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## Appeal Decision

Site visit made on 30 March 2026

by **Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2026

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**Appeal Ref: APP/K0940/W/25/3375840**

**Elm House Cottage, High Hesket, Carlisle, Cumbria CA4 0HS**

- 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 Richard Lebon against the decision of Westmorland and Furness Council.
  - The application Ref is 2024/2272/FPA.
  - The development proposed is retrospective change of use of ancillary annexe accommodation to holiday let accommodation.
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### Decision

1. The appeal is allowed and planning permission is granted for retrospective change of use of ancillary annexe accommodation to holiday let accommodation at Elm House Cottage, High Hesket, Carlisle, Cumbria CA4 0HS in accordance with the terms of the application, Ref 2024/2272/FPA, and the plans submitted with it, subject to the following condition:
  - 1) The accommodation hereby permitted shall be used for the purposes of holiday accommodation only and shall not be used as a person's sole or main place of residence.

### Procedural Matters

2. In the banner heading and formal decision above, I have used the description of the development from the Council's decision notice. This reflects the description of the change of use in the appellant's appeal statement and describes the development more succinctly than that contained in the application form.
3. The Council maintain that the barn space provides self-contained living accommodation representing an additional planning unit. On the evidence before me, I have no reason to disagree with this assessment.
4. At the time of the Council's decision, the appeal site was located within the River Eden nutrient neutrality catchment area, where an increase in nutrient discharge (in this case phosphorus) could be harmful to the River Eden Special Area of Conservation (SAC).
5. Planning permission was refused by the Council on the basis that insufficient information had been provided to allow the Council to assess the potential for nutrient impacts on the SAC and thus it had not been demonstrated that the development would achieve nutrient neutrality.
6. However, on 5 February 2026, Natural England issued updated guidance on the requirements for nutrient neutrality in the River Eden SAC catchment. As a result of forthcoming upgrades to water infrastructure, the updated advice reduces the

geographic extent of the catchment area. As a result of these changes, the appeal site is no longer within the catchment and so nutrient mitigation is no longer required for the development. The Council has confirmed that it thus no longer wishes to pursue the sole reason for refusal at appeal.

7. The Council did not identify any other harm or development plan conflict arising from the development. There is no evidence before me that would lead me to a different conclusion. The development is therefore acceptable.

### **Conditions**

8. The Council has suggested a planning condition to ensure the accommodation is used for the purposes of holiday accommodation only. I have considered this in view of the Planning Practice Guidance and the tests for conditions set out in the Framework. This condition is necessary and reasonable to clarify the terms of the permission and ensure the accommodation is not used as an unrestricted dwelling, which was not considered as part of the application

### **Conclusion**

9. The development adheres to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

*Ryan Cowley*

INSPECTOR