Lake District National Park

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Report from the Head of Development Management to the Development Control Committee

Application number:	**7/2025/3001**
Application type:	S73 (Amend/Delete Condition)
Applicant:	Miss Ruth Chamberlain, Lyon Leisure Limited
Location:	Hartsop Fold Caravan Park, Cross Gate, Hartsop, CA11 0NZ
Grid reference:	340639 513703
Proposal:	Conversion of stone laundry and stores building to owners/managers residential accommodation with occupancy tied to the business or a local person - variation of condition 3 (occupancy) of planning permission 7/2018/3111 to allow use as a short term holiday let.
Report prepared by:	Ben Long, Area Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.

1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

2.1 I am reporting this application to Committee because my recommendation to approve is contrary to the views of Patterdale Parish Council.

2.2 This application relates to a small stone and slate building that is located at Hartsop Fold Caravan Park, just to the south of Hartsop. The caravan park consists of about 14 lodge style static caravans set in a fold in the land. The building in question is a small traditional stone and slate former farm building built into the rising ground to the south east of the caravans.

2.3 In 2014 (7/2014/3022) and again in 2018 (7/2018/3111) we granted planning permission for the conversion of the building to provide a small unit of residential accommodation limited by condition to occupancy either for staff working at the site, or for local occupancy. The latter permission was implemented.

2.4 The applicant's supporting statement states:

'The Stone Barn has been unoccupied except for the occasional use by staff covering the usual Warden when they are on leave. We employ many local people from the surrounding villages, and we do not have any with a housing need and therefore the Stone Barn stands empty and at risk of developing problems through lack of regular use'.

And:

'The Stone Barn has never been used as a residential property – it has only been used to temporarily accommodate cover staff related to Hartsop Fold. The property is not suitable to let out residentially due to it being located and integrated within a popular holiday park where there are numerous visiting guests and staff every day – this would cause daily disruption both to a residential occupant and to our business'.

2.5 The application seeks to replace the existing condition with a new one that would allow the use of the building as holiday accommodation during periods when it is not required to provide accommodation on site for staff/local people.

3 Representations

3.1 Patterdale Parish Council objects to this application. The original planning consent was for housing for person with local connection, either living or working in the locality. This change does not provide any benefit for the locals. We need more housing for local residents, not more holiday lets.

3.2 Westmorland and Furness Council (Planning) have no comments to make.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 15: Housing
- Policy 18: Sustainable tourism and holiday accommodation

- Housing Supplementary Planning Document

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

4.4 There is no community plan in this area.

5 Main issues and assessment

5.1 The main issues in this assessment are:

- Policy and relevant material considerations

<u>Housing and holiday accommodation policy</u>

5.2 The existing building comprises a modest one-bedroom unit of residential accommodation. The building is accessed through the existing caravan park and the route to it lies between two existing lodges. The building has no dedicated car parking area, although there is sufficient space within the caravan park to park the cars associated with its use. It has little dedicated formal private amenity space, the setting of the building is naturalistic with no boundary feature between the building and the bracken clad slopes in which it sits. The accommodation measures about 54 sq.m. and provides for all of the amenities for day to day living (kitchen, bathroom, living and bedrooms) and a boot room on the lower floor.

5.3 The permission is subject to a planning condition that allows for the occupation of the building by:

the proprietor/manager or a member(s) of staff of the Hartsop Fold Holiday Park together with any dependants living with such person(s); or

a person with a Local Connection as his or her Only or Principal Home (Locality being specified as East Distinctive Area).

5.4 Policy 15 (Housing) supports the provision of permanent homes to contribute to help communities remain vibrant and resilient, and which are secured with eligibility restricted to a geography that is tailored to local circumstances.

5.5 Policy 18 will only support proposals for the reuse of existing buildings for short term holiday letting where they would not utilise a building that is suitable for providing local needs housing, employment use or forms part of an agricultural or land based rural business diversification (Policy 19).

5.6 In this case the conversion serves the accommodation needs of the owner/manager/staff of the existing holiday park, but also allows for its occupation by local people not connected to the holiday park. In coming to that conclusion we would have been satisfied that the building was 'suitable for providing local need housing'.

5.7 The supporting information provided with the application however indicates that the owners consider that the occupation of the building by persons unconnected with the holiday park would be unsuitable, both in terms of the amenity of the potential resident and of the holiday guests. As a result, the current practice is to leave the converted building empty when it is not in use for those periods when a resident (cover) member of staff is required to be present.

5.8 I recognise that the small size, setting and location (on a holiday park, outside of a recognised settlement) constrains the suitability of the building for independent local occupancy. While it may be suitable for such use, it is clearly not ideal.

5.9 The proposals, to add holiday letting as an option, does not prevent the potential for the use of the building for occupation by local people, but allows for greater flexibility in its use, where the alternative is for the building to stand empty, thus helping to ensure the productive use of the building and to justify its ongoing maintenance and repair.

<u>Habitats Regulations Assessment (nutrient neutrality)</u>

5.10 The application site lies within the catchment of the River Eden Special Area of Conservation as identified by Natural England as a European protected site requiring nutrient neutrality strategic solutions.

5.11 We are required as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 (Regulation 63) to carefully consider the nutrients impacts of any new development proposals on habitats sites to avoid adverse effects occurring as a result of the release of nutrients into this catchment.

5.12 The building has permission that would enable it to be occupied throughout the year. Including holiday letting would not permit use of the building over

and beyond the current authorised use. As no additional overnight accommodation would arise by amending the condition, there is no reason to suppose there would be an increase in wastewater from overnight use to be discharged into the habitats site catchment. It is therefore possible to rule out a likely significant effect from the development on the relevant habitats site and as such the proposals are in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

6 Conclusion

6.1 I am satisfied that, considering the very particular circumstances surrounding this converted traditional building, it would be reasonable to permit greater flexibility in its productive use. While I recognise and appreciate the position of the Parish Council, it would appear to me that refusal of the application is no more likely to result in the permanent occupation of the building by a person with a local need than granting this permission.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

1 The dwellinghouse hereby permitted shall not be occupied otherwise than by:
- the proprietor/manager or a member(s) of staff of the Hartsop Fold Holiday Park together with any dependants living with such person(s); or
- for the purposes of short-term holiday letting; or
- a person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) 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 before taking up occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last nine months and for a minimum of 16 hours per week immediately prior to occupation; or

(2) 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

(3) The person has been continuously resident in the locality defined for 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

(4) The person is a person who –
a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;
b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
i. The spouse or civil partner has served in the regular forces; and
ii. Their death was attributable (wholly or partly) to that service; or
c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

'Locality' shall mean the administrative areas of: Bampton, Barton, Lowther, Martindale, Matterdale, Patterdale, and those parts of the Parishes of Askham, Dacre, Hutton, Mungrisdale, Shap Rural, and Thrimby which lie within the administrative area of the Lake District National Park.

An 'Only or Principal Home' is a dwellinghouse which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

REASON: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Local Plan (2020-2035) Policy 15 and the accompanying Supplementary Planning Document on Housing Provision, or for holiday purposes in accordance with Local Plan Polict 18. The provisions relating to armed forces personnel are in accordance with the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012.

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building,

enclosure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Local Planning Authority.

REASON: The Local Planning Authority considers that such development should be subject to formal control to safeguard the amenities of the area.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or materially altered on the land to which this permission relates without application to, and the grant of permission by, the Local Planning Authority.

REASON: The Local Planning Authority considers that such development should be subject to formal control to safeguard the amenities of the area.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2025/3001

Hartsop Fold Caravan Park, Cross Gate, Hartsop, CA11 0NZ

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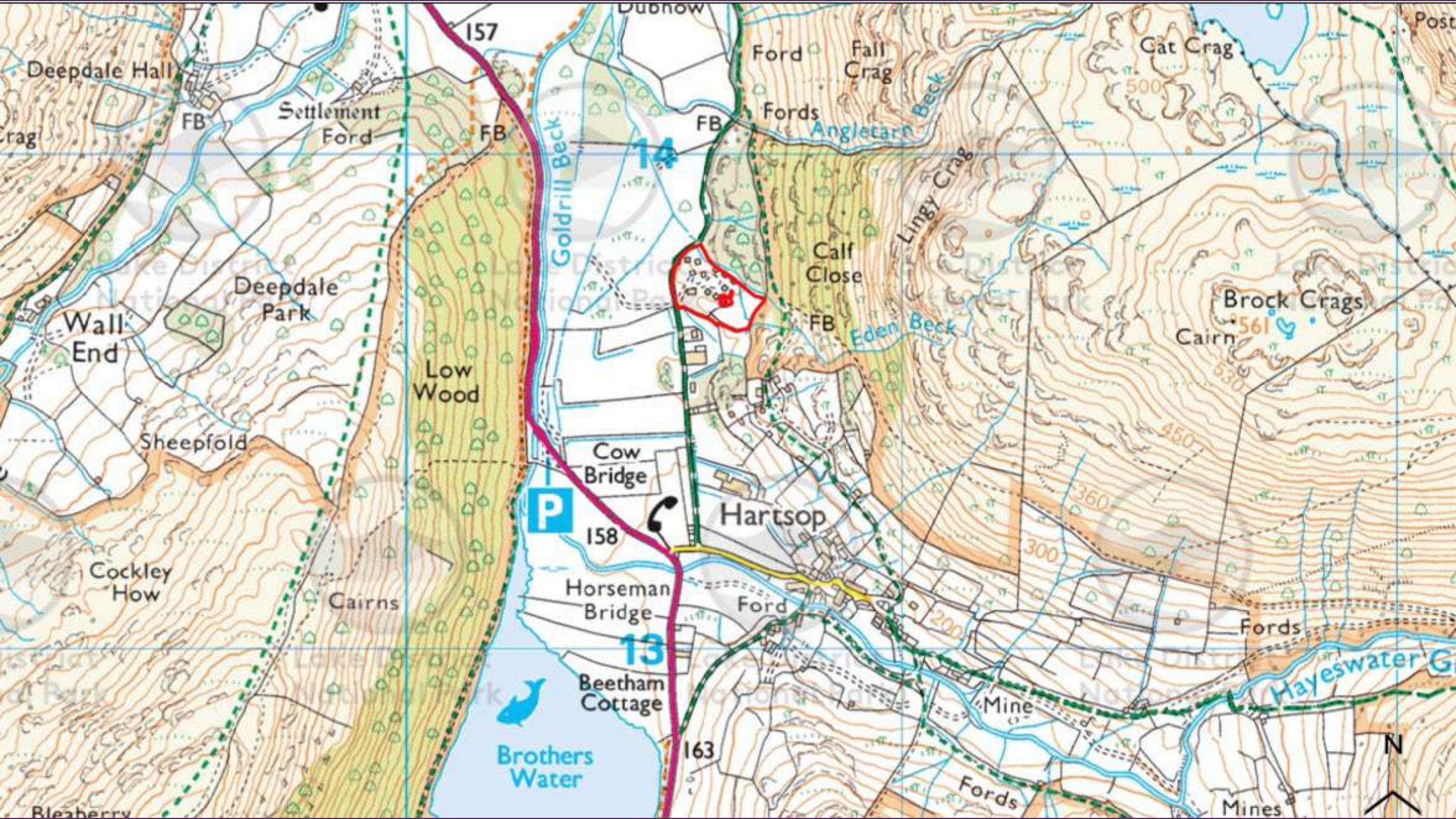
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