

PLANNING APPLICATIONS REFUSED BY THE HEAD OF DEVELOPMENT MANAGEMENT ACTING UNDER DELEGATED AUTHORITY

CUMBERLAND

7/2024/4055 Full Planning application
Irton Hall, Irton, Holmrook, CA19 1TA
Proposed single storey dwelling

1. The proposed dwelling would be in an open countryside location where development is only supported in exceptional circumstances. The application does not set out an essential need for a dwelling in this location or provide details of how it would help to sustain an existing business.

The proposed dwelling would be large which five ensuite bedrooms. It is not considered that the proposal would meet a local need for housing. New build housing for holiday use is also not supported by the Development Plan.

The dwelling, due to its location, design, materials and size, would fail to preserve the significance of the setting of the listed Irton Hall, Medieval Tower and Clock Tower. It would also harm the setting of a villa which is a component of the Outstanding Universal Value of the English Lake District World Heritage Site. The harm to the heritage assets as identified is less than substantial. No public benefits have been identified which outweigh the harm to the heritage assets.

Due to its location, design, materials and size, the dwelling would also appear incongruous within this open countryside location from public views from the nearby Public Right of Way and road, and cause harm to the character and appearance of the local landscape.

The development is not of a scale and nature appropriate to the character and function of its open countryside location. It would harm the significance of World Heritage Site and the setting of the listed buildings. It would be harmful to the character and appearance of the locality and fail to protect, maintain or enhance local distinctiveness, character and landscape setting of the area. The proposed design also fails to reinforce the importance of local character by reason of appearance and materials.

No essential need for the development has been established and it is not considered the dwelling would meet a local need for housing in the locality.

The proposed development would therefore be contrary to Local Plan Policies 01 (National and international significance of the Lake District), 02 (Spatial strategy), 05 (Protecting the spectacular landscape), 06 (Design and development), 07 (Historic environment), 15 (Housing) and 18 (Sustainable tourism and holiday accommodation); the Design Code Supplementary Planning Document; the Housing Supplementary Planning Document and the National Planning Policy Framework.

WESTMORLAND & FURNESS

7/2024/3132 CLEUD - Certificate of Lawfulness of Existing Use or Development
The Filter House, Hayeswater Gill Valley, Hartsop, CA11 0NZ
Use of Filter House, as a dwelling in the form of a holiday home

Evidence suggests that any use of the building was very limited. The building lacks the facilities for day to day living. The application fails to provide sufficiently precise and unambiguous evidence to demonstrate, on the balance of probabilities, that a material change of use of the building and its curtilage to a dwelling in the form of a holiday home has occurred, or that the use as a dwelling in the form of a holiday home has been continued with sufficient continuity as to accrue lawfulness by the passage of time.

7/2023/5470 Full Planning application
High Cunsey Farm, Cunsey, Ambleside, LA22 0LT
Construction of new boathouse with first floor store room, wc and dayroom, extension to existing timber jetty, localised dredging and associated site works

The site is within an area of exceptionally high landscape value given its location in a National Park and World Heritage Site. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies. The National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.

The overall character and visual sensitivity of the receiving landscape is high and has very limited capacity to accommodate change without compromising its key characteristics comprised within its special qualities, resulting in the landscape being highly sensitive to change. The visual sensitivity of people, the views available to them and their visual amenity is high.

The proposed boathouse would result in a change to the character of the application site, which is currently open undeveloped countryside, which contributes to the tranquillity and scenic beauty of this part of the western lakeshore of Windermere. The boathouse, which would be a two storey detached building, would be a prominent and incongruous addition to the less developed western shore of Windermere. The size and two storey height of the boathouse would have adverse landscape and visual impacts from the public right of way and from the lake.

The boathouse would not reinforce the importance of local character by way of its scale, siting, appearance and materials, nor would it be of a scale and nature appropriate to the character and function of the site and it would be harmful to the character and appearance of the lake and its lakeshore location.

The development fails to reflect local character and distinctiveness and does not conserve and enhance the character and quality of the local landscape. The development results in harm to the visual amenity of residents and visitors, including in views from the surrounding public rights of way network and the lake.

The proposal results in harm to the Outstanding Universal Value of the English Lake District World Heritage Site; and harm to the special qualities of the National Park, including the diverse landscape and the celebrated social and cultural heritage of the National Park. There are no public benefits of sufficient weight to outweigh this harm.

The development is contrary to the provisions of the Development Plan, in particular Lake District National Park Local Plan 2020-2035 Policies 01 (National and international significance of the Lake District), 05 (Protecting the spectacular landscape), 06 (Design and development), 07 (Historic environment) and 24 (Lakeshore development) and the National Planning Policy Framework.

7/2024/5563 Full Planning application

Windermere Business Centre, Oldfield Court, Windermere, Cumbria, LA23 2HJ
Erection of three local occupancy residences with associated infrastructure and ancillary facilities

The proposed form and appearance of the building fails to reflect and reinforce local character and would not preserve or enhance the character of the Windermere Conservation Area contrary to Local Plan Policies 01 (National and international significance of the Lake District), 02 (Spatial Strategy), 06 (Design and Development) and 07 (Historic Environment) the Lake District National Park Design Code Supplementary Planning Document and the NPPF.

The proposed building as a result of its size and proximity to neighbouring properties would lead an unacceptable impact on residential amenity due to its overbearing appearance.

The development is unacceptable in terms of its impact on amenity in conflict with the requirements of Local Plan Policy 06 (Design of development) and the NPPF. The proposal would result in the loss of seven parking spaces from the existing parking provision for the business centre. The proposed development would result in the displacement of cars to nearby streets in an area which is known to have an on-street parking problem. This displacement would exacerbate existing problems and pose a highway safety risk to both users of the highway and pedestrians in conflict with the approach set out in the NPPF.

The proposals would lead to the erection of three dwellings within flood risk zone 3. It has not been demonstrated that there are no sites available to accommodate the development which are at lower risk of flooding. The application therefore fails the sequential test as required by the NPPF and development plan policy.

The proposals are contrary to Policy 03 (Development and flooding) of the Lake District National Park Local Plan 2020-2035 and the NPPF.

7/2024/5571 CLPUD - Certificate of Lawfulness of Proposed Use or Development

Gowan Brae, Station Road, Staveley, Kendal, LA8 9NB

Change of use of domestic garage to gym for paying customers

The use of the domestic garage at Gowan Brae as a gym for paying customers would be a material change of use requiring planning permission.

No such permission exists by virtue of a planning permission pertaining to the site or through the Town & Country Planning (General Permitted Development) (England) Order 2015.

On the basis of the information submitted with the application it would not be lawful to use the domestic garage as a gym at Gowan Brae at the level detailed within the application without application for, and grant of, planning permission. The Certificate of Lawfulness of Proposed Use or Development cannot be issued on the basis that it has been applied for.

7/2024/5667 CLEUD - Certificate of Lawfulness of Existing Use or Development

Land adjacent to Old Mill, Skelwith Bridge, Ambleside

Use of land as public car park

The evidence submitted in support of the application is not sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7/2024/5674 Full Planning application

Fellside Close, Kendal Road, Bowness-on-windermere, Windermere, LA23 3ER

Construction of a new 2 bedroom detached property on a garden plot

Fellside House is built in the Arts and Crafts style, it is characteristic of the large houses built in landscaped grounds in this area in the Victorian period and into the early years of the 20 Century and represents an example of a Lake District Villa, a component of the attributes of the Outstanding Universal Value of the English Lake District World Heritage Site.

The position of the proposed development would intrude into the approach to and compromise the setting of the Villa. It would erode the appearance of the landscaped slope above which the house is perched and crowd a distinctive set of steps and their associated planting. The development would be harmful to the character and appearance of this Villa, its contribution to the character of this part of Bowness and would represent less than substantial harm to the World Heritage Site.

The benefit of providing an additional local occupancy house would not outweigh the harm to character and heritage identified. The development is therefore contrary to Lake District National Park Local Plan (2020-2035) Policies 01, 02, 05, 06, and 07, the Design Code SPD and the NPPF.

7/2024/5706 Full Planning application
Broughton House Croft, Field Broughton, Grange-Over-Sands, LA11 6HN
Change of use of ancillary building to a flexible use of either holiday let or ancillary accommodation

The application site is within an area of exceptionally high landscape value given its location in the Lake District National Park and English Lake District World Heritage Site. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies and the National Planning Policy Framework which expect great weight to be given to the conservation and enhancement of the landscape and scenic beauty. National Parks have the highest status of protection in relation to these issues. The development plan and National Planning Policy Framework also expect that great weight should be given to the conservation of the World Heritage Site.

Policy 02 operates a policy of constraint, seeking to avoid sporadic development within the open countryside of the National Park. One exception to this policy of restraint is where an existing building contributes to landscape character or the historic environment. While the building is not considered to detract from the landscape character, is not of a vernacular character and is not considered to contribute to the characteristics of the area, as identified within the Landscape Character Assessment. By reason of its age, design, form, scale and materials, the existing building is considered to have a neutral impact on the landscape character.

The reuse of this building would therefore fail to satisfy the exceptional circumstances under which development within the open countryside will be supported and is contrary to the requirements of Policy 02 of the Lake District National Park Local Plan 2020-2035. The development is therefore unacceptable in principle.

The available evidence would suggest that approval of this application would essentially grant retrospective planning permission for the construction of new build housing for holiday use, a form of development that directly conflicts with the requirements of Policy 18 of the Lake District National Park Local Plan 2020-2035.

There is evidence of an identified local housing need for smaller dwellings in the South Lakeland Strategic Housing and Economic Needs Assessment (SHENA) and the design and layout of the building would provide a good standard of living conditions. The building is served by outdoor amenity space and sufficient off-street parking. Acceptable amenity levels for neighbouring properties, including Broughton House Croft could be maintained.

There is no evidence to demonstrate that the building is unsuitable for providing local need or affordable needs housing and as a consequence, its use as a dwellinghouse for holiday letting purposes would fail to contribute to meeting the needs of the local community and fail to help address the imbalances in the local housing market, contrary to the aims of Policies 02 (Spatial strategy), 15 (Housing) and 18 (Sustainable tourism and holiday accommodation) of the Lake District National Park Local Plan 2020 – 2035 and the accompanying Housing Supplementary Planning Document.