



Appeal Decision

Site visit made on 28 July 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/C9499/W/20/3249074

Mill House, Farfield, Sedbergh, Cumbria LA10 5LP

- 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 M Hoffe against the decision of Yorkshire Dales National Park Authority.
 - The application Ref S/03/580C, dated 1 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the change of use of cellar to ancillary holiday letting accommodation and creation of additional car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of cellar to ancillary holiday letting accommodation and creation of additional car parking at Mill House, Farfield, Sedbergh, Cumbria LA10 5LP in accordance with the terms of the application Ref: S/03/580C, dated 1 November 2019, subject to the following conditions:
 - 1) The car parking area shown on the submitted site plan shall be maintained clear of any obstruction and retained for the parking of occupiers of the holiday letting accommodation at all times.
 - 2) The dwelling shall not be occupied otherwise than for short term holiday letting purposes. No one person shall occupy the dwelling as short-term holiday accommodation for more than 28 consecutive days in any calendar year and no one person shall occupy the dwelling as short-term holiday accommodation for more than a total of 56 days in any one calendar year. The owner/operator shall maintain an up to date register of the names and addresses of the occupiers of the dwelling and shall make the register available at all reasonable times to the Authority upon request.

Procedural Matters

2. The development has already taken place at the property. It appeared broadly reflective of the submitted plans and I have determined the appeal on this basis. I am aware of and have had regard to a previous appeal decision at the site (Referenced APP/C9499/W/18/3212001) which related to a proposal of the same description as that before me. That appeal was dismissed, but solely on the grounds of flood risk. That matter has since been addressed and no longer forms a topic of concern for the Council. I have no reason to disagree with this position.

Main Issues

3. The main issues therefore are:

- i. the effect of the proposal in relation to a) the living conditions of future occupiers with regard to outlook and b) the living conditions of the occupiers of property opposite the appeal site with regard to noise and privacy; and
- ii. the effect of the loss of part of the property to holiday let use in relation to the housing strategy for the area.

Reasons

4. The proposal relates to the cellar area of a larger property, Mill House, which forms a small cluster of development adjacent to the Clough River in a rural setting to the east of Sedbergh. The proposal also includes a parking area situated closely to the south west of Mill House.
5. The cellar is utilised for self-catering visitor accommodation. It is fitted with a kitchen, bathroom, bedroom and lounge such that it has all the facilities required for day-to-day private domestic existence. There is an interlinking door which can be locked from the cellar side and guests can use the laundry facilities and access a fire exit in Mill House although there is no requirement for them to do so. Despite the physical connection, guests have no functional reliance on the remainder of Mill House during their stays and the unit is self-contained such that the accommodation constitutes a dwellinghouse.

Living conditions

6. The cellar does not offer any exceptional level of outlook and is served by two windows of limited size and a glazed door on its northern elevation. Had the cellar been proposed for use as permanent residential accommodation, there is the potential for this matter to be of concern.
7. However, the proposal before me relates to holiday letting accommodation. Given that this is the case, such accommodation does not generally need to meet the same high standards in respect of living conditions as that which would be required for a dwelling for permanent occupation, due to the nature of stays which would generally be short.
8. The accommodation is accessed from the rear of Mill House via a lane which serves other residential properties. The land directly outside the accommodation is used for parking in association with properties opposite whilst the parking for the development is on the other side of Mill House.
9. Given that the area in front of the cellar windows is used for car parking it is likely that views towards properties across the lane would be limited, for at least some of the day, by parked vehicles. From within the cellar, the size of the windows further limits opportunity for overlooking.
10. Whilst guests using the lane to access the accommodation may be able to look towards the windows and amenity space at the front of properties opposite, this situation would be no different to that existing, whereby occupiers of properties to the east have to pass. There would therefore be no significant loss of privacy for occupiers of property opposite the appeal site.
11. By reason of the very limited size of the accommodation, the number of comings and goings associated with the use are likely to be limited. While guests may pull up outside the entrance to the accommodation to unload before parking at the

other side of the property, this is unlikely to take a significant amount of time and therefore any noise disturbance is likely to be very limited. There would therefore be no significant impact in terms of noise for occupiers of property opposite the appeal site.

12. I therefore conclude on this issue that the proposal does not have any significant adverse impact on either the living conditions of future occupiers with regard to outlook, or on the living conditions of neighbouring occupiers with regard to noise and privacy. The proposal therefore accords with Policy SP4 of the Yorkshire Dales National Park Local Plan (2016) (YDNPLP) which requires that development proposals should respect the amenity of neighbours and provide an adequate level of amenity for future occupants.

Housing strategy

13. Part of the housing strategy for the area is to make the most efficient use of the existing housing stock by permitting the creation of additional smaller homes from large, under occupied dwellings. Policy C4 of the YDNPLP states that the sub-division of an existing dwelling will be permitted provided that any additional dwellings are subject to local occupancy or affordability requirements and provided that the proposal is of high development quality in terms of design, transport, human safety and amenity and environmental safeguarding (detailed within Policy SP4).
14. The aim of Policy SP1 of the YDNPLP is to encourage and support sustainable development for the park. It advises that amongst other things to be sustainable, development should improve and support the use and retention of existing services, infrastructure and facilities, including the housing stock. It also states that amongst other things, development will be deemed to be unsuitable if it would reduce the supply of housing to meet local needs.
15. The development of new self-catering visitor accommodation is supported under certain circumstances through Policy T3 of the YDNPLP. The supporting text to the Policy indicates that the Authority classifies sustainable self-catering as fixed but reversible short stay visitor accommodation of sympathetic design. It states that this includes wooden cabins, camping pods, 'shepherds huts', railway carriage conversions, yurts and other types of off-grid/eco accommodation. However, it does not state that the Policy is restricted to those types of accommodation only and is therefore material to the consideration of this appeal. The proposal has a low environmental impact as it utilises an existing building. Subject to an appropriate condition restricting the use to short term holiday letting, the proposal would accord with Policy T3.
16. I am aware of the desire within the YDNPLP to protect the existing housing stock and maintain the supply of housing to meet local needs. This suggests that the main focus for new tourist accommodation should be away from its provision within existing dwellings through restricting their conversion to allow for additional dwellinghouses. As a result, the proposal conflicts with Policies C4 and SP1.
17. The evidence indicates that approval has previously been granted for the sub-division of Mill House into two dwellings which included a legal agreement to restrict the new dwelling to local occupancy use only. However, there is no evidence that this previous approval remains extant and in any event, it seems clear to me that pursuing that previous proposal is no longer the intention of the appellant. I therefore afford this matter limited weight.
18. The proposal relates to a cellar. The Authority acknowledge the poor outlook from within it and raise concerns in relation to the living conditions of potential future

occupiers. If the unit was not for use as holiday letting accommodation, I would share these concerns. However, as previously noted, holiday accommodation does not generally need to meet the same high standards in respect of living conditions as that for a dwelling for permanent occupation, due to the nature of stays which would generally be short. Therefore, given that the cellar would be unlikely to be suitable as permanent residential accommodation, this proposal does not result in a lost opportunity for its provision.

19. To conclude on this issue, the proposal accords with Policy T3 of the YDNPLP which supports the provision of new self-catering visitor accommodation. Whilst I have identified conflict with Policies C4 and SP1 of the YDNPLP, due to the circumstances of this particular case, I afford this conflict limited weight as the proposal would not result in a lost opportunity to provide permanent housing on a local occupancy basis as there is no evidence or indication that a suitable scheme for its provision would come forward at the site.

Conditions

20. The two conditions, suggested by the Authority, are necessary to assist with the flow of traffic on the site and to ensure that the cellar is used as short-term holiday accommodation only. I have however re-worded condition 2 in the interests of clarity.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR