



Appeal Decision

Site visit made on 13 January 2025

by **K L Robbie BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/K0940/W/24/3350107

Annexe, Rosslyn, Natland, Kendal, Westmorland & Furness LA9 7PT

- 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 and Mrs R Hodgson against the decision of Westmorland and Furness Council.
- The application reference is 2024/0089/FPA.
- The development proposed is the use of an existing residential annexe for independent residential use.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2024. It does not change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the appeal property is in a suitable location for the proposed development having regard to local and national policies and access to services and facilities.

Reasons

4. The appeal site relates to a building which was originally built as a garage and subsequently used for living accommodation ancillary to the host dwelling known as 'Rosslyn'. It is located within a small cluster of around 6 dwellings adjacent to a main arterial road (A65) south of the town of Kendal. The appeal proposal would see the building used as an independent residential dwelling.
5. Policy DM13 of the South Lakeland Development Management Policies Development Plan Document (DMDPD) sets out the Council's policy in relation to housing development in small villages and hamlets. This policy is intended to direct development to areas which have good access to and to help sustain local services, meet local housing needs or support local businesses in accordance with a settlement hierarchy set out in South Lakeland Core Strategy (CS) Policy CS1.2.
6. The appeal property is not located within either a small village or hamlet¹ and is consequently located within the open countryside where CS Policy CS1.2 states that new development is only exceptionally acceptable subject to a range of criteria or circumstances. The purpose of these policies is to ensure that housing

¹ defined in DMDPD Policy DM13 as a group of at least 10 houses with contiguous frontage.

development is delivered within and adjacent to identified settlements, but not in the countryside. Whilst not isolated in terms of Paragraph 84 of the Framework, the host dwelling and the garage, which forms the appeal site, lie outside any identified settlement.

7. The appeal site is close to an allocated employment site located off the A65. I have not been provided with any substantive evidence that this is any more than an allocation at present, consequently the weight which I can attribute to this benefit is limited. Although the site may have been recently brought to the market, I have no evidence that development is imminent. Although there are some employment opportunities on the southern periphery of Kendal, it would be unreasonable to impose a planning condition to ensure that future occupiers of the property would be employed either here or at the nearby public house. I therefore place little weight on this locational benefit, that an additional dwelling in this location which would have close access to an employment opportunity that may or may not materialise.
8. A convenience store is located approximately 10 minutes' walk from the appeal site. This would provide some opportunities for future occupiers to source provisions locally, however it is unlikely to satisfy all their shopping needs which are located further away. Whilst bus stops are located relatively close to the appeal site I have not been provided with information as to the regularity or timings of any of the services from them, other than that they comprise 7 buses in each direction daily. In the absence of detailed information about the frequency and destinations of bus services from the bus stops I cannot conclude that anything other than significant car dependency is likely. This is the least sustainable travel option. Therefore, the location of the appeal site is such that future occupiers would be more likely to rely on the private car as a more convenient mode of transport, particularly to access employment, shops and services.
9. DMDPD Policy DM16 relates to the conversion and re-use of buildings in the open countryside and establishes the circumstances under which they would be appropriate. The building is of traditional design and construction with a pitched roof and is finished in render with a tiled roof, which the Council contends are not traditional materials and I have no reason to disagree. Furthermore, the appeal building is a previously converted building, and whilst it is not currently in use could not be reasonably described as disused. Consequently, I find that exceptional circumstances which would lead me to conclude that the proposal would be acceptable in this location do not exist.
10. I therefore conclude that the appeal site does not represent a suitable location for an additional independent residential dwelling, having regard to the settlement hierarchy and access to services and facilities. It would therefore conflict with DMDPD Policy DM13. This policy is consistent with the Framework in seeking to direct housing to settlements where there is easy access to services and facilities. It would also conflict with DMDPD Policy DM16 which is concerned with the conversion of buildings in rural areas.

Other Matters

11. The appellant contends that the proposal should be assessed in accordance with the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework. However, mindful that I have not been made aware by either party that the Council cannot demonstrate a 5-year housing land supply, I can only

therefore conclude that the development plan policies are up-to-date and that the provisions of paragraph 11(d) are not triggered.

12. I note that it is intended for the unit to be rented out as a long term let retained in the ownership of 'Rosslyn', but I am not convinced that this could be reasonably controlled by planning condition, nor would it weigh in favour of the appeal. Moreover, a condition requiring the unit to be occupied as a person's only or principal home would not be enforceable or reasonable.
13. Activity generated by the proposed occupation of the unit may be no greater than if it were used as a residential annexe and the floorspace provided would exceed the Nationally Described Space Standards for a single person unit. I also note there would be no harmful effect on the highway network. The unit would have its own garden, and there would be no harm to the visual appearance of the area. These are neutral effects rather than benefits and as such do not weigh in the developments favour.
14. The appellant has pointed to a press article which suggests that the Local Authority is facing problems attracting staff partly due to the rising cost of housing in the area. A benefit would accrue from providing one additional housing unit for a single person in the area. However, I have no compelling evidence before me which would indicate that the proposal would provide anything other than a negligible contribution toward the supply of housing locally. Furthermore, I have no mechanism before me to secure the unit as an affordable dwelling to alleviate the issue of rising housing costs. These are not therefore material considerations to which I give any significant weight and would not overcome the harm that I have identified in the main issue.

Conclusion

15. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR