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## Appeal Decision

Site visit made on 10 December 2024

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 December 2024**

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**Appeal Ref: APP/K0940/W/24/3345967**

**The Rookery, Sandside, Kirkby in Furness LA17 7UB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr John Arnold against the decision of Westmorland and Furness Council.
  - The application Ref is 2024/0272/FPA.
  - The development proposed is the change of use of lower ground floor of two storey dwelling to be used as separate holiday let.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of lower ground floor of two storey dwelling to be used as a separate holiday let at The Rookery, Sandside, Kirkby in Furness LA17 7UB, in accordance with the terms of the application 2024/0272/FPA and the plans submitted with it, subject to the conditions set out below.
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents;

Location plan  
Site block plan drawing number al(02)0001  
Proposed lower ground floor plan drawing number al(04)0010  
Existing and proposed plans drawing number al(05)0010
  - 3) The proposed car parking spaces shall be laid out as approved and retained for their intended use for the lifetime of the development permitted.
  - 4) The holiday let hereby permitted shall be occupied as short-term holiday accommodation only and shall not be occupied as a sole or main place of residence for any period. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

### Preliminary Matters

2. In December 2024 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the

main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.

### **Main Issues**

3. The main issues in relation to this appeal are the effect of the proposed development upon i) highway safety with regard to the provision of car parking and turning space and ii) the living conditions of future occupants with regard to the provision of external space.

### **Reasons**

#### *Highway safety*

4. The appeal site comprises a detached 4-bedroomed split-level dwelling. It has an existing driveway access onto Sandside, the initial part being shared with Junipers to the north.
5. The proposal would subdivide the existing property into a 2 bedroomed dwelling and one-bedroomed holiday let on the lower ground floor. The Council advises that 2 car parking spaces would be required for each use.
6. Four car parking spaces would be provided comprising the integral garage and 3 external spaces to the front and side of The Rookery. These are already in existence. There is no suggestion from the Council that the current car parking spaces are to be retained to provide on-plot turning space. It therefore appears that the proposal meets the Council's car parking requirements.
7. If all of the external spaces were occupied, there would be no room to turn within the appeal site. Smaller vehicles could reverse onto the apron adjacent the road to allow them to pull forwards onto Sandside. Otherwise, vehicles would be required to reverse into or out of the driveway to access the car parking spaces. Given the change in land level between the road and the driveway this manoeuvre is likely to be either up or downhill and around the boundary wall. Some occupiers may not find this problematic, but others may choose to park on the road for convenience.
8. Although a snapshot in time, during my visit there was limited on-street parking in the vicinity of the appeal site. Parking could be heavier in the evenings and weekends when people are less likely to be at work and may have visitors. I acknowledge that the occupants of some dwellings further to the north would rely on the presence of on-street parking. However, the properties in the immediate vicinity of the appeal site have their own on-plot parking, reducing the pressure on the highway capacity.
9. The holiday accommodation, configured with one bedroom and a sofa bed in the lounge, is most likely to attract couples or families with small children. Only one car is likely to be in attendance at one time and the appellant has suggested that the holiday let will be advertised as having one space.
10. Even if the proposal was to displace a vehicle onto the street it does not appear that car parking capacity would be breached, or that it would be detrimental to highway safety. On-street parking already occurs and there is no substantive evidence by way of a Highway Authority objection or accident records to suggest that further on-street parking in this location would be problematic. Sandside whilst narrow and sloping is an unclassified road, restricted to 20mph, that is relatively straight in alignment within the immediate vicinity of the appeal site. At the time of my visit, it was lightly trafficked and vehicle speeds were low. Drivers and cyclists would be aware

that there are existing accesses emerging onto the road such that they should proceed with caution.

