
Appeal Decision

Site visit made on 5 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/Q9495/W/20/3259754

Maple Bank Cottage, Braithwaite, Keswick CA12 5RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Thomas Brown against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2033, dated 30 January 2020, was refused by notice dated 27 March 2020.
 - The application sought planning permission for change of use and extension/alterations to detached owner's accommodation to existing guest house to provide a separate local needs dwelling in its own grounds without complying with a condition attached to planning permission Ref 7/2011/2333, dated 20 January 2012.
 - The condition in dispute is No 2 which states that: The dwelling hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home together with the dependents of such a person living with him or her and the widow or widower of such a person...An 'Only or Principal Home' is a dwelling-house which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.
 - The reason given for the condition is: In order to ensure that this dwelling is occupied by a person in local need, in accordance with Policy CS18 of the Lake District National Park Local Development Framework Core Strategy.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The condition in dispute is quite lengthy. Therefore, in the heading above, I have condensed the wording to include the main point of dispute and exclude other details such as definitions that are not entirely pertinent to the main issue.

Main Issue

3. The main issue is whether it is necessary and reasonable to restrict the occupation of the dwelling to persons with a local connection who would use it as their only or principal home to meet an identified local housing need.

Reasons

4. Policy CS18 of the adopted Lake District National Park Core Strategy (CS) sets out that the LPA will permit new dwellings where they contribute towards meeting an identified local need; and where they help to redress the imbalances in the local housing market and are secured in perpetuity for the purpose it was originally intended through the use of appropriate planning controls. The context of Policy CS18 details that there is immense pressure on the existing housing stock in many areas of the Lake District National Park (LDNP). This issue is due in part to the continuing trends of people moving from urban to rural areas for a better lifestyle, and of those buying second homes or homes to be used for holiday letting purposes.
5. The policy context also sets out that earnings in many of the LDNP's rural areas are lower than in neighbouring urban areas, due to the reliance on the tourism industry. This makes it difficult for people relying on local wages to compete for housing in an open market. The adopted Housing Provision Supplementary Planning Document (SPD) states at paragraph 4.1 that all new housing will be restricted for the purposes of meeting wither local need or local affordable need for the lifetime of the dwelling and that occupancy will be restricted to be the person's main residence in all cases. The SPD also sets out defined geographic areas that make up Localities and reflect the social and economic relationships between adjoining parishes. The Authority's starting point is to always restrict occupancy to these defined Localities.
6. According to the Authority's statement the external demands for holiday and retirement houses means that in some settlements less than approximately 50% of the properties are occupied permanently by people living and working in the area. It also states that local occupancy conditions such as the one in dispute, seek to ensure the vibrancy of communities and the sustainability of communities and that such conditions form a key part of the strategic housing policy approach for the National Park. Furthermore, according to the evidence before me the village of Braithwaite and indeed the locality has a high number of second and holiday homes, as does much of the LDNP. Consequently, the proposed variation of the disputed condition would potentially undermine the long-established strategic housing policy approach being implemented by the Authority to support the vibrancy of local communities as set out by policies CS02 and CS18.
7. I acknowledge the personal circumstances put forward by the appellant as justification for the proposal. However, no substantive financial evidence has been submitted to support this. Furthermore, I am also mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. I therefore find that this factor is not of sufficient weight to outweigh the harm that would be caused by the proposal being contrary to the development plan and the SPD.
8. I also acknowledge that the proposed variation would short and time limited. However, even so, it could still likely set a precedent for other similar such variations which could potentially become permanent.

¹ Paragraph: 008 Reference ID: 21b-008-20140306

9. I therefore conclude that the imposition of condition no. 2 is both necessary and reasonable to restrict the occupation of the dwelling to persons with a local connection who would use it as their only or principal home to meet an identified local housing need. As a result, the variation of the disputed condition would fail to meet the requirements of policies CS02 and CS18 of the CS.

Conclusion

10. The proposal would conflict with the development plan to which I attached substantial weight. Having considered other material considerations presented by the appellant, these do not outweigh or overcome the conflict I have found.
11. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR