



Appeal Decision

Site visit made on 8 April 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 May 2021

Appeal Ref: APP/Q9495/C/20/3264762

Gillside Barn, Grasmere, Ambleside LA22 9RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Adrian Sankey against an enforcement notice issued by the Lake District National Park Authority.
 - The enforcement notice is dated 28 October 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, material change of use of workshop and glass blowers studio to use as a dwellinghouse.
 - The requirements of the notice are: Permanently cease to use the land as a dwellinghouse.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and the deemed planning application is dismissed.

The appeal on ground (a) and the deemed planning application

Preliminary Matters

2. Since the enforcement notice was issued, progress has been made on the Authority's emerging Local Plan. Due to its advanced state, the relevant policies in the new plan are a material consideration in the appeal.

Main issue

3. The main issue is the effect of the development on the provision of employment land in the area.

Reasons

4. The appeal site is a listed barn of traditional construction. It is located outside any settlement boundary and so is in the open countryside for planning purposes. In 1992, planning permission (ref: 7/92/5331) and associated listed building consent were given for the conversion of the building for use as a workshop and glass blower's studio.
5. The appellant now seeks permission for the change of use of the building to a permanent residence. Policy CS22 of the Lake District National Park Core

Strategy (CS) relates to the provision of employment land in the area. Amongst other things, it seeks to retain existing employment land and buildings in Use Classes B1, B2 and B8 for employment use unless it can be demonstrated that they are unsuitable for employment purposes or, exceptionally, viable alternatives are readily available in the locality. The explanatory text makes specific reference to traditional buildings that are no longer required for their original purpose, stating that the preferred use for these will be either B1 or B2, unless any proposed B8 use is ancillary to an existing business.

6. On 1 September 2020, a number of changes to the planning Use Classes came into force. A new Class E (Commercial, Business and Service) was introduced incorporating shops (previously A1), financial and professional services (previously A2), restaurants and cafes (previously A3), offices (previously B1), and a number of other uses which exclude B2 and B8 uses. The Authority contends that the lawful use of the barn now falls within the new Class E. The appellant does not dispute this position, and I have no basis on which to take a different stance.
7. The appellant argues that the barn is unsuitable for general employment uses for a number of reasons. Firstly, he states that such usage would create an unacceptable juxtaposition of incompatible uses with Gillside, harming its tranquillity and wildness.
8. However, Class E is a broad class that takes in quite a range of types of use. For example, it includes the provision of financial and professional services. These are examples of the types of uses that could be carried out at the appeal site without any particular negative impact on the tranquillity and wildness of the surroundings.
9. Turning to practical matters, the appellant raises concerns that the access track is too narrow and steep for normal delivery vehicles, and that there is limited parking at the site. From my observations on my visit, I agree that the access track would pose significant difficulties for any vehicle larger than a car or a small van from travelling to the appeal site. Parking is certainly limited around the building, but there is some space for cars within the site and in the area outside, adjacent to the garage.
10. It is clear that the site is restricted in terms of vehicular access. Any use that required larger scale deliveries with any regularity would evidently not be suitable. Of course, there are a variety of uses within Class E that would inevitably be ruled out by the nature of the site and its access. Conversely, a business or employer who needed only limited car access and deliveries and did not attract a large number of visitors might well find the site suitable.
11. I have taken into account the appellant's assertion that the utility services are known to be finite at the site. The statutory declaration refers in passing to utilities, but nevertheless, little further clarification of this matter has been provided, and so it is unclear how it would preclude the use of the building for employment purposes.
12. Finally, the appellant argues that any external storage or working would harm the setting of the two listed buildings. However, this is not a persuasive argument. Whilst the countryside is of course valued as a quiet place to live and for leisure purposes, it is and always has been a place of work as well. The

appeal site is a former barn and was therefore itself a working building at one time. It is therefore likely to have had outside work and possibly storage associated with it in its history. Due to the constraints of the site, the scope for storage or outside activity would be relatively limited. Moreover, there is little to show that these factors would harm the setting of the listed buildings.

13. Drawing these threads together, I am not convinced that it has been satisfactorily demonstrated that the appeal site is unsuitable for employment uses. Furthermore, there is little evidence to show that a viable alternative is readily available in the locality. As a result, the development unacceptably fails to comply with CS Policy CS22, and so conflicts with the development plan as a whole. It also conflicts with emerging Policy 16, which similarly seeks to retain existing land and buildings in employment use.
14. The second thread of the appellant's case is that Gillside Barn is suitable for use as a residence. CS Policy CS18 relates to housing development, making provision for 900 dwellings between 2010 and 2025. New dwellings will be permitted where they contribute towards meeting an identified local need or local affordable need.
15. In view of these housing policy requirements, the appellant indicates that he is willing to accept a local occupancy condition, were I to determine the appeal in his favour. The Authority confirms that such a condition, limiting the occupancy of the dwelling to somebody with a local connection, would resolve their concern that the reuse of the building as an unfettered dwelling would be unacceptable.
16. However, as the conflict with CS Policy CS22 remains, this factor has not led me to a different conclusion on the main issue of the appeal.

Conclusion

17. For the reasons above, the appeal is dismissed, the enforcement notice is upheld, and the deemed planning application is dismissed.

Elaine Gray

INSPECTOR