



Appeal Decision

Site visit made on 27 November 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/K0940/W/25/3370156

Toad Cottage, Beckside, Pennington, Ulverston LA12 7NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sheila Dawber against the decision of Westmorland and Furness Council.
 - The application reference is 2025/0828/FPA.
 - The development proposed is described as 'Change of Use of Existing Garden Log Cabin for Use as a Holiday Let and Ancillary Residential Accommodation'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing garden log cabin for use as a holiday let and ancillary residential accommodation at Toad Cottage, Beckside, Pennington, Ulverston, LA12 7NX, in accordance with the terms of the application, reference 2025/0828/FPA, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have been provided with a copy of a certificate of lawful use or development¹ (LDC) issued in relation to the conversion of a detached garage at Coppice Cottage, Knowlegate, where it was concluded that additional living space within the same planning unit as the dwellinghouse would not amount to development as defined by section 55 of the Act. In light of this decision, the appellant indicates that the log cabin can lawfully be used as ancillary accommodation for family members as part of the occupation of Toad Cottage, as a single family dwelling.
3. The LDC does not relate to the appeal site. Whether the provision of additional living space amounts to the same or a separate planning unit from the main dwelling, is a matter of fact and degree, requiring a judgement to be made on the circumstances of each case. Nevertheless, the appeal scheme seeks planning permission for use as a holiday let and ancillary residential accommodation, and I have determined the appeal based on the description of development applied for.

Main Issues

4. The main issues are (a) whether this is a suitable location for the proposed development, considering local and national policies relating to tourist accommodation, (b) whether the building is suitable for conversion, with particular regard to its use, construction, materials, design, and curtilage arrangement, and (c) the effect of the development on highway safety, with particular regard to parking provision.

¹ Appeal Ref: APP/L3245/X/22/3309076

Reasons

Suitability of location

5. The appeal scheme relates to an existing log cabin which is set within the rear, lower-level garden of Toad Cottage, a detached dwelling. The log cabin is provided with a small living/dining area and kitchenette, a double bedroom with additional bunk beds, and a shower room. A separate dwelling, Shear Banks, is located to the north. Otherwise, the appeal site is surrounded by open, undulating fields and Pennington Reservoir.
6. The appellant wishes to use the log cabin as additional living space associated with Toad Cottage to accommodate visiting family members, and as a holiday let. In its first reason for refusal, the Council quotes DPD² policy DM18, which is specific to tourist accommodation, and paragraph 89 of the National Planning Policy Framework (the Framework) which relates to a prosperous rural economy. As such, in relation to this first main issue, the Council's concerns do not appear to relate to use of the log cabin as additional living space associated with Toad Cottage, but to the use as a holiday let. Toad Cottage comprises an established residential unit. From my own observations and the available evidence, I see no reason why the provision of additional living space for Toad Cottage, at the modest scale proposed, would be unsuitable at this location.
7. The appeal site lies some distance from Ulverston itself and its surrounding villages, and so future visitors to the proposed holiday let, wishing to access any services or facilities therein, would be highly reliant on the private car. While the appellant references cycle and walking routes available in the locality, the appellant also accepts that visitors to the proposed holiday let would be largely car dependent.
8. In its Officer Report, the Council alleges conflict with Criterion e) of DPD policy DM18, which requires that all proposals for new tourist accommodation should not give rise to unacceptable impacts on the local road network, either through traffic generation from the site itself, or through cumulative impacts alongside other sites.
9. As the appeal scheme relates to a modestly sized log cabin, it would not generate a significant amount of traffic movements. There is no substantive evidence before me to suggest that in traffic generation terms, individually or cumulatively with other sites, the proposal would give rise to unacceptable impacts on the local road network. Consequently, I find no conflict with criterion e) of DPD policy DM18.
10. Paragraph 88 of the Framework requires that planning decisions enable sustainable rural tourism. Framework paragraph 89 recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances, paragraph 89 sets out a number of further considerations.
11. The log cabin already exists and no external alterations are proposed to it. It is set at a lower level than the adjoining road, with a backdrop of trees. As such, it is sensitively positioned in relation to its surroundings. For reasons set out elsewhere in this decision, the proposal would not have an unacceptable impact on local

² South Lakeland Development Management Policies Development Plan Document Adopted 28 March 2019

roads. While there is little scope to improve access by other means, and the proposal would not be physically well related to a settlement, it would use an existing building and there is no dispute between the main parties that this is previously developed land. Having had regard to these further considerations of paragraph 89 of the Framework, I do not find the location of the proposed holiday let to be unsustainable.

12. To conclude on this first main issue, having considered local and national policies relating to tourist accommodation, the location of the proposal is suitable, and I find no conflict with DPD policy DM18 or the Framework, in this respect.

Suitability for conversion

13. DPD policy DM16 is specific to the conversion and re-use of buildings in the open countryside to other uses, including for tourism. Such development will be supported where a number of specified criteria are met.
14. The appeal building is not of traditional materials or construction, or of a traditional design. As such, there would be some conflict with the requirements of criterion 1 of DPD policy DM16. However, the log cabin is existing, and it is used by the present occupiers of Toad Cottage. There is little evidence to suggest that these circumstances would change, if this appeal did not succeed. For the reasons outlined above, I have found that the building is sensitive to its surroundings. Consequently, I find that no significant harm arises from this conflict with criterion 1, which limits the weight I afford to this conflict.
15. Criterion 3 of DPD policy DM16 applies to conversions for residential use and requires that the building for conversion is redundant or disused. The existing log cabin is not redundant or disused. However, the description of the development is for a holiday let and ancillary residential accommodation for the host property. It is not the appellant's intention for the log cabin to be used as a separate residential unit. This could be controlled through the imposition of a suitable condition. Even if this did amount to conflict with criterion 3, the available evidence does not lead me to conclude that any notable harm arises from this conflict, sufficient to carry any significant weight against the appeal scheme.
16. The Council refers to a lack of delineation of curtilage between the host property and the proposed holiday let, which would mean that the log cabin would share the garden of Toad Cottage, with no independent garden area or fencing provided to allow the holiday let to function as an independent unit.
17. Holiday lets are generally occupied on a short-term basis, unlike a dwelling and so the requirements of visitors differ from those of permanent residents. It is reasonable to expect that holidaymakers would spend much of their time out of doors, visiting the attractions of the area. I am not convinced therefore that the lack of delineation externally to the log cabin would adversely impact on the ability of this log cabin to function as a holiday let. In any event, the change in ground levels between the host dwelling and the log cabin provides a degree of natural delineation, and it is within the appellant's control to provide further delineation.
18. Criterion 7 b) of DPD policy DM16 requires that for residential use, the design of the development restricts domestic curtilage provision to a level consistent with adjoining buildings and landscape character. As this policy seeks to restrict domestic curtilage provision in the context of residential use, and the proposal

makes no change to the extent of domestic curtilage, I find no conflict with Criterion 7 b).

19. To conclude, the building is suitable for conversion as proposed, and while there would be some conflict with DPD policy DM16, for the aforementioned reasons, I do not find any significant harm arising from this conflict, and so I do not afford this matter any significant weight against the appeal scheme.

Parking provision

20. Use of the log cabin as a holiday let would require additional parking provision. Only one off-street parking space exists at Toad Cottage, which is used by occupiers of the host dwelling. The proposed plans indicate that this space would be allocated to guests.
21. While the adjoining carriageway is relatively narrow with no footpaths, a gravelled area exists alongside part of the road, extending opposite Toad Cottage and Shear Banks. This gravelled area provides parking for a number of vehicles, clear of the carriageway. Off street parking exists at the neighbouring property, and there are no other houses nearby. There is no compelling evidence before me to suggest that this gravelled area would not adequately accommodate parking for the host dwelling, when the existing off road parking space is occupied by visitors to the holiday let. This stretch of highway is straight and so visibility for accessing and egressing this parking area does not raise any safety concerns.
22. Consequently, from the available evidence and my own observations, I am satisfied that the proposal would not be harmful in highway safety terms, having particular regard to parking provision. I find no conflict with DPD policies DM1 and DM9, which collectively require adequate provision of parking/servicing for new development.

Other Matters

23. The provision of new tourist accommodation would attract visitors to the area. While the proposal is small and the use as a holiday let may be intermittent, it would nevertheless provide tangible economic benefits by increasing tourist spending in the area. Albeit of a modest scale, this would meet the requirement of DPD policy DM18 criterion h). These benefits attract modest weight in favour of the appeal scheme.

Conditions

24. I have considered the conditions put forward by the Council with reference to the Framework and Planning Practice Guidance. The appellant has had the opportunity to comment.
25. I have imposed a condition which concerns the statutory time limit and in the interests of certainty, a condition concerning the approved plans.
26. The Council has suggested a planning condition limiting the use/occupancy of the log cabin to that applied for. I consider this is reasonable and necessary in the circumstances to provide certainty and accordance with DPD policy DM18, and because I have not considered the suitability of using the log cabin as a separate residential unit as part of this decision. I have amended the suggested wording

provided by the Council because the reference to “short term” lacks precision and the purpose of the condition can be achieved without this reference.

27. The appellant indicates that the proposed use can be accommodated using existing utilities. In relation to the disposal of surface water, the cabin is existing. For foul drainage, the application form refers to the use of non-mains drainage, the capacity requirements and operation of which would be subject to a separate regulatory regime (the General Binding Rules/Environmental Permitting). I have not been presented with any detailed reasoning to demonstrate that a condition seeking further details of foul and surface water drainage would be necessary.
28. Given my conclusions above relating to parking provision, it is not necessary to impose a condition requiring further details for parking arrangements.

Planning balance and conclusion

29. While I have identified some conflict with the development plan, for the reasons set out above, I have not identified any significant harm arising from this conflict, which limits the weight I afford to it. The proposed development would bring some economic benefits, albeit modest, given the small scale of the development. Nevertheless, having had regard to the development plan, and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR

Schedule of Conditions

- 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: Site Plan - SC/25/295-001, Proposed Plan and Elevations - SC/25/395-201, Site Location Plan.
- 3) The use of the log cabin hereby permitted shall be for holiday accommodation purposes, or as additional living space for the residential use of the dwelling known as Toad Cottage only. The log cabin shall not be occupied independently of Toad Cottage as a person’s sole or main place of permanent residence. An up-to-date register shall be kept 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 address and their date of arrival and departure from the accommodation.