



Appeal Decisions

Site visit made on 3 June 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal A Ref: APP/Q9495/C/24/3353020

Appeal B Ref: APP/Q9495/C/24/3361845

Land at La Sagesse, Queens Drive, Windermere, Cumbria LA23 2DE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Smith (appeal A) and Mrs Smith (Appeal B) against an enforcement notice issued by the Lake District National Park Authority.
- The notice was issued on 21 August 2024.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the land from a single dwellinghouse to three dwellinghouses.
- The requirement of the notice is to discontinue the use of the land otherwise than as a single dwellinghouse.
- The period for compliance with the requirement is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) (Appeal A only), (b), and (d) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C Ref: APP/Q9495/W/24/3353017

Convent La Sagesse, Queens Drive, Windermere, Cumbria LA23 2DE

- 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 & Mrs Smith against the decision of the Lake District National Park Authority.
- The application Ref is 7/2024/5145.
- The development proposed is described as the use of existing ancillary accommodation as ancillary accommodation and holiday let.

Decisions

1. Appeal A – It is directed that the enforcement notice is corrected by:
 - i. The deletion of the words “of the land” from the words describing the alleged breach of planning control in section 3 of the enforcement notice.
2. Subject to this correction, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use from a single dwellinghouse to three dwellinghouses at La Sagesse, Queens Drive, Windermere, Cumbria LA23 2DE as shown on the plan attached to the notice, and subject to the condition in the attached schedule.
3. Appeal B – The appeal is dismissed.
4. Appeal C – The appeal is dismissed.

Preliminary Matters

5. To ensure clarity and precision, I have corrected the notice to omit the words 'of the land' from the alleged breach of planning control because the wording is superfluous. I am satisfied that the notice can be corrected in this way without resulting in injustice to the parties.
6. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, and it is a material consideration in the determination of planning and enforcement appeals. Further amendments were published on 7 February 2025. However, the revisions and amendments to the Framework are not relevant to the matters raised in this appeal.
7. In relation to Appeal C, the address on the application form cites 'Westmorland and Furness' as the county in which the appeal site is located. However, Westmorland and Furness is the name of a Unitary Authority which governs part of the county of Cumbria. As a matter of fact, it is not a ceremonial, geographic, or postal county in England. Despite changes to local governance, the county of Cumbria endures. I have therefore omitted reference to Westmorland and Furness from the site address and, for all three appeals, included Cumbria, as this is a more accurate reflection of the site's geographical location.

Background and Planning History

8. The appellants purchased the appeal property in 2017 from the Roman Catholic Diocese of Lancaster. Following this, the appellants carried out a complete renovation of the property, resulting in a three bedroom house (La Sagesse) together with an integral annex. This annex is located on the first floor over the garage and, for the purposes of the appeal, is referred to as Unit 1.
9. In 2021, the appellants obtained planning permission¹ for the erection of a timber framed garden building attached to the existing building. The intention was that this building would accommodate an elderly relative, but sadly they passed away before construction was complete. This building is referred to as Unit 2.

The appeals on ground (b)

10. An appeal on ground (b) is that the matters alleged to constitute the breach of planning control have not occurred as a matter of fact. This is a legal ground of appeal, and the onus of proof is firmly on the appellant to demonstrate that some or all of the alleged matters had not in fact occurred at the time the notice was issued. Therefore, to succeed on this ground the appellants are required to demonstrate, on the balance of probability, that a change of use from a single dwellinghouse to three dwellinghouses has not occurred.
11. There is no dispute that Units 1 and 2 are being let for holiday accommodation, with both units being promoted online and listed on the short-term letting website Airbnb. Unit 1 is listed as 'The Retreat at La Sagesse' and Unit 2 is listed as 'The Annex, La Sagesse'. Nevertheless, it does not follow that because they are in use as holiday accommodation that the units are not dwellinghouses. As noted above, the allegation states a material change of use from a single dwellinghouse to three dwellinghouses and, therefore, my assessment for the ground (b) does not go beyond this.

¹ Planning Permission Ref. 7/2021/5857

12. It is the appellant's case that the alleged change of use to three dwellinghouses has not occurred, because, in their view, the land remains as a single dwellinghouse, with the use of Units 1 and 2 being ancillary or incidental to the use of the main dwellinghouse (La Sagesse).
13. Section 55(2)(d) of the Town and Country Planning Act 1990 (the Act) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such, does not involve development of the land. Whereas section 55(3)(a) of the Act confirms that the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change of use of the building and of each part of it which is so used.
14. In this case, the question for the appeal on ground (b) is whether the use of Units 1 and 2 is ancillary or incidental to the use of La Sagesse, and therefore remain part of that dwellinghouse, or whether their use has resulted in the creation of separate self-contained dwellinghouses and thereby resulting in a material change of use.
15. The term 'dwellinghouse' is not defined by the Act. In planning terms, it is generally understood to mean a self-contained residential unit. *Gravesham*² is the leading authority on defining a dwelling, with the distinctive characteristics of a dwellinghouse being its ability to afford those who use it the facilities required for day-to-day private domestic existence. Those being facilities for living, sleeping, cooking and personal hygiene.
16. Furthermore, in *Burdle*³, it was held that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key. Both functional and physical separation are required before a smaller unit can be identified, since without functional separation the ancillary link remains; and without physical separation there is no smaller physical area which can be identified as a separate unit.

Unit 1 – The Retreat at La Sagesse

17. Unit 1 consists of an open plan kitchen/living/dining area that is fitted out with a sofa, TV, coffee table, kitchen units, worktop, sink, fridge, microwave, oven, hob and extractor, and a small dining table and chairs. In addition, there is a double bedroom and a shower room with sink basin and toilet.
18. There is access to Unit 1 through an internal lockable door from the main dwellinghouse (La Sagesse). However, it also has its own separate access via an external staircase. When let as holiday accommodation it is occupied by a separate household unrelated to the occupiers of La Sagesse, and with private access via the external staircase. It is therefore both physically and functionally separate from the use of La Sagesse as a dwelling.
19. Furthermore, whilst not determinative on its own, the Airbnb online listing for The Retreat at La Sagesse describes the property as '*...a self contained flat attached to our main family home*'. The listing also boasts that '*The retreat is totally self*

² *Gravesham BC v SSE and Another* [1984] 47 P&CR 143

³ *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

contained and no-one but yourselves will have or need access to the property during your stay’.

20. Thus, Unit 1 provides all the facilities required for day-to-day private domestic existence and, when let to holidaymakers, is occupied and used as a self-contained residential unit. Therefore, it cannot be said that its use is incidental or ancillary to the residential use of La Sagesse.

Unit 2 – The Annex at La Sagesse

21. Unit 2 comprises a double bedroom; shower room, with sink basin and toilet; and, an open plan kitchen/living/dining area that is furnished with a sofa, coffee tables and a small dining table and chairs. The kitchen area is fully equipped with an oven, hob and extractor, sink, fridge, fitted units, worktop and microwave.
22. Access to Unit 2 is via a timber-framed porch to the front of the building and completely independent of La Sagesse. When occupied as a holiday let, the holidaymakers occupy Unit 2 as a separate household, unrelated to the use of La Sagesse. Therefore, its residential use is not reliant on the use of La Sagesse. Whilst not detached from La Sagesse, Unit 2 is both physically and functionally separate from the use of La Sagesse as a dwelling.
23. Also, whilst not determinative on its own, the Airbnb online listing for The Annex at La Sagesse describes the property as ‘*a self contained mini house attached to our family home*’ with its own private entrance, dedicated offroad parking, and small private outside seating area.
24. Therefore, I find that Unit 2 provides all the facilities required for day-to-day private domestic existence and, when let as holiday accommodation, it is occupied and used as a self-contained residential unit. Accordingly, its use is neither incidental nor ancillary to the residential use of La Sagesse.
25. I note that utilities serving both Units 1 and 2 are via La Sagesse, and that the property is registered as a single unit for Council Tax purposes. However, given the extensive facilities offered by these units and their obvious use as independent self-contained units, these matters do not lead me away from my findings in this case. Similarly, the fact that the units are occasionally used as additional accommodation by the appellant for friends and family does not change the fact that they are self-contained units that do not rely on the residential use of La Sagesse.
26. Consequently, when applying the tests from both *Gravesham* and *Burdle*, I find that both Units 1 and 2 are in use as separate self-contained dwellinghouses and two new planning units have been established. Therefore, a material change of use from a single dwellinghouse to three dwellinghouses has occurred as a matter of fact.
27. Accordingly, the appeals on ground (b) must fail.

The appeals on ground (d)

28. The ground of appeal is that, at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control constituted by the matters alleged in the notice. The appellants plead ground (d) only in relation to Unit 1 - The Retreat.

29. The time limits for taking enforcement action are set out at s171B of the Act. S171B(2) provides that, no enforcement action may be taken in respect of a change of use of any building to use as a dwellinghouse after the end of the period of 10 years beginning with the date of the breach. However, in this case it is common ground that the change of use took place before 25 April 2024. Therefore, in accordance with the transitional arrangements⁴, the time limit for immunity is four years rather than 10.
30. Therefore, in order to achieve success on this ground, it is necessary for the appellant to demonstrate that the use of Unit 1 as a dwellinghouse had taken place for a consecutive period of at least four years before the notice was issued. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity. If this cannot be shown, then the use would not be immune from enforcement action. The evidential test is on the balance of probability, and it is for the appellants to prove their case with evidence that is sufficiently precise and unambiguous.
31. It is therefore necessary to pose two questions in relation to the appeal on ground (d): 1) when did the change of use take place; and, 2) whether the use continued throughout the requisite period to have become immune from enforcement action.
32. There is no dispute that Unit 1 was first occupied as a dwellinghouse providing holiday accommodation in April 2019. To support their case for continuity of use the appellant cites 292 reviews on the Airbnb website, left between April 2019 and September 2024, with a selection of reviews provided from April 2019. However, this evidence is incomplete and does not demonstrate that the unit was actually in continuous use throughout the requisite period. Beyond this, no evidence has been presented to persuade me, on the balance of probability, that the alleged use of Unit 1 had continued for the requisite four-year period.
33. Indeed, the appellants state that in addition to the use as holiday accommodation, the space is used as additional guest accommodation by the appellants. Whilst during these periods the unit would not lose its distinctive characteristics of a dwellinghouse, the use would in essence break its physical and functional separation from La Sagesse. It would therefore revert to an ancillary use associated with the residential use of La Sagesse.
34. As a result, each time Unit 1 was used by the appellants as ancillary accommodation to La Sagesse, this would represent a significant interruption in the use of the unit as a self-contained dwellinghouse. When used in this way, there would be no breach of planning control against which the LPA could take enforcement action. Therefore, this would reset the clock for the immunity period.
35. Consequently, the evidence before me is not sufficiently precise and unambiguous to demonstrate, on the balance of probability, that the use of Unit 1 (The Retreat) as a separate dwellinghouse had acquired immunity, in accordance with the requisite four-year period, prior to the date of the enforcement notice.
36. The ground (d) appeals therefore fail.

⁴ Section 5(b) of The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024

The appeal on ground (a)

37. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, as corrected, planning permission ought to be granted. Therefore, in this case, planning permission is sought for a change of use from a single dwellinghouse to three dwellinghouses.
38. From a review of the evidence before me, the main issue is:
- Whether the change of use to accommodate two additional dwellings is acceptable, with regard to relevant local housing policy and standards.
39. The development is located within Windermere, which is identified as a Rural Service Centre in the Lake District National Park Local Plan 2020-2035 (the Local Plan). Policy 02 of the Local Plan identifies Rural Service Centres as being the focus for housing, employment and retail development, by virtue of their access to a range of local services, community facilities, and employment opportunities.
40. Local Plan Policy 15 seeks to increase the supply of homes to meet local community need. The policy seeks to achieve that objective by supporting new permanent homes that: contribute towards helping communities remain vibrant and resilient; and achieve a better balance in the housing market; and are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances. The policy specifically does not support open market housing and is applicable to all new housing proposals, including the sub-division of existing homes.
41. The supporting text to the policy explains that there is immense pressure on existing housing stock in many areas of the Lake District, due in part to the purchase of second homes or for holiday letting purposes, with a large majority of the existing housing stock being unfettered by occupancy controls. It also highlights the fact that earnings in many parts of the National Park are lower than in neighbouring urban areas, due to a lack of large industry and greater levels of agriculture and tourism. This makes it difficult for people relying on local wages to compete for housing in an open market, hence the strong policy impetus for providing local needs housing with occupancy restricted to ensure the need is being met.
42. In terms of local housing need, the Strategic Housing and Economic Needs Assessment⁵ (the SHENA) identifies that 15% of the housing need in the Lake District housing market sub-area is for houses with one bedroom. In this case, the additional dwellings each contain one bedroom. Therefore, they would meet an identified local housing need.
43. The LPA's Housing Supplementary Planning Document (the Housing SPD) sets out the Authority's requirements for all new housing and advises how Policy 15 is applied to the determination of planning applications, including the range of planning controls that will be used. Appendix B of the Housing SPD advises that the LPA will refer to the Government's Technical housing standards⁶ to help guide decisions on the size of future housing development.

⁵ Strategic Housing and Economic Needs Assessment, Final Report, Produced by Icen Projects Limited on behalf of South Lakeland District Council, April 2023

⁶ Technical housing standards – nationally described space standard, published by the Department for Communities and Local Government, March 2015

44. In this case, the accommodation provided by Units 1 and 2 is laid out over a single storey. While they each have 1 bedroom with a double bed, they could each accommodate a single person. The minimum gross internal floor area (GIA) advised by the Housing SPD for a 1 bedroom, 1 person, 1 storey home with shower room is 37sqm.
45. In their initial submission, the appellants state that Unit 1 has a floor area of approximately 25sqm. However, they have provided no technical evidence to support this measurement. The LPA has provided the 2016 sales particulars for the property which show that the floor area of the two bedrooms that previously made up part of the area where Unit 1 has been formed, together, amount to 26.8 sqm. Based on this, the LPA calculate the whole floor area of Unit 1 to be approximately 34sqm. Whilst it is difficult to reconcile these differing measurements, I note that the appellant does not dispute the LPA's figures.
46. With approximately 34sqm of floor area, Unit 1 falls short of the minimum GIA that is advised by the Housing SPD. Nevertheless, the SPD requirements are only advisory and so a technical breach of this guidance does not, on its own, indicate that Unit 1 could not provide a suitable standard of housing.
47. I have already found that Unit 1 is well-equipped with all the facilities required for day-to-day private domestic existence. I also observed that the property is finished to a particularly high standard. The open plan kitchen/living/dining area did not feel cramped, and the bedroom and shower room are of a good size. All of the rooms appeared to have good levels of natural light and sufficient outlook.
48. Whilst there is off-street parking available, I acknowledge that there is a lack of private outdoor amenity space. However, there is access to a shared garden/patio area, and there appears to be sufficient space within the appeal site for further provision to be provided.
49. Turning to Unit 2, the appellant advises that the internal floor area extends to 38.6sqm, based on measurements taken from a measured survey. Therefore, in applying the minimum GIA set out by the Housing SPD, the property exceeds the standard.
50. The property is well laid out with a good range of modern equipment and all the facilities required for day-to-day private domestic existence. The open plan arrangement provides a spacious feel, and the rooms do not appear to be unduly small. Occupiers also benefit from good levels of natural light and sufficient outlook. Externally, there is off-street parking with EV charging available, and the property is described as having access to a private outdoor area. The outdoor area appears to be shared, but nevertheless, as with Unit 1, there looks to be sufficient scope for this provision to be extended within the confines of the appeal site.
51. Overall, I find that both Units 1 and 2 provide a good standard of accommodation that is of a high quality design, with sufficient internal space for each of the units to be comfortably occupied by a single person. Therefore, both Units 1 and 2 would provide a pleasant living environment for permanent occupation. The units are also conveniently located to access a range of local services and employment opportunities available in the locality. Consequently, both units are suitable for local needs housing.

52. To conclude on this issue, subject to a condition restricting the occupation of the new dwellings to persons eligible by local geography, the change of use to accommodate two additional dwellings is acceptable, having had regard to relevant local housing policies and standards. Therefore, the development is compliant with Local Plan Policies 02 and 15, which together seek to boost the supply of housing to meet local needs.

Other matters

53. The appeal site is located within the Windermere Conservation Area (WCA), and therefore I am mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the WCA is in part derived from the architectural and historic interest of the area's buildings, which initially grew from a tiny settlement clustered around an isolated railway terminus in an open rural landscape. These early buildings are good examples of typical provincial Victorian and Edwardian architecture, utilising local materials that create a distinctive Lakeland identity.
54. La Sagesse is a period property which makes a positive contribution to the character and appearance of the WCA. However, the change of use does not involve any physical alterations or works to the appeal site, and it would maintain the residential character of the site within a predominantly residential area. Therefore, I am satisfied that the development would preserve the character and appearance of the WCA. Nevertheless, this is a neutral consideration.
55. It is abundantly clear from the appellants' submission that they were seeking planning permission to enable the use of Units 1 and 2 as holiday accommodation. However, in accordance with section 177 of the Act, I can only consider a grant of planning permission in respect of the development that is being enforced against. That being the matters stated in the enforcement notice as constituting a breach of planning control. In this case, the breach, as corrected, is identified as a material change of use from a single dwellinghouse to three dwellinghouses, nothing more.
56. In any case, Policy 18 of the Local Plan states that proposals for the reuse of existing buildings (excluding guest houses) for short term holiday letting will only be supported where they would not utilise a building that is suitable for providing local need or affordable needs housing. I have found that the dwellinghouses are suitable for providing local needs housing, and so there would be tension with Local Plan Policy 18.
57. I note the support from some interested parties and the fact that no concerns are raised in relation to parking, noise, or disruption to neighbouring residents. However, this does not overcome the conflict I have found with local housing policy.

Conditions

58. I have carefully considered the LPA's suggested local occupancy condition against the tests set out in the Framework. This requires conditions to be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise, and reasonable in all other respects.
59. The condition is necessary and reasonable in order to satisfy Policy 15 of the Local plan and the requirements of the LPA's Housing SPD. This will restrict the future occupancy of the dwellinghouses in line with the LPA's local occupancy criteria.

Accordingly, the condition is both necessary and reasonable in order to make the development acceptable in planning terms, and without which permission would be refused.

60. However, insufficient evidence has been presented to justify the local eligibility criteria to include a person with a connection with the Armed Forces. A demonstrable connection between the Armed Forces and local housing need has not been made out in this case. Furthermore, in its reasoning for the condition, the LPA cite legislation in relation to the allocation of housing by a Local Housing Authority, as distinct from its duties of a Local Planning Authority. I will therefore omit this criterion from the wording of the condition because it serves no planning purpose, and so fails the tests of relevance, reasonableness, and necessity.
61. I also find the LPA's suggested wording in relation to mortgagees and successors in title to be irrelevant and unnecessary as this relates to matters of ownership, whereas the condition, and the justification for it, is concerned with the occupation of the dwellinghouses.

Appeal C: Ref: APP/Q9495/W/24/3353017

Preliminary matters

62. The annex building in this case is identified in Appeals A and B as Unit 2 (The Annex at La Sagesse). Therefore, my assessment and determination in relation to Appeal C is focused on this building. Nevertheless, given the site context and the issues raised, there is inevitably some repetition in my reasoning.
63. The appellants have advised that the proposed use is already taking place. Therefore, the development is considered on a retrospective basis.

Background and Main Issue

64. The LPA's reason for refusing planning permission raises no concerns in relation to the use of the existing annex building as accommodation ancillary to the main dwellinghouse. Instead, its principal and sole concern relates to the use of the annex as holiday letting accommodation.
65. Therefore, the main issue is:
- whether the use of the annex as holiday letting accommodation is acceptable, having regard to local housing policy.

Reasons

66. As already discussed, Policy 15 of the Local Plan seeks to increase the supply of homes to meet local community need. This approach is underpinned by the Local Plan's spatial strategy, set out by Policy 02, which supports development that contributes towards meeting the needs of the local community. In addition, Policy 18 of the Local Plan states that proposals for the reuse of existing buildings (excluding guest houses) for short term holiday letting will only be supported where they would not utilise a building that is suitable for providing local need or affordable needs housing. The overall policy thrust being to prioritise and secure permanent housing to meet local community need.
67. Without repeating my reasoning here, my findings in relation to Appeal A indicate that Unit 2 is suitable for providing local needs housing. Therefore, the use of the

annex as holiday accommodation undermines the LPA's efforts to increase the supply of homes to meet local need, and to subsequently achieve a better balance in the local housing market.

68. Consequently, the use of the annex as holiday accommodation is unacceptable, having regard to local housing policy. The development is in conflict with Local Plan Policies 02, 15 and 18, the aims of which are set out above.

Other matters

69. As noted in Appeal A, the appeal site is located within the WCA, and therefore I am mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, the change of use does not involve any physical alterations or works to the appeal site, and it would generally maintain the residential character of the site within a predominantly residential area. Therefore, I am satisfied that the development would preserve the character and appearance of the WCA. However, this is a neutral consideration.

Overall Conclusions

Appeal A

70. Subject to a condition to restrict the future occupancy of the dwellinghouses in line with the LPA's local occupancy criteria, I have found the development to be compliant with the above cited policies of the development plan. The other matters and considerations advanced in favour of the proposal are of insufficient weight to justify a decision other than in accordance with the development plan.
71. Therefore, I conclude that Appeal A should succeed on ground (a). I shall grant planning permission for the development as described in the notice, as corrected, and subject to the condition in the attached schedule. The enforcement notice will be corrected and quashed.

Appeal B

72. For the reasons given, the appeal should not succeed.

Appeal C

73. The development is harmfully frustrating local housing policy and undermines the LPA's efforts to meet local housing need. In this regard, I have found the development to be in conflict with the above cited policies of the development plan. There are no material considerations that would indicate that the appeal should be determined other than in accordance with the development plan.
74. Therefore, for the reasons given, the appeal should be dismissed.

J M Tweddle

INSPECTOR

Schedule of Conditions

- 1) The dwellinghouses identified as Unit 1 (The Retreat at La Sagesse) and Unit 2 (The Annex, La Sagesse) shall not be occupied otherwise than by a Person with a Local Connection as their Only or Principal Home, or the widow or widower of such a person, and any dependants of such a person living with them.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) 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 criteria:

- (i) 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,
- (ii) 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,
- (iii) The person has been continuously resident in the Locality defined for a period of 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
- (iv) The person is a former resident who lived in the Locality defined for a period of 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.

'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.