



Appeal Decision

Site visit made on 14 January 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/Q9495/W/24/3351288

23 Eskin Street, Keswick CA12 4DQ

- 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 Roy Collie against the decision of Lake District National Park Authority.
 - The application Ref is 7/2023/2235.
 - The development proposed is change of use from B&B (C1) to holiday let (C3). No structural changes either internal or external.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Premises Management Plan was submitted in support of this appeal. Interested parties have had an opportunity to review and make comments on the evidence submitted. Therefore, I do not consider that the Council or any interested parties would be prejudiced if I accept this information.

Main Issue

3. The main issue is the effect of the proposed change of use on the living conditions of the occupants of 21 and 25 Eskin Street in regard to noise and disturbance.

Reasons

4. Eskin Street contains a mix of traditional stone terraces and contemporary apartment blocks and dwellings. The appeal property, 23 Eskin Street (No 23), is a traditional three storey mid-terrace property with accommodation in the attic. The appeal property is currently in use as a guest house, the properties on either side 21 and 23 Eskin Street are occupied as private residential dwellings.
5. The appeal property currently operates with the capacity to accommodate 10 guests and includes owner accommodation which allows for the presence of on site management within the building. Although all of the bedrooms could be booked by a single group, ordinarily for accommodation of this type, rooms would be let by separate individuals or groups on a room by room basis.
6. The proposal is for the change of use of No 23 to allow for it to be occupied as a holiday let. Two of the bedrooms within the property would be retained as private accommodation and the appellant states that the capacity of the property as a holiday let would continue to be for up to 10 guests.
7. Under the terms of Policy 18 of the Living Lakes Your Local Plan Lake District National Park Local Plan 2020-2035 (LP) it is noted that there is no policy

requirement for the use of the building as a guest house to include on site management. In light of this, there is potential for the building as existing to be let without on site management present. As the proposed capacity would remain unchanged the main difference between the existing and proposed uses would be the way the accommodation would be let, from individual rooms to a single unit.

8. As detailed above there would be potential for all of the rooms within a guesthouse to be booked by a large group of people rather than as individuals. However, this would be less likely than if the use of the property allowed for it to be rented as a whole on all occasions. Large groups staying in the property together would be more likely to socialise as a group and the nature of how and when this socialisation occurs is difficult to manage. While some groups may be quiet and socialise at a reasonable time, others may be louder and socialise late in the evening or early hours of the morning.
9. There is no information before me to demonstrate that the turnover of guests between the existing and proposed use would not be similar. However, guest turnover does not have a material impact on the operational differences between each type of use.
10. Keswick Town Council object to the development on the grounds that large holiday lets are more likely to result in incidents of anti-social behaviour contrary to Policy 06 of the LP. They supported their objection by evidence in the form of a collection of letters from local residents detailing the harmful impact that large holiday lets have on their living conditions due to anti-social behaviour. The supporting letters also state that management plans and agencies running neighbouring holiday lets are reactive and ineffective in resolving the issues arising from anti-social behaviour.
11. The submitted Premises Management Plan includes a number of measures to manage noise, including individuals living nearby that would act as emergency contacts. However, based on the evidence before me, the measures listed would be reactive or difficult to enforce. Further, any conditions requiring compliance with a Management Plan would also be difficult to enforce in planning terms and not precise enough to meet the tests set out in the Planning Practice Guidance. As such, there is no effective mechanism before me to ensure that the use of the building as a large holiday let would not have a harmful effect on the living conditions of neighbouring occupants. The past use of 21 and 25 Eskin Street as guesthouses does not affect my assessment in this regard.
12. For the reasons detailed above the proposed change of use would have a harmful effect on the living conditions of the occupants of 21 and 25 Eskin Street in regard to noise and disturbance. Therefore, the development is contrary to Policy 06 of the LP, which requires that development must not have an unacceptable impact on the amenity of adjoining residents due to noise or other adverse impacts.

Other Matters

13. The Council has raised no material concerns with regard to other amenity standards including overlooking, loss of light, overbearing, the principle of the proposal, impact on parking, impact on the River Derwent and Bassenthwaite Lake SAC and flood risk. As the proposal would involve minimal external works and there would be no change to the guest capacity of the property, I find no reason to

disagree with the Council. However, an absence of harm in these respects are neutral factors weighing neither for nor against the proposed change of use.

Conclusion

14. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR