
Appeal Decision

Site visit made on 1 September 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/Q9495/W/20/3254586

Land at Vendace Court, Borrowdale Road, Keswick, Cumbria CA12 4EU

- 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 Atkinson Homes Ltd against the decision of Lake District National Park Authority.
 - The application Ref 7/2019/2317, dated 29 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is erection of single storey dwelling with associated parking for local occupancy.
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Decision

1. The appeal is dismissed.

Background

2. Vendace Court is on the site of the former Castlehead Hotel. A planning permission granted in 2009 for a replacement 18 bedroom hotel was not implemented and the site has been developed for housing.
3. Planning permission was granted retrospectively for 3 no. local needs dwellings (Ref 7/2014/2042) and a certificate of lawful development (Ref 7/2015/2180) was granted for the use of the former hotel manager's accommodation as a residential dwelling.
4. In 2017, permission (Ref 7/2017/2022) was granted for 5 local needs dwellings and 1 unfettered dwelling, the latter replacing the former manager's dwelling. The scheme was subsequently amended, including a revised layout, and the approved scheme (Ref 7/2018/2103) has been built. A planning condition attached to the 2018 permission secures landscaping of the appeal site land.
5. During the time that the application subject of the appeal was being considered, amended plans were submitted to the Council. However, these were not accepted and I have therefore determined the appeal on the basis of the plans that were considered by the Council.

Main Issues

6. The main issue is the effect of the proposal on the balance and mix of the local housing stock and local community, with particular regard to identified local affordable housing needs.

Reasons

7. The appeal site is an area of previously developed land forming part of the former Castlehead Hotel site (the hotel site), which is in the Keswick Conservation Area (the CA). It is to the rear of a row of traditional cottages, 10-15 Borrowdale Road, which is a grade II listed building known as The Plosh. The appeal site is an open area of gravel hardstanding immediately adjacent to the internal access and residential parking for Vendace Court.
8. Keswick is a rural service centre in the Lake District National Park (the LDNP), an area that is popular with tourists and people from more affluent urban areas elsewhere who are seeking to relocate to the area. As a result, the area has high levels of holiday lets and second home ownership and there is severe pressure on the existing housing stock. Consequently, many local people including young families and those on lower rural and tourism incomes, are unable to afford open market housing in the area. The imbalance in the housing mix, and particularly the acute shortage of affordable and social housing, is detrimental to the maintenance of vibrant and sustainable local communities.
9. Accordingly, Policy CS18 of the LDNP Core Strategy including Proposals Map Adopted October 2010 (the CS) and the Housing Provision Supplementary Planning Document amended version Adopted February 2019 (the SPD) seek to redress the imbalance in the housing market by permitting new dwellings that contribute towards identified local needs or local affordable needs. In this regard, it sets out that residential development up to 5 dwellings on windfall sites should be local needs housing, with additional dwellings providing local affordable housing. This is consistent with policies in the National Planning Policy Framework (the Framework) that relate to affordable housing and the maintenance of mixed and balanced communities.
10. In this case, the proposal is 1 local needs dwelling. However, there is a dispute between the parties as to whether the appeal site is a single development site or whether it forms part of the wider recently developed hotel site, in which case it would be additional to the previously approved 5 local needs dwellings and thereby meeting the threshold for affordable housing.
11. The evidence indicates that the manager's accommodation ancillary to the Castlehead Hotel was on the appeal site. Therefore, the appeal site was historically functionally and physically linked and part of the former hotel use of the site. The former manager's dwelling was in lawful residential use following the demolition of the hotel. Nevertheless, demolition of the dwelling and the redevelopment of the appeal site formed an integral part of the 2017 approved scheme, as amended by the 2018 scheme, including in terms of the calculation of housing tenures.
12. Furthermore, the appeal site formed part of the layout of the 2017 scheme, including internal access, the turning head, parking spaces and a landscaped amenity area (Proposed Site Plan Ref 1611-3B, December 2016). Following revisions to the layout, it was proposed as a gravel area as part of the 2018 scheme (Site Layout Plan Ref 12022-SLP-D, 19 July 2018). However, a planning condition attached to the 2018 permission secures landscaping of the appeal site land in the interests of the CA and the adjacent listed building.

13. The Town and Country Planning Act 1990, in allowing planning permission to be granted unconditionally or subject to such conditions as the planning authority think fit, sets out the types of conditions that may be imposed. These include for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission. Therefore, the fact that part of the appeal site is not in the 2018 application boundary does not render the planning condition invalid nor does it demonstrate that the appeal site is a separate planning unit.
14. On the basis of the information before, the appeal site is, and was historically, in the same ownership as the hotel site and it formed part of the same planning unit. The appeal site was visually, physically and functionally part of the redevelopment of the hotel site and 1 of the 6 previously approved dwellings is a replacement, albeit not on the same footprint, for the former dwelling on the appeal site. I accept that the potential for a new dwelling on the appeal site, referred to as 'Plot 7, Vendace Court' in the submitted plans, was not recognised prior to approval of the 2018 scheme. Nevertheless, taking into account the site ownership, the planning history and the very short elapse of time, there is little compelling evidence that the appeal site is not part of the wider single development site at Vendace Court.
15. The proposal would result in the creation of a local needs dwelling, which is a type and tenure of housing that would be expected to deliver greater benefits to the local community than open market housing. However, while targets for local needs dwellings have been consistently exceeded since 2017, targets for local affordable housing have not been met over the same period. Consequently, and irrespective that there would be interest in a local needs dwelling in this location, the proposal would not contribute towards redressing the identified shortfall in local affordable housing.
16. I accept that, with the completion of the Vendace Court development, the opportunity has been lost to cross-fund an affordable dwelling in this location. However, there is little substantive evidence that alternative solutions to deliver affordable housing have either been explored or discounted.
17. Therefore, the proposal would not contribute to a balanced and mixed local housing stock and local community and it would not contribute to the identified need for local affordable housing. In this regard, it would conflict with Policy CS18 of the CS and the SPD. It would conflict with the housing aims of the Framework in relation to supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes to meet the needs of present and future generations.

Other Considerations

18. My attention has been drawn to a policy in another Council's development plan that relates to affordable housing provision where larger sites have been subdivided to avoid exceeding affordable housing thresholds. Although the Council in this case might not have a similar policy, there is in any case little to suggest that the hotel site was subdivided to avoid affordable housing thresholds. Moreover, I appreciate that the appellant is a family owned firm

with a track record of delivering affordable homes. However, this does not weigh in favour of the proposal.

19. A new dwelling would result in greater economic and social benefits than an area of gravel. However, the fallback position is the scheme of landscaped open space secured by the 2018 permission. In this regard, the Framework recognises the importance of high quality open and green spaces in terms of environmental and quality of life benefits for local communities. Therefore, the fallback position would result in greater community and environmental benefits than the existing area of gravel.
20. The proposal is close to a Grade II listed building and it is in the Keswick CA. Section 66(1) and Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the listed building or its setting and to preserving or enhancing the character or appearance of the conservation area. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider potential impacts on heritage assets.
21. On the basis of the evidence, the proposal would not result in significant harm to the living conditions of neighbouring residential occupiers or to highway safety. However, these are requirements of the development plan and they do not weigh in favour of the scheme.

Conclusion

22. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR