



Appeal Decision

Site visit made on 28 February 2022

by C. Megginson

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/Q9495/W/21/3287698

Garage at Dodds Lee, Dockray, Penrith, Cumbria, CA11 0JY

- 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 Ms Caplan and Ms Howard against the decision of Lake District National Park Authority.
 - The application Ref 7/2021/3036, dated 25 February 2021, was refused by notice dated 27 May 2021.
 - The development proposed is the proposed conversion, alterations and extension to the detached garage to form holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The principle of the proposed development having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

3. The appeal site is located in the hamlet of Dockray, which in policy terms is considered to be within the open countryside. The Lake District Local Plan (2021), Policy 02 sets out the spatial strategy and encourages more sustainable living and working patterns, by reducing unnecessary travel and avoiding sporadic development in the open countryside. The policy sets out several criteria that need to be demonstrated before development will be supported, including an essential need for a rural location or that it helps sustain an existing business.
4. I have not been provided with any evidence to demonstrate how the existing holiday let needs additional accommodation to sustain it. Redevelopment of an existing building will only be supported where it results in a significant enhancement of the landscape character or historic environment and would enhance its immediate setting. Whilst the elevational changes and more traditional roof pitch may improve the general appearance of the building and will not harm the character of the surrounding area, this would not result in a significant enhancement and any enhancement to the immediate setting would be limited.
5. The appeal site is in a small hamlet, which contains a hotel as a local facility and is located several miles away from surrounding villages. I have no evidence before me with regards to public transport availability and it is reasonable to assume that visitors to the proposed holiday accommodation

would rely upon private car journeys to access services and facilities in the wider area.

6. Whilst the proposed development will utilise a building that is not suitable for local needs, affordable needs housing or employment uses, it is not located within or well related to the settlement form of a Rural Service Centre and does not demonstrate an exceptional need to be in the proposed location.
7. The principle of the proposed development would not therefore align with the development strategy for the area and would increase unsustainable movements. This would be contrary to Policies 02 and 18 of the Lake District Local Plan (2021) and the National Planning Policy Framework (the Framework), which seek to reduce unnecessary travel and direct development to more sustainable locations.
8. Whilst there would be economic benefits arising from the holiday accommodation, such benefits would however be limited by the scale of the proposals, and I am not therefore convinced that they would outweigh the conflict with the development plan I have found.
9. Examples of similar approved proposals in the area have been provided by the appellant. I have limited evidence on these cases and note that most of the cases appear to have been determined prior to the adoption of the Local Plan in 2021, and therefore may have been determined within a different policy context. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

10. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C. Megginson

INSPECTOR