



Appeal Decision

Site Visit made on 21 September 2021

by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/Q9495/W/21/3269973

Graysonside, Lorton Road, Cockermouth, CA13 9TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Likeman of Timing Up North against the decision of the Lake District National Park Authority.
 - The application Ref 7/2020/2164, dated 6 July 2020, was refused by notice dated 5 November 2020.
 - The development proposed is the erection of a live work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Authority's decision refers to the Lake District National Park Core Strategy. This has been superseded by the Lake District National Park Local Plan 2020-2035 (the Local Plan) adopted in 2021. The Authority referred to the Local Plan in its statement, which the appellant has seen. I have referred to the Local Plan in my findings.
3. I have afforded the main parties an opportunity to comment on the publication of the new Framework¹. I have taken it and any comments made thereon into account.
4. The application was submitted in outline with approval of layout and access sought. Detailed matters relating to appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the proposed development would be in an appropriate location, with specific regard to the development strategy for the area.

Reasons

6. The buildings at Graysonside include a guest house, owners' accommodation, self-catering accommodation and a garage, workshop and stores. An area to the south of these buildings is used for the storage of caravans. There is also approved touring caravan pitches together with a variety of buildings supporting these uses. The proposed development would introduce a mixed-

¹ The National Planning Policy Framework 2021

use building comprising residential and business components onto an area of hardstanding to the north east of the existing buildings.

7. The appeal site is located within the open countryside as defined in the Local Plan. In open countryside, Policy 02 of the Local Plan supports proposals only where it falls into one of five listed categories. This includes where there is an essential need for a rural location or that it helps sustain an existing business. Although Policy 16 of the Local Plan supports the growth and expansion of all types of business and enterprise, it requires new build development in open countryside locations to meet the requirements of Policy 02.
8. The appellant's information states that he has been using the Graysonside site for storage associated with his business since 2010 and carrying out staff training at Graysonside if required. The appellant's information also states that the operational components of the business have been based at Graysonside with a storage container onsite to house the equipment, with the administrative side being run from his home. It also states that Graysonside serves as an equipment storage and office base for the business and that there is a temporary storage container, previously used for purposes relating to the caravan storage use, sited at the appeal site that houses equipment relating to the business and serves as a small office space.
9. The Authority states that there is no planning history for the storage unit or the appellant's business. The officer report states that, on the basis of the available information, the Authority considers that it is an unauthorised and unlawful use.
10. There are conflicting positions about the lawful planning position regarding the appellant's business operations at the site. Without a Lawful Development Certificate, I cannot be certain about whether the use of the appeal site or the wider Graysonside site for the appellant's business has a lawful planning position. Furthermore, there is a difference between using a site for storage and the actual operation of a business from that site. Consequently, I cannot be certain that the proposed live work unit would be associated with an **existing** business at the site.
11. There are benefits for the appellant in having larger premises. However, no compelling evidence has been presented that demonstrates that there are operational or other reasons why the business or the residential component must be in a rural location such as the appeal site. The appellant has therefore not established an essential need for a rural location for the live work unit.
12. Policy 15 of the Local Plan demonstrates that there is a need for affordable dwellings for local people in the area. The policy supports new permanent homes that contribute towards helping communities remain vibrant and resilient; achieve a better balance in the housing market; and are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances. The policy does not support open market housing.
13. Whilst the appellant states that the proposed residential component would meet an affordable housing need, I have no evidence before me that demonstrates that it would be affordable. In addition, whilst being mindful of paragraph 82 of the Framework which requires planning policies to support new and flexible working practices (such as live-work accommodation), there is no

substantive evidence that there is an essential need for the appellant to live/work together to support the daily needs of the business.

14. Accordingly, the proposed development would undermine the Authority's spatial strategy and would conflict with Policy 02 of the Local Plan. I give great weight to the harm arising from this conflict.
15. The Framework advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
16. The Framework states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It also states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
17. The appellant has identified a number of benefits of the proposed development to the business and economy. However, as set out above, I do not have persuasive evidence to show that the proposed development would be necessary to help sustain a business need in the open countryside that could not otherwise be met in a way that would align with the spatial strategy set out in the Local Plan. Accordingly, I give these economic benefits moderate weight.
18. The appellant states that expansion of the business would provide opportunities for improved access to sports and recreation for the local community and attracting tourism to the area. The extent of these benefits that would accrue from a single live-work unit serving a business of the nature described would likely be modest. As such, I give them limited weight.
19. The appellant states that he would live and work on site thereby reducing travel and carbon emissions. The live work unit would mean that at least one occupant would not need to commute to work. However, there is no guarantee that the appellant's circumstances would not change or that the property would not change hands in the future. Notwithstanding this, the need to travel for access to services and facilities would remain. It would be theoretically possible for future occupiers to walk or cycle to Cockermouth, which is not too far in distance terms. However, the unlit nature of the road together with the lack of pavement would be disincentives to journeying even short distances on foot or by bicycle, especially during darker winter months or in inclement weather. I have not been made aware of the availability of public transport near to the appeal site. Overall, therefore, I find it more likely that the proposed development would generate vehicle journeys.
20. Whilst giving weight to the benefits associated with the proposed development, they are not sufficient to outweigh the conflict with the development plan in this instance. I therefore conclude that the proposed development would not be in an appropriate location as, without sufficiently compelling reason to depart therefrom, it would undermine the Council's development strategy. As such, the proposed development would conflict with Policy 02 of the Local Plan, the aims of which have been summarised above. It would also conflict with the locational objectives of the Framework.

Other Matters

21. On the basis of the evidence before me, I do not agree with the appellant that the appeal site would be classed as previously developed land because the Framework defines that in its Glossary as “land which is or was occupied by a permanent structure” – which is not the case here.
22. The appellant draws attention to two other proposals for live work units that it is considered has parallels with the current appeal proposal. I have not been presented with the full details of these cases, nor the information which was in front of the Authority or Inspector at the time the decisions were made. In any event, I have considered this appeal on its own merits.
23. I note that no objections were received to the application and a number of letters of support were submitted. However, this does not negate the harm that I have found. Whilst it may be the case that there would be no harm caused to the highway, the character and appearance of the area, biodiversity interests or heritage assets and no unacceptable effects on the living conditions of nearby occupiers, an absence of harm is a neutral factor. Reference is made to the provision of disabled access which would not be a benefit but rather an expected component of an employment premise.

Conclusion

24. The proposed development would not be acceptable as it would undermine the Authority’s development strategy and would conflict with Policy 02 of the Local Plan. I have had regard to the benefits of the proposed development including to the business and economy. However, these benefits do not, individually or cumulatively, outweigh the harm that I have identified.
25. The proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR