



Appeal Decision

Site visit made on 15 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10th February 2026

Appeal Ref: APP/Q9495/W/25/3374958

Land off Lake Road, Ambleside, Cumbria LA22 0DS

- 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 Cook and Lakin Properties Ltd against the decision of the Lake District National Park Authority (the Authority).
 - The application reference is 7/2024/5031.
 - The development proposed is described as 'Erection of building containing 8 bedsit units and communal kitchen/lounge, for occupation by people working locally'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware that the Authority has issued an enforcement notice relating to the appeal site. This notice was appealed¹, and the appeal was dismissed on the 8 December 2025, with the enforcement notice upheld. The requirements of the notice are: discontinue the use of the land for the storage of building materials, equipment and waste; remove all building materials, equipment, waste and other related items from the land; remove the imported waste material from the land and restore the land to its condition before the breach took place. The period for compliance is four months.
3. I have had regard to this appeal decision in terms of the unlawful use of the land, and the implications of this, along with the requirements of the notice, on the physical appearance of the appeal site.

Main Issues

4. The main issues are:
 - whether the proposal would provide a suitable standard of accommodation for future occupiers,
 - the effect of the proposed development upon flood risk,
 - the effect of the proposed development upon the character and appearance of the area, which is within the Lake District National Park (National Park) and English Lakes World Heritage Site (WHS), and
 - the effect of the proposed development upon highway safety.

¹ APP/Q9495/C/23/3331438

Reasons

Standard of accommodation for future occupiers

5. The Authority has raised concerns with the standard of accommodation for future occupiers only in respect to outlook, should an approved food store² on the adjoining site be completed. Interested parties have highlighted further concerns, including the lack of self-contained facilities, the sufficiency of shared facilities and the need to access these externally in inclement weather, a lack of details relating to the management of the facility, and its proximity to the servicing area of the adjacent food store, should it be constructed.
6. The appellant's description of the proposal provides for 8 bedsit units and communal kitchen/lounge, 'for occupation by people working locally', while the supporting Statement of Case (SoC) refers to the provision of dedicated staff accommodation to serve businesses within the locality. Neither are explicit in setting out whether the proposal would be used as temporary or permanent living accommodation and there is no detailed management plan before me explaining how the proposal would be used or operated.
7. The appellant considers that the provision of dedicated staff accommodation to serve businesses in the locality is acceptable with regards to Local Plan³ (LP) policy 18, subject to a suitable local occupancy restriction, which the appellant would accept. The Authority's suggested conditions, on which the appellant has had the opportunity to comment, does include a restrictive occupancy condition, which would allow the proposal to be occupied by those employed locally, as one of a number of acceptable scenarios. However, this condition requires that the proposed accommodation is occupied as a person's only or principal home. Consequently, there is no mechanism before me which would prevent the use of the bedsit units as permanent living accommodation.
8. Within the submitted Planning and Heritage Statement (PHS), the appellant suggests that the units do not have all the facilities for everyday residential use, and that the occupants may not be known to each other. On this basis, the appellant considers that the proposal should be considered a *sui generis* use. Within the appellant's SoC, it is suggested that because of the nature of the development, residential amenity is not so critical as it would be for a dwelling(s).
9. The proposed plans show 8 bedrooms with en-suite facilities and a central communal area, accessed externally. The PHS explains that this communal area would have a kitchen area and an area to sit and relax, and that it would be fully equipped. The appellant provides no reasoning to support the suggestion that the proposal does not have all the facilities to meet day to day living needs. From the available evidence, I am unable to reach the same conclusion.
10. Combined with a lack of information relating to how the premises would be operated/managed, particularly whether the proposal would provide temporary or permanent living accommodation, or any mechanism to control this, I am not convinced by the appellant's argument that future occupiers of the appeal scheme do not require the same standard of housing environment as that expected for occupiers of dwellinghouses.

² 7/2014/5024

³ Living Lakes Your Local Plan, Lake District National Park Local Plan, May 2021.

11. I agree with the Authority that an outlook over the car park of the adjacent garden centre would be adequate for future occupiers. However, should the permitted food store be constructed, this would not be the case. The food store would be two storeys high and positioned close to the boundary with the appeal site. The plans of the approved food store layout, indicate that only part of the food store would be set off the shared boundary to provide a line of tree planting, the section closest to the road would not. Even with this planting, given the limited separation and size of the food store, it would have an imposing impact on the outlook of future occupiers of the proposed units.
12. Further, I share the concerns of interested parties as to the standard of this accommodation, should future occupiers have to access the communal facilities externally. This would be inconvenient and unpleasant in inclement weather, providing a poor standard of housing environment. Finally, I have little information relating to the location of any plant associated with the food store, or servicing arrangements, sufficient to understand the implications of this on future occupiers.
13. The appellant suggests that there is very little prospect of the food store being erected in the foreseeable future. While I note that the permission dates to 2014, there is no further explanation or substantive evidence to support this assertion. This limits the weight I can afford to it.
14. I acknowledge that there is support in the development plan for the provision of locally available dedicated staff accommodation, which is accessible by modes other than the private car, to support self-sufficiency to live and work in the area, particularly for those in the tourism sector. I also understand the associated economic benefits of this for those operating local businesses. Nevertheless, without more certainty with regards to the intended nature of the proposed use, particularly whether it would provide permanent or temporary accommodation, and an appropriate mechanism to control this, I am unable to conclude that the standard of accommodation for future occupiers would be acceptable.
15. For these reasons, I conclude that the proposal would not provide a suitable standard of accommodation for future occupiers. The proposal would conflict with LP policy 06, which requires that the amenity of users of a proposed development are not subject to unacceptable adverse impacts including from visual intrusion, overbearing effect, noise and light pollution.

Flood risk

16. LP policy 03 seeks to increase the resilience of the Lake District to all types of flood event, including river, surface water and coastal flooding, by supporting development proposals which accord with the approach to managing flood risk in the National Planning Policy Framework (the Framework) and associated Planning Practice Guidance, and requiring all developments to demonstrate how surface water run-off will be discharged in accordance with the surface water hierarchy.
17. Paragraph 181 of the Framework requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 of the Framework requires that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.

18. The Authority indicates that they hold records of surface water flooding associated with a stream located at the western edge of the site, which I am advised, impacts MacIver Lane and some tourist accommodation further downstream.
19. The application form indicates disposal of surface water from the proposed development via a sustainable drainage system. Use of a sedum roof and porous materials to the access road and parking area are detailed on the submitted plans. However, no detailed scheme for surface water drainage of the appeal site is provided or discussed within the submitted document titled 'Flood Risk Assessment'.
20. I am referred by the appellant to the surface water drainage scheme approved for the adjacent Lakeside Gardens housing site⁴. Correspondence provided from Fawcett Percolation Services Ltd suggests that surface water run-off from the entire site, which the plans provided suggest included the appeal site, was catered for in the original surface water drainage design for this neighbouring housing development.
21. While that may be the case, that design appears to pre-date the proposed development of the appeal site. It is unclear whether any additional consideration has been given to the implications of the development now proposed on this earlier drainage design, in particular, whether the runoff volume from the appeal site as developed would change from that previously anticipated.
22. Of further concern is that the approved drainage scheme for these neighbouring houses, which I understand to have been implemented, included below ground attenuation tanks within the appeal site. A comparison of the approved drainage plans and the proposed plans suggests that the tanks would overlap with the proposed building at its western end. Despite this issue having been raised by the Authority, no clarification or re-assurance on the acceptability of this from a suitably qualified person has been provided. Therefore, I cannot agree with the appellant that any surface water issues in this area have been dealt with.
23. I have considered whether the imposition of a condition to secure further details of surface water drainage would be appropriate, which is suggested by United Utilities. However, given the modest size of the appeal site and the extent of the built form, the changes in levels, and the constraints resulting from the root protection areas of existing trees and other underground infrastructure, including a sewer and electricity cables that cross the appeal site, there is a high degree of uncertainty in this case, which leads me to conclude that the imposition of a condition would not be appropriate in these circumstances, without further clarity.
24. Consequently, I am unable to conclude from the evidence before me that surface water drainage from the appeal scheme would be dealt with effectively, or that it would not impact detrimentally on existing surface water drainage infrastructure, so as to ensure that the proposal would not increase flood risk elsewhere.
25. For these reasons, I find that the proposal would be harmful in respect to flood risk. The proposal would conflict with LP policy 03, the requirements of which have been set out above.

⁴ 7/2020/5419

Character and appearance

26. The appeal site comprises a relatively narrow wedge of land that sits between the car park serving a garden centre to the north and housing to the south, including Waterhead Range, a large villa. Land levels fall away to the west, and so the appeal site lies below the highway. At present, the appeal site comprises partly of a hardcore surface, with some evidence of piled materials and machinery. The Authority advises that prior to the unauthorised use of the site, it had a soft and green character. This is not disputed by the appellant.
27. While the appeal site lies within the settlement of Ambleside, the extent of mature trees and vegetation within the surroundings, gives the area a verdant appearance. However, if implemented, the extant planning permission for a food store on the adjacent carpark would have a further urbanising impact on the verdant appearance of Lake Road.
28. The appeal site is within the National Park. The purposes for national parks derive from statute, and in decision making, the relevant authority must seek to further these purposes. Purpose 1 seeks to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Purpose 2 seeks to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. Paragraph 189 of the Framework advises that National Parks have the highest status of protection and great weight should be given to conserving and enhancing the landscape and scenic beauty therein.
29. The proposed plans show a single storey building extending east to west, stepping down the slope of the site. The roof would be flat and sloping, finished with sedum. The finished floor level of the building would be set approximately 2.0m below Lake Road. The existing access would be widened and an access road provided of 4.8m in width, with an additional footway. A parking area would be created immediately to the back of the boundary with the Lake Road, at a lower level, and a further parking and turning area would be provided at the western extent of the site.
30. The proposed building and hard surfacing would take up much of the site, with limited space for new soft landscaping. This would no doubt have an urbanising impact on the appearance of the site itself, particularly when compared to the description of the site provided by the Authority before its unauthorised use. However, as the proposed building would be single storey only and sit below the level of the road, its visibility within the wider area, as well as the visibility of the associated access track and parking area would be very limited from public vantage points. Any change would largely be limited to passersby for a short stretch along Lake Road.
31. Further, the proposal has been accompanied by an arboricultural report, prepared by Treescapes Consultancy Ltd, dated August 2023. This report indicates that most trees within, or abutting the appeal site would be retained. Only one tree, which is noted to be in severe decline (British Standard: 5837 Category U), is recommended for removal. A number of trees would require pruning in the form of crown lifting of 1-2m to provide clearance for the proposed building and 3-4m to provide clearance for the access track/parking. Nevertheless, the retention of these existing trees in and around the site would serve to soften the development

in its setting and so it would not appear out of character within its context, which comprises of buildings set amongst mature trees and vegetation.

32. Consequently, I do not find that the overall result would adversely impact on the character and appearance of this part of the National Park, and so the landscape and scenic beauty of the National Park would not be harmed. Therefore, the proposal would be consistent with furthering the purpose of conserving and enhancing the natural beauty of the National Park. It would not conflict with or undermine this purpose.
33. Interested parties have criticised the appearance of the building, albeit, this does not form part of the Authority's case. The design of the proposal responds to the physical characteristics of the site itself, utilising materials that are consistent with the area. While it does not express a strong local vernacular style, I consider it to be an acceptable response to its context, where the style of buildings is mixed.
34. Purpose 1 also includes to conserve and enhance cultural heritage. Ambleside lies within the WHS designation, a heritage asset of the highest significance, recognised internationally to be of outstanding universal value. Paragraph 212 of the Framework states that great weight should be given to a heritage asset's conservation (the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
35. With regards to the likely effect of the proposal on the outstanding universal value of the WHS, the Authority points only to Waterhead Range, which is considered to display the characteristics of a villa. The WHS Nomination Document⁵ advises that the ensemble of villas and landscape gardens in the area had a key role in the development and character of the Lake District cultural landscape, with distinguished villas, gardens and formal landscapes added to augment its picturesque beauty. As a recognised component, these villas make a significant contribution to the attributes of land use that form the distinctive cultural landscape of outstanding universal value.
36. Waterhead Range is a large and attractive villa, which predates 1859. It is set back somewhat from Lake Road, but it holds a prominent position on elevated ground, with spacious grounds containing mature vegetation. These grounds, particularly to its southern side, create a sense of openness around the villa, and I note its main orientation is directed south, towards the northern shore of Windermere. From my own observations and the available evidence, I have no reason to disagree with the Authority that this villa should be considered of significance.
37. The Authority accepts that the setting of this villa has already been substantially compromised by later development. The appeal scheme would add further built form to its setting. However, the proposal would sit at a much lower level than this villa and existing mature trees between the site and the villa would provide a substantial buffer, albeit less so in the winter months. Nevertheless, given these physical characteristics, the proposal would not impact adversely on the setting of this villa, particularly in views along Lake Road and MacIver Lane, where its legibility and contribution can be best appreciated.

⁵ Volume 1 Nomination Document – Nomination of the English Lake District.

38. Therefore, I find that the proposal would not harm the significance derived from this villa and so, its contribution to the attributes of land use that form the distinctive cultural landscape of outstanding universal value would not be harmed. Consequently, the significance of the WHS as a heritage asset of international importance would be sustained and the proposal would be consistent with furthering the purpose of conserving and enhancing cultural heritage.
39. Therefore, I find no conflict with LP policies 01, 02, 05, 06 and 07, which collectively and amongst other matters, require that the extraordinary harmony and beauty of the Lake District landscape and its special qualities, including the attributes of outstanding universal value, will be conserved and enhanced, by requiring development to maintain local distinctiveness and a sense of place, having regard to development type, design, scale, height, density, layout, appearance and materials.

Highway safety

40. The Authority's refusal reason on this matter raises concern with the intensification of the access, while also referring to the position of the Local Highway Authority (the LHA) that the access requires improvement in order to function safely. The appellant considers that any concerns with the access itself have been addressed by the submission of amended plans submitted at the planning application stage. I have only been provided with the original representation from the LHA and so I cannot be certain of the LHA's position in respect to these amended plans.
41. Taking the design of the access first, while I have not been provided with a copy of the referenced Cumbria Development Design Guide, Site Layout Plan 6123-02B shows that the internal access track would be 4.8m wide, and wider still at the junction with Lake Road. This suggests that most vehicles would be able to enter and exit the site at the same time. The annotated plan indicates that a 1:20 gradient would be achieved for the first 10m into the site, which is reasonable. A 1.2m footway is shown extending into the site from the north, and then continuing to the southern side of the access road.
42. The existing access is located on the inside of a bend, allowing for visibility to the north and south, albeit the high wall fronting Waterhead Range appears to be a constraint at present. However, the amendments shown to the access on the Site Layout Plan 6123-02B indicate that visibility to the south would be clear of this wall. The information before me suggests there would be an improvement over the existing access, and there is no substantive evidence before me to suggest that this access as revised would be substandard, or that it would not function safely.
43. I appreciate that the A591 is the main north-south route through the Lake District and so it is a busy thoroughfare for residents and visitors, in respect of both vehicles and pedestrians. At this point, the road has only one footway, and so it accommodates pedestrians moving in both directions. The appeal scheme would no doubt intensify the use of the existing access where it crosses this footway.
44. Nevertheless, there are many instances along this part of the A591 where pedestrians and drivers need to consider and navigate vehicular access points across the footway, it must be a relatively common occurrence. I have not been provided with any substantive evidence to suggest that this is a particular issue at this location, in terms of any highway related accidents or injuries. Nor is there any

evidence before me to suggest that pedestrian/vehicle intervisibility at the proposed access would be sub-standard.

45. For these reasons, I find that the proposal would not be harmful in respect to highway safety. While the Authority's refusal reason does not refer to a specific LP policy, I find no conflict with LP policies 02 and 06, which collectively and amongst other matters, require new development to be of a scale and nature appropriate to the function of the location, and which create safe and accessible environments.

Other Matters

46. Above, I have acknowledged that there is LP support for the provision of locally available dedicated staff accommodation, particularly for those in the tourism sector. At this location, the proposed accommodation could serve local businesses without reliance on the private car. A lack of such accommodation may stifle the ability of some local businesses to retain staff and grow, with consequential effects both socially and economically for the area. This is a benefit of the proposal which attracts moderate weight in its favour, while meeting the National Park duty to seek to foster the economic and social wellbeing of the local communities therein.
47. I am advised that the proposal would be constructed with high levels of insulation, it would include energy efficiency measures, and it would benefit from renewable energy in the form of an air source heat pump. Such benefits are afforded modest weight, given the small scale of the proposal.
48. As the appellant is a locally based, experienced builder, I am advised that delivery of materials and working hours could be managed without disturbance to neighbours or adverse impacts on the highway, while the use of machinery would be within specified hours only. These are neutral matters that do not carry weight for or against the proposal.
49. While interested parties have expressed a range of other concerns, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these other matters.

Planning Balance and Conclusion

50. I have found that the proposed development would not harm the character or appearance of the area, or highway safety. However, I have found that the proposal would not provide a suitable standard of accommodation for future occupiers, and I have been unable to conclude that the proposal would not increase flood risk.
51. While there would be some benefits, these benefits do not outweigh the harm I have identified. The proposal conflicts with the development plan when taken as a whole, and there are no other material considerations, including the Framework, which suggest that a decision should be made other than in accordance with the development plan.

S Brook

INSPECTOR