
Appeal Decision

Site visit made on 10 March 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Q9495/W/19/3223865

1 Police House, Rydal Road, Ambleside LA22 9AY

- 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 Andrew Green against the decision of Lake District National Park Authority.
 - The application Ref 7/2018/5756, dated 29 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is change of use to dwelling (holiday let).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed new use as a dwelling for holiday letting purposes would be in an appropriate location, having regard to development plan policies for local needs housing.

Reasons

3. The appeal site is one half of a two-storey, semi-detached building, with the other half to the west being a dwellinghouse. To the east, the appeal building is attached to Ambleside Police Station. The effect of the proposal would be to bring about use as a dwelling for holiday letting purposes.
4. To address local housing market imbalances, policy CS18 of the Lake District National Park Core Strategy (2010)(CS) permits new dwellings where they contribute towards meeting an identified local need and are secured through use of appropriate planning controls. This is explained further in the Housing Provision Supplementary Planning Document (2019), which identifies a range of sources of evidence to establish local need, and further states that all new local need housing will be restricted by condition to those who can demonstrate that they have a need to live in the locality.
5. Planning permission 7/2014/5145 was granted at the appeal site for change of use to dwelling subject to such a condition. However, the current proposal is specifically for use as a holiday let which, whilst still a dwelling for the purpose of applying planning policy, would not comply with that condition. Given the particular nature of the proposal, no evidence of any local need has been submitted by the appellant. As a result, the proposal would fail to address the identified housing imbalance.

6. Policy CS22a of the CS only permits reuse of existing buildings for holiday letting accommodation where it would not be suitable for local needs housing, amongst other matters. To my mind it is quite clear that the appeal building is a suitable building for local needs housing; it was built as a dwelling in 1961, the other half of its pair is a dwelling, and the above referenced permission was granted for use as a dwelling for local needs occupation. As such, the proposed use would restrict the opportunity for the appeal building to be occupied as a dwelling by those with local need.
7. The description of the proposal given on the application form is silent on the existing use, with submissions from the appellant referring to a number of different uses. Notwithstanding these varying positions, in determining this S78 appeal for the proposed use, it is not necessary for me to conclude on the existing use. Instead, this should properly be established through an application for a Lawful Development Certificate (LDC).
8. Regardless of any earlier advice given by the Authority on a class B1(a) use, its position was formalised when it refused an LDC for class C3 use in 2015. The Authority concluded that the existing use was as a police station, implemented following grant of planning permission in 1992, which was sui generis not class B1(a). Therefore, the change of use to class C3 did not comprise permitted development. The subsequent appeal against refusal of the LDC was dismissed in 2016. On this basis, I am not persuaded that any fall back position exists that would be more harmful than the harm arising from the proposal. Furthermore, the use of a condition restricting the dwelling to holiday lets would not address the identified policy objectives.
9. I therefore conclude that the proposed new use as a dwelling for holiday letting purposes would not be in an appropriate location, having regard to development plan policies for local needs housing. As such, there is conflict with policies CS18 and CS22a of the CS, which together prioritise use of dwellings for local needs occupation.

Other matters

10. That the National Planning Policy Framework supports economic growth and that the site would lend itself to sustainable holiday use with travel by public transport are not matters that outweigh the above conflict with policy, nor does the appellant's business model being based on holiday not social lettings.

Conclusion

11. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR