor amenity space and private parking. Additionally, due to the complete lack of curtilage, there is also very little privacy as the property is overlooked on all sides. This may be a common feature of more urban properties including, although not limited to, flatted developments which may similarly have no outdoor space. However, this is not an urban setting and although there is access to ample countryside, there is no associated individual or communal private outdoor space or refuse storage facilities which urban development may have. This lack of external space and privacy is compounded by the relatively small internal floorspace.
8. Occupiers of a holiday let would be similarly affected by the limitations of the building, however, such stays would tend to be of short duration. In these cases the use of private outdoor amenity space for hanging out washing or storage of multiple refuse bins would be less of a requirement. The associated limited indoor space would also be less of a constraint as in all likelihood, less time would be spent indoors.
9. Since January 2017 the property has been marketed for sale with an initial price of £99,950 being reduced over the following months to £69,950. However, during the period that the property was marketed, there were only 13 viewings and only one offer of £45,000 was made. Interest has been shown in the property by buyers who would not comply with the local occupancy condition and in 2017, an application was made and refused to remove this condition.
10. The property was subsequently and unsuccessfully marketed for rent as a commercial property and the Parish Council make reference to an expression of interest. However, no details of this have been submitted and, in any case, the Authority state that other commercial properties are available in the area.
11. The Authority state that 6% of the housing stock in Caldbeck are holiday lets. However, I have no evidence before me that addition of this property to the holiday let offer would harm the viability of the settlement. Furthermore, evidence within the Allerdale Borough Council Housing Study Final Report 2016 shows a shortfall in two-bedroom houses. However, this property would not, and could not, contribute towards this need and no evidence of a shortfall in one-bedroom properties has been submitted.
12. I have no reason to consider that the asking price was unreasonable or that the property has not been marketed appropriately. The lack of interest from potential purchasers, despite a reduction in asking price, weigh against the residential use of the property. Although the property does represent an

opportunity to contribute towards the local housing need set out within Policy CS18 of the Core Strategy, this opportunity has been investigated and tested within the local housing market with no success. The proposal therefore does not conflict with this policy. Consequently, I also consider that the proposal does not conflict with Policy CS22a as evidence supports the view that the building is not suitable as a dwelling and better suited to short-term holiday accommodation. Finally, provision of a holiday let within Caldbeck, which is a rural service centre, is supported by Policy CS24 of the Core Strategy which seeks to direct tourism towards such locations.

Other Matters

13. The Authority contend that the viability of communities may be affected if the number of second homes is greater than 20 percent. However, the number of such homes in Caldbeck represents 15.32 percent of the offer which is below this figure. In any case, this appeal does not relate to sale of the property as a second home.

Conditions

14. The conditions set out in the accompanying schedule are based on those suggested by the Authority. These conditions have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance on conditions². I have undertaken some minor editing and rationalisation in the interests of precision and clarity. Those included in the schedule are found to be reasonable and necessary in the circumstances of this case.
15. For certainty, conditions have been included regarding time for implementation and approved plans. A condition regarding the details of door, window and external joinery materials and colours is included to ensure that the development has no adverse effect upon the character and appearance of the area. Additionally, condition 4 which limits the permitted development rights is necessary as the property has no curtilage and directly abuts the adjacent common land.
16. Condition 3 is required to ensure that the accommodation is secured as short-term holiday accommodation only and condition 6 seeks to ensure that renewable and low carbon energy sources are incorporated into the development.

Conclusion

17. For the reasons stated above, the appeal is allowed.

E Symmons

INSPECTOR

² Guidance. Use of Planning Conditions. Last updated 23 July 2019.

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 'Site Plan' 1:500 and 1:1250 and 'Proposed elevations and plans' reference P2.
- 3) The dwelling hereby permitted shall only be occupied for the purposes of short-term holiday letting 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 this register available to the Local Planning Authority within 14 days of receipt of a written request.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations or extensions shall be carried out to the dwelling house without application to, and the grant of permission, by the Local Planning Authority.
- 5) Notwithstanding condition 2, no development shall take place until details of materials, painting and staining of all doors, windows, associated framework and all external joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.
- 6) Prior to the first use of the development hereby permitted at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and the timetable of how this is to be achieved, including details of any physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.

END OF SCHEDULE