11. The Council is concerned that the occupants of Junipers may erect a gate to the front of their access. From my observations that is unlikely to occur as it would make accessing their own property more difficult. Even if they did, it is unlikely to change the means of access to the appeal site significantly.
12. I am mindful that the appeal site is a large dwelling that could be occupied by a number of people including parents with adult children, that would generate a number of vehicular movements to and from the site. The occupants and their visitors could already park on the street if they wanted to, given the lack of restrictions. The access does have limited visibility but this is in part offset by the lightly trafficked nature of the road. Given the limited size of the proposed holiday let, the occupation of the appeal site would not increase significantly, or beyond that which would be expected of a large dwelling. If future occupants were to park on the road, they would be required to park considerably as would be the current situation.
13. In the absence of any compelling evidence to the contrary, it seems to me the impact on highway safety would not be materially worsened over and above the existing situation, for either drivers or cyclists. The residual cumulative impacts on the road network would not be severe.
14. For the above reasons, the proposed development would not have an unacceptable impact on highway safety, with particular regard to car parking and turning arrangements. As such the proposal would comply with Policy CS10.2 of the South Lakeland Local Development Framework, Core Strategy (CS) and Policies DM1 and DM2 of the South Lakeland Development Management Policies, Development Plan Document (DMDPD) 2019. Amongst other things, these policies seek to ensure safe access to the highway network and that the proposal meets adopted car parking standards. These objectives are shared with paragraphs 115(b) and 116 of the Framework which seeks to prevent unacceptable impacts on highway safety.

#### *Living conditions*

15. The Council's evidence with regard to the impact of the proposal on the living conditions of the retained dwelling is not particularly clear. The second reason for refusal relates to a cramped form of development arising from the lack of separate private accessible outdoor amenity space for the dwelling. However, the delegated report articulates its concerns in relation to privacy.
16. The proposal would effectively create 2 flats. The only route in and out of the dwelling would be via the front door. There would be no patio or private amenity space directly accessible from the habitable rooms of the dwelling, given that they would be at first floor level to the rear. However, the large rear garden would remain, effectively becoming communal space used by both of the proposed uses.
17. Occupants of the holiday let would stay for short periods and therefore not expect the full level of amenity of a permanent residence, including a private outdoor space. Future occupants would no doubt be aware of the communal arrangements of the outdoor space and the proximity to the appellant's dwelling before booking.
18. The holiday let would be within the control of the appellant. It would be their choice to give up or share their external space with holiday makers. The

appellant could create a separate private patio area within the larger garden without the need for planning permission if he wanted to. In addition, I note that the holiday let would only be separated from the dwelling by a lockable door. The appellant would therefore be able to access the patio and garden through this space when it is not in use.

19. The proposal provides the necessary number of car parking spaces and a large garden would remain useable for the dwelling. Overdevelopment of the appeal site and cramped living conditions would not ensue as a result.
20. I find that the living conditions of future occupants with regard to the provision of external space would not be adversely affected. Consequently, the proposal complies with Policies DM1 and DM2 of the DMDPD. These policies seek to ensure the delivery of acceptable levels of amenity through the retention and/or provision of adequate private and shared spaces.
21. I have not referred to Policies CS1.1 and CS8.10 of the CS as they do not appear to relate to living conditions, and the Council has not articulated concerns regarding design or sustainable development in its evidence.

### **Other Matters**

22. There is no reason to suggest that the occupation of a small holiday let would create any more noise and disturbance than a typical residential use. The appellant would be living above the holiday let providing natural surveillance and management.
23. The proposal whilst reducing the size of an existing dwelling, would not remove it from the housing stock. Minimal changes are proposed, such that it could revert back to a larger dwelling relatively easily. The Council confirms that the principle of this use in this area is acceptable. There is no indication that the need for holiday accommodation has to be proven, or that existing provision goes beyond any identified need. There is no substantive evidence before me to suggest that a single holiday let would be contrary to the development plan or would be harmful to the cohesiveness of the local community, such that I should take a different view. The effect of the proposal on house prices is not a planning consideration.

### **Conditions**

24. The Council's suggested conditions have been considered and the wording varied where necessary, to ensure precision and compliance with the Planning Practice Guidance and paragraph 57 of the Framework. This does not affect the purpose of the conditions. Along with the standard time limit, conditions are imposed to list the approved plans, retain the car parking spaces for their intended use and prevent the holiday let from being used as anything other than short-term holiday accommodation, all in the interests of certainty.

### **Conclusion**

25. The proposal complies with the development plan. There are no other considerations that override this finding or indicate that my decision should not be made otherwise than in accordance with the development plan. For the reasons given, the appeal is allowed.

*M Clowes* - INSPECTOR