



Appeal Decision

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2024

Appeal Ref: APP/Q9495/W/23/3327339

High Cark Hall, Field Broughton, Grange-over-Sands, Cumbria, LA11 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Helen Lawler against the decision of Lake District National Park Authority.
- The application Ref 7/2022/5815 was approved on 9 March 2023 and planning permission was granted subject to conditions.
- The development permitted is described as "conversion and extension to a redundant barn to create a single 2 bedroom residence for local occupancy. Removal of part of a modern agricultural unit, following withdrawal of application refs 7/2022/5560 and 7/2022/5561".
- The condition in dispute is No 3 which states that: The dwellinghouse hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.
The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.
The condition contain a definition of a "Person with a Local Connection" and a definition of "Locality".
- The reason given for the condition is: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Local Plan Policy 15 and the accompanying Housing Supplementary Planning Document. The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

Decision

1. The appeal is allowed and planning permission is granted for conversion and extension to a redundant barn to create a single 2 bedroom residence for local occupancy. Removal of part of a modern agricultural unit, following withdrawal of application refs 7/2022/5560 and 7/2022/5561 at High Cark Hall, Field Broughton, Grange-over-Sands, Cumbria, LA11 6HS in accordance with the application Ref 7/2022/5815 dated 30 December 2022, without compliance with condition number 3 previously imposed on planning permission Ref 7/2022/5815 dated 9 March 2023 and subject to the following conditions:
 1. The development hereby permitted shall be commenced before the expiration of three years from the date hereof.
 2. The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority:

- Drawing no. 1 - Location Plan
 - Drawing no. 10A - Proposed Sections
 - Drawing no. 11A - Tree Constraints Plan
 - Drawing no. 2A - Site Layout Plan
 - Drawing no. 3A - Site Plan
 - Drawing no. 5B - Proposed Floor Plans
 - Drawing no. 6A - Proposed East Elevation
 - Drawing no. 7A - Proposed North Elevation
 - Drawing no. 8A - Proposed South Elevation
 - Drawing no. 9B - Proposed West Elevation
 - Design and Access Statement Services and Renewable Energy Statement
3. The dwellinghouse hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who immediately prior to occupation of the dwelling satisfies one of the following conditions:

- (1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week; or
- (2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
- (3) The person has been continuously resident in the locality defined for at least three years immediately prior to:
 - a) Needing another dwelling resulting from changes to their household,(including circumstances such as getting married/divorced, having children, or downsizing)
 - b) Undertaking full-time post-secondary education or skills training and is returning to the locality defined within 12 months of its completion, or

c) being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or

(4) The person is a former resident who lived in the Locality defined for at least three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure, or

(5) The person is a person who –

a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;

b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where –

i. The spouse or civil partner has served in the regular forces; and

ii. Their death was attributable (wholly or partly) to that service; or

c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service 'Locality' shall mean the administrative areas of the Parishes of:

Broughton East; Cartmel Fell; Claife; Colton; Coniston; Crook; Crosthwaite and Lyth; Dunnerdale with Seathwaite; Haverthwaite; Hawkshead; Hugill; Kentmere; Lakes; Lindale and Newton in Cartmel; Longsleddale; Nether Staveley; Over Staveley; Satterthwaite; Skelwith; Staveley in Cartmel; Torver; Underbarrow and Bradleyfield; Windermere; Witherslack; Meathop and Ulpha; and those parts of the Parishes of: Blawith & Subberthwaite; Broughton West; Egton with Newland; Grayrigg; Helsington; Kirkby Ireleth; Levens; Lowick; Selside and Fawcett Forest; Strickland Ketel; Strickland Roger; and Whinfell which lie within the administrative area of the Lake District National Park.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building, enclosure, structure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Local Planning Authority.

5. Notwithstanding the approved plans, details of the following shall be submitted, prior to their installation, to the Local Planning Authority for approval:

i) window details (including materials, profile, colour and means of opening)

ii) door details (including materials, profile, and colour)

Thereafter the development shall be carried out in accordance with the approved details.

6. The roof of the development hereby permitted shall be covered and maintained in slate to match that used in the construction of the existing building.
7. The stone faced external walls of the extension hereby permitted shall be faced in natural stone of a type to match (in terms of size, method of laying, pointing and jointing details) the appearance, character, colour and texture of the existing building.

Main Issue

2. The main issue for the appeal is whether a condition intended to restrict the occupation of the property to those with a local connection is necessary and reasonable.

Reasons

3. The Lake District National Park Local Plan 2020-2035 (LDNPLP) identifies that there is great pressure on the existing housing stock in many parts of the Lake District due in part to an increase in second home ownership and homes being used for holiday letting purposes. The 2011 Census identifies that 24% of the housing stock in the Lake District has no permanent resident. Earnings are also identified as being lower than in neighbouring urban areas, due to greater levels of agriculture and tourism. As a result, people relying on local wages cannot compete for housing in an open market. In addition, the general policy of restraint within National Parks precludes the unrestricted provision of new housing, focussing instead of meeting affordable and local needs. The LDNPLP seeks to address both these matters by, amongst other things, restricting the occupation of those new homes constructed within the National Park to permanent occupation by those with a local connection.
4. The planning permission in question relates to the conversion and extension of a redundant barn at Field Broughton. The property lies in open countryside, around 2 miles from the village of Lindale, in the Central and South-East Distinctive Area of the Lake District National Park, as identified within the LDNPLP. The property lies within Staveley-in-Cartmel Parish, in the south-west corner of the Central and South-East Distinctive Area.
5. In line with Policy 15 of the LDNPLP and the Authority's Housing Supplementary Planning Document (SPD) 2021, the permission is subject to a condition that restricts occupation of the dwelling to permanent occupation by a 'Person with a Local Connection'. This definition is strictly defined but broadly includes those who work in the Locality, those who currently live or have recently lived in the locality or those who are serving with or have a connection with the armed forces. The Locality is defined as being the parishes within the Central and South-East Distinctive Area of the Lake District National Park.
6. The property lies in close proximity to the boundary of the National Park and the local centres of Grange-over-Sands and Cartmel to the south and east which provide a high proportion of local services and facilities, lie outside the National Park. The settlements of Backbarrow and Haverthwaite to the west, lie

within the National Park but outside the Distinctive Area (DA) to which occupancy is restricted. The appellant is seeking to extend the Locality to which the condition applies to the Parishes of Grange-over-Sands, Allithwaite and Cartmel, and Lower Holker outside the Park, together with the South DA¹ within it.

7. In setting the Distinctive Areas within the Plan the Park Authority will have sought, as far as possible, to take account of local social geography including access to local services. However, in areas at the edge of these Distinctive Areas it is inevitable that residents will travel outside the area to access services beyond the National Park Boundary. It is also inevitable that Parishes within the same Distinctive Area, but not geographically close, may have no or very limited linkages.
8. The National Park Authority have recognised this in reviewing their supplementary planning guidance and I am now advised that the Housing Supplementary Planning Document (SPD) has been updated. The Distinctive Areas have been revised, and the property now lies within the South Distinctive Area. Furthermore, to reflect the nature of some Local Housing Market Areas, the guidance recognises that parishes immediately adjacent to but outside the National Park, where the parish looks towards the National Park to meet their housing needs can also, where appropriate be defined as the Locality in some cases.
9. In this case the appellant seeks to revise the condition to include the South DA which would include Haverthwaite and Backbarrow. The Council have no objection to this and in light of the revised guidance this appears to me to be reasonable. To alter the definition of Locality in the condition in this way would include those local to Haverthwaite and Backbarrow, localities which the appellant has identified as adjoining Parishes.
10. In relation to Grange and Cartmel, which both lie outside the National Park boundary, I take into account here the purpose of the occupancy restriction. It is intended to sustain local communities and the local economy within the National Park by assisting residents and those working within the Park to access housing. It does this by "ring-fencing" property from the open market, thereby increasing its availability to the selected groups. As not everyone can access such property this will generally, but not always, be reflected in the market price, thereby improving the affordability of the property for the local market for which it is intended. Extending the scope of the policy will have the effect of increasing the pool of those eligible to access the property, and in an area of low supply, as has been identified in the LDNPLP, may have the effect of driving up price, thereby reducing the effectiveness of the policy. For this reason, the numbers of those able to access such properties needs to be relatively restricted for the policy to be effective.
11. It is very likely, due to its relative proximity, that future residents of the property will use services in Cartmel and Grange. Similarly, existing residents in these areas are likely to find the property a desirable prospect as a place to live. However, I have no evidence that these areas are reliant on property in Staveley-in-Cartmel to meet their local housing needs in the way that those within the National Park are. If the property is sold to a resident of Grange or Cartmel it is not available to a resident within the National Park. This would

¹ As revised within the updated Housing Supplementary Planning Document (SPD)

not meet the objectives for which the property is intended – to sustain local communities and businesses within the National Park. Those currently living or working in Cartmel or Grange may be precluded by the occupancy condition from accessing the property but they can still live in the National Park if they choose to do so by accessing the large proportion of the housing stock² which is not subject to an occupancy restriction. Taking into account the relatively limited number of new homes being built in the National Park I do not consider the exclusion arising from the condition to be harmful, but rather reasonable and necessary.

12. I have considered, in light of the close geographical relationship of the property to centres outside the National Park, whether restricting the occupation of the dwelling in a way that would exclude a potentially large proportion of potential buyers might render the property unsellable or otherwise redundant. However, I have no cogent evidence that this would be the case. The South DA covers a large geographical area and in light of evidence in relation to the high demand for property across the National Park, if the property is marketed to reflect the occupancy restriction, long term vacancy would appear to be unlikely. Furthermore, due to the relatively restricted number of new homes being built each year in the National Park, the success of the strategy set out in the LDNPLP is dependent upon its strict application on a case-by-case basis. I find no convincing evidence that there is a justification to divert from that strategy here.

Conclusion

13. I therefore conclude that subject to the conditions set out above, the proposal would comprise sustainable development and would comply with the LDNPLP taken as a whole.
14. The original permission contained a number of conditions and other than condition 3, I consider these all to be reasonable and necessary. In addition to conditions which confirm the time limit for the development and the approved plans, condition 4, which restricts permitted development rights is necessary in order to protect the historic interest and character of the building which is curtilage listed. Condition 5 which requires further details of window joinery and conditions 6 and 7 which relate to the materials to be used on the building are necessary to ensure a satisfactory appearance for the building.
15. I have altered condition 3 to include all parishes within the areas defined as the South Distinctive Area within the LDNP Housing SPD. This is in order to ensure that the accommodation is occupied by persons with a defined local need in accordance with LDNPLP Policy 15.
16. Accordingly, having regard to all other matters raised, the appeal is allowed.

Anne Jordan

INSPECTOR

² Lake District National Park Local Plan p56

