



Appeal Decision

Site visit made on 15 May 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 June 2026

Appeal Ref: APP/Q9495/C/25/3376839

Thwaite Howe, Thornthwaite, Keswick, CA12 5SA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hugh Sykes against an enforcement notice issued by Lake District National Park Authority.
 - The notice was issued on 22 October 2025.
 - The breach of planning control as alleged in the notice is the making of a material change of use from a dwellinghouse to use as short term holiday letting accommodation.
 - The requirement of the notice is to discontinue the use of the Land otherwise than as a dwellinghouse falling within Use Class C3 of the Town and Country (Use Classes) Order 1987 (as amended).
 - The period for compliance with the requirement is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), (g) 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.
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Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - the deletion of paragraph 3 in its entirety and its substitution with the words “Without planning permission, the making of a material change of use to a mixed use as a dwellinghouse and short-term holiday letting accommodation.”; and
 - the deletion of one month and its substitution with three months as the time for compliance.
2. Subject to the correction and variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application to another use which that permission would have specifically authorised when it was granted. I have not been made aware of any such permission authorising an alternative use in this case.

The Notice

4. The Authority accepts that the appeal property is still used by the appellant and his family, and has not disputed the letting dates between June 2024 and October 2025 as submitted by the appellant. The allegation in the notice does not therefore accurately reflect the accepted use of the property which would need to be corrected to refer to a mixed use as a dwellinghouse and short-term holiday letting accommodation. I am satisfied that this can be done without causing injustice to the parties as it reflects their understanding of the use of the property and the element of the use that is being targeted by the notice.

The Appeal Site

5. The appeal site is located within the settlement of Thornthwaite, fairly centrally but at a higher level on the fellside when compared to much of the rest of the village lying below it. The house has 10 bedrooms which is configured to accommodate up to 24 guests. It has a large sloping garden to the front, patio to the south and parking for up to 12 cars. It is accessed via a private drive which is shared with two other houses (Kirkstones and Sharpstones), and which runs adjacent to the Forest Edge property to the south.
6. The property was used as a hotel/bed and breakfast until around 2014 when it was acquired by the appellant and used as his family home, although he and his family spend considerable periods away. Lawful Development Certificate reference 7/2023/2238 certifies that the use of the property as a dwellinghouse was not liable to enforcement action on 7 November 2023. Section 191(6) of the 1990 Act provides that the lawfulness of any use for which a certificate is in force under this section shall be conclusively presumed.
7. Any change of use of the property therefore needs to be assessed considering this current lawful use, irrespective of what went before. However, the appeal site does contain a large dwellinghouse, and as such could lawfully accommodate a large group of people living together as a single household, or the other uses as set out in class C3, with their associated activities and comings and goings including vehicular movements.

Ground (c)

8. An appeal under this ground is on the basis that the matters stated in the notice do not constitute a breach of planning control.
9. The appellant argues that planning permission is not required for the use of the property as short term holiday letting accommodation because it is not a material change of use from the use as a dwellinghouse. He says that the property is still his principal family dwellinghouse but that due to his work abroad he and his family spend considerable periods away from it.
10. A material change of use is taken to have occurred where there is some significant difference in the character of the activities taking place on the land as a matter of fact and degree. The use of a house as holiday accommodation, or use as an element of a mixed use as is the case here, is not necessarily a change of use from that of a C3 dwelling.
11. It is not clear on the submissions whether the layout of the house, including the number of rooms used as bedrooms, has changed since it began to be let as

holiday accommodation. The holiday letting use of the house, may not have resulted in a larger number of the maximum amount of people staying at certain points but it does now have capacity for 24 occupants.

12. The appellant has described the appeal property as his “family dwelling”, and whilst that use clearly encompasses social occasions, including visitors and overnight guests, a normal dwellinghouse used as a primary residence would not usually be occupied at a full capacity of 24 people at all times (even where it has sufficient bedrooms to accommodate that number of people).
13. The holiday letting component of the use has resulted in more frequent instances of large numbers of people staying at the house, with the associated increase in comings and goings and different patterns of use and noise emanating from it. The Booking Schedule submitted by the appellant, which relates to the first 16 months of the holiday use until the notice was issued, shows that most of the weekends over spring and summer 2025 were booked for use by large groups. The frequency and nature of this type of use is materially different to a typical dwellinghouse.
14. The Authority received complaints about the holiday letting use of the property which also indicates that there was a difference in the character of the activities taking place which, as a matter of fact and degree, was creating materially different off-site impacts.
15. It therefore appears on balance that there has been a material change of use on the appeal site to incorporate the short term holiday letting and that as both uses are primary uses in terms of their impact and frequency, this has created a mixed use as is described in the corrected allegation.
16. The appeal under ground (c) does not therefore succeed.

Ground (a) and the deemed planning application

17. The main issues are the effect of the development on the living conditions of the occupiers of neighbouring properties and whether or not the development complies with the Authority’s policy to achieve a balanced and resilient housing market with a high proportion of properties in permanent occupation.
18. The Lake District National Park Local Plan 2020 – 2035, adopted May 2021 (“the LDNPLP”) is part of the development plan for the area, and the National Planning Policy Framework 2024 is a material consideration.

Living conditions

19. The main road in the village has houses along both sides and is located lower down the valley edge than the appeal property, which occupies one of the most elevated positions in the settlement/village. The appeal property is one of the highest houses on the valley side and most of its garden slopes down towards the public access road below and lower houses and their rear gardens.
20. This elevated position contributes to the impact that the use of its outdoor space will have on the occupiers of the nearby properties, as it will be audible over a fairly wide area and any sound has little in the way of obstacles to stop it carrying. During the course of this appeal, representations have been received from many occupiers of other properties in the village describing both their experiences of the

use of the building and concerns if the house continued to be used as short-term holiday accommodation for much of the year. Many of the concerns seem to arise from the use of the outdoor patio area, particularly during the evening and when accompanied by amplified music.

21. The appellant states that the use of the property can be adequately mitigated through proper management of the holiday lettings, which can be secured through the imposition of conditions on any permission granted. He suggests that this could include a management plan, on-site cameras, and restriction of the amount of days which can be used for the holiday lettings.
22. However, the proposed management plan does not include any provisions which are not already said to be taking place on the appeal site, and which do not therefore currently alleviate the concerns reported by the occupiers of nearby properties. Indeed, the appellants submissions are that following feedback received from two neighbouring property occupants during 2025, the level of monitoring and emphasis to guests has been strengthened. The representations received during this appeal date from March 2026 which would be after these measures had taken effect.
23. A "House Rules" documents has been provided. Whilst this is presumably given to the parties booking to stay in the house, it is unclear at what stage they are made aware of it, or whether it is part of any contractual arrangement. The submitted Management Plan is between the appellant and the property manager, and whilst I have taken it into account it does not directly bind the guests staying at the house.
24. A properly drafted and implemented management plan incorporating a manager who either lives extremely close by or can stay onsite as required can be effective in ensuring that the living conditions of the occupiers of neighbouring houses are not adversely affected, but such a plan has not been offered in this case. There is CCTV at the property, including facing onto the patio area, and which allows for two way communication so that the manager or owner can speak directly to people through it in real time. However, there is no information regarding how often the CCTV would be monitored, and it is unlikely to be continuously. This arrangement is clearly not the same as having someone on the site who is monitoring the use and can immediately intervene, and indeed acts as a deterrent simply by being there. One of the issues raised by neighbouring occupiers is the time it would take the manager to be able to get to the site if required.
25. The appellant has stated that if sound levels are a concern, then the option to locate a commercial sound level measuring and recording/transmitting device on the property will be considered but it is unclear as to what this would achieve. No details are provided regarding how this would be monitored or what effect it would therefore have on the behaviour of people staying in the house or any resultant noise or disturbance. In any event, it is not reasonable to expect that the occupiers of neighbouring properties are in effect monitoring the use on behalf of the owner and manager and being obliged to regularly seek help once a problem arises.
26. The number of representations received, and from many properties located within the closest vicinity to the appeal site, indicates on balance that there has been noise issues associated with the material change of use. As these were made in March 2026, sometime after the notice was served and the appellant was aware of

the issues raised, it does not seem that the current arrangements are working to alleviate the problems.

27. The appeal property is large and can accommodate 24 people which is significant in the context of the small settlement. Whilst I visited during the daytime, I also accept that as there are no facilities open in the village during the evening it will be generally quieter still with a low level or background noise meaning that any disturbance will be clearly perceived within the context and layout of the appeal property and other nearby properties.
28. Concerns have been raised regarding the increase in the number of vehicles arriving at the property, however the access road below is public and used by many people. The driveway to the appeal property leads to two other houses at the rear of the site, Sharpstones and Kirkstones, one of which is used as a holiday let. As a result, the access road can be used by the vehicles associated with the lawful uses of these three properties, and there is no specific evidence before me to show that the use has a holiday let has caused material harm in this respect. The appeal property is a large house on a large plot, and the current lawful use at full capacity, or potential other residential use such as smaller units for local need which may be acceptable as suggested by the Authority, would also generate a commensurate amount of vehicular and pedestrian movements.
29. However, on the letting information provided by the appellant, the nature of the lettings which are generally only for a few days mean that up to 24 people in their associated vehicles will be arriving and leaving within a short time period. This likely to be different from a general dwellinghouse use, and is likely to cause adverse effects on occasion given the narrow access roads which, are in part single track and cannot accommodate two way traffic.
30. Finally, the appellant had suggested that a condition limiting the holiday letting use to 120 days of the year would help to mitigate the harm. On the Booking Schedule provided, which showed lettings until the end of May 2026, most of the bookings are for several days over a weekend commensurate with large groups meeting for a party or celebration. As such, a limit of 120 days within a year would permit such a gathering most if not every weekend throughout the year, and certainly through the extended spring and summer season when it is likely to be most popular. The more limited use shown in the Booking Schedule during the first year of operation gave rise to the issues raised by the occupiers of neighbouring properties and an increase in bookings as appears evident on the details provided to May 2026 is only likely to cause additional problems.
31. For the reason set out above, the change of use causes material harm to the living conditions of the occupiers of nearby properties which is in conflict with Policy 06 of the LDNPLP which states that development must not have unacceptable impact on the amenity of adjoining residents.

Change of use of dwellinghouse

32. The deemed planning permission, if granted, would have the effect of changing the sole dwellinghouse use to that of a mixed use. It is therefore necessary to consider whether the change of use would lead to the loss of a permanent dwellinghouse which would have an adverse impact.

33. Policy 15 of the LDNPLP is intended to support the provision of new permanent homes in the area to increase the supply of homes to meet local community need.
34. Policy 18 relates to sustainable tourism and holiday accommodation, and states that proposals for the reuse of existing buildings 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 appeal property is very large for a single dwellinghouse, and has an unrestricted C3 use as confirmed by the LDC. However, it could be suitable for local need housing including through conversion into several smaller units.
35. When considering these two policies together and their planning purpose, i.e. to secure permanent homes to meet the local need and to ensure that proposals benefit local communities and businesses, the change of use of a C3 dwellinghouse to mixed use including short-term holiday letting is in conflict. The development does not support the aims of the LDNPLP, and causes material harm in that it is not achieving a better balance in the housing market, or contributing towards helping communities remain vibrant and resilient.

Other matters

36. Some of representations relate to the marketing of the property as the “Adventure House” suitable for stag and hen groups. The appellant states that this was an error and should not have happened but any large party, including a cross-generational family gathering, can generate noise. This clearly could include a property owner’s own family. However, the frequency of such events is likely to be less with a single dwellinghouse compared with a commercial letting business aimed at large groups including rooms with up to 4 beds and which can accommodate multiple groups or families. In addition, online comments suggested that the property would be suitable for holding weddings, possibly including the provision of a tipi on site for additional space which has caused concern and would be indicative of a very different use again from that of a single dwellinghouse.
37. I accept that the advertising of the property as the Adventure House with associated activities and marketing has ceased, and there is nothing before me to suggest that it is being used for weddings or other events with a tipi or other outdoor structures. It is understandable that the residents of neighbouring properties were concerned as to what this advertising would mean in terms of an extended commercial use of the property in the small, quiet village. However, these activities have not occurred and do not therefore attract weight.
38. Concerns have also been raised regarding the effect of the holiday letting use on the ecology and nature in the vicinity but there is no evidence before me to show that this type of use would be any different from other uses of the appeal site. Any effect of development on property prices in the area is a purely private interest and not a material planning consideration. Issues regarding trespass and boundary treatments are also outwith the terms of this appeal.

Conclusion

39. For the reasons set out above, the development causes harm and is in conflict with the material development plan policies in the LDNPLP. This includes Policies 06, 15 and 18, and Policy 01 which seeks to conserve and enhance the extraordinary beauty of the Lake District landscape and its Special Qualities,

including the attributes of Outstanding Universal Value as a World Heritage Site. As there are no material considerations that indicate otherwise, the ground (a) appeal fails and the deemed planning application is refused.

Ground (f)

40. This ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control, or as the case may be to remedy any injury to amenity which has been caused by such breach.
41. The purpose of the notice is to remedy the breach of planning control, i.e. the material change of use. As such, the notice does no more than require this mixed use to cease and does not exceed what is necessary to remedy the breach.
42. There is no alternative scheme before me which could achieve this purpose, and I have dealt with the planning merits of the mixed use above and found it to cause material harm. The appeal under this ground does not therefore succeed.

Ground (g)

43. The appellant sought the extension of the compliance period to 6 months. It is unclear on the information before me whether there are any commercial bookings after May 2026 but the appellant was entitled to assume success on one of the other grounds pleaded, and it is reasonable to assume that further bookings have been taken for the summer season which would need to be addressed. As such, it is proportionate to extend the compliance period to three months, and the appeal on ground (g) succeeds to this extent.

Zoë Frank

INSPECTOR