



**Lake District
National Park**

3

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

Application number:	7/2025/3036
Application type:	Full Planning application
Applicant:	Ms N Merrett
Location:	Bell Cottage, Greenside Road, Glenridding, Penrith, CA11 0QR
Grid reference:	336701 517390
Proposal:	Retention of short term holiday letting hut in garden of property (retrospective)
Report prepared by:	Catherine Campbell, Area Planner
Report agreed by:	Neil Henderson, Planning Manager
Recommendation:	REFUSE

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. Site and proposal

- 2.1 I am reporting this application to Committee because my recommendation of approval is contrary to the views of Patterdale Parish Council and as we have received several letters of support.
- 2.2 Bell Cottage is located at the foot of Greenside Mine, around one mile to the west of Glenridding along the single track Greenside Road, the road is also a bridleway (BW357061). The application site is in close proximity to the Lake District High Fells Special Area of Conservation (SAC), but not within it. There are a number of Historic Environment Records close to the site, including Greenside Lead Mines, and Greenside Mine is also a Scheduled Monument.
- 2.3 Planning permission was approved in 2012 (7/2012/3048 as amended by 7/2013/3089) for the change of use from hostel to residential dwelling or hostel (dual use). Condition 2 restricts occupation of the dwelling to:

The building known as Bell Cottage to which this planning application relates shall not be occupied otherwise than:

- a) as a hostel (sui generis)*
- b) as a dwellinghouse (C3) by a Person with a Local Connection as his or her Only or Principal Home together with the dependents of such a person living with him or her and the widow or widower of such a person.*

The Occupant will supply to the Authority (within 14 days of the 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:

The person has been continuously resident in the Locality for three years immediately prior to occupation; or

The person has been in continuous employment in the Locality for at least the last 6 months and for a minimum of 16 hours per week immediately prior to occupation; or

The person is a former resident who wishes to return to the Locality having completed a post-secondary (tertiary) education course within 12 months prior to occupation and who immediately prior to attending the course lived in the locality defined for at least three years; or

The person is currently in the Armed Forces, in prison, in hospital or similar accommodation whose location is beyond their control, and immediately

before moving to this type of accommodation lived in the Locality for at least three years; or

The person needs to live in the Locality because they need substantial care from a relative who lives in the Locality, or because they need to provide substantial care to a relative who lives in the Locality. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

The person is a former resident who lived in the Locality for three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure.

'Locality' shall mean the administrative area of the parishes of Barton, Martindale, Matterdale, Patterdale, Hutton and that part of the civil parish of Dacre which lies within the boundary of the Lake District National Park.

An 'Only or Principal Home' is a dwelling-house 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.

- 2.4 The application states that this 'permission was implemented in 2013 when the current occupant and her family moved in. The occupant runs her guided mountain walks and skills business' from the property.
- 2.5 This application seeks planning permission for the retention of a hut in the garden of the property that is used for short-term holiday letting. The building is sited in the northeastern corner of the property and is a single storey timber building with decking. It comprises a living room with a sofa bed, a kitchen and a toilet.
- 2.6 Whilst not in the description of development or on the application form, the planning statement states that 'This application seeks retrospective permission for the retention of the hut and its use, for either a 5 or 10 year limited period'. The application form states that the development was completed on 1 March 2021. From the submitted information, it appears that the hut was built with the intention for use as holiday accommodation.

3. Representations

- 3.1 Patterdale Parish Council: 'Supports the retention of this building and its use for short term basic holiday letting. It helps to support an existing local business providing holiday accommodation without removing housing which could be used by residents. Our understanding is that the updated foul

water treatment at the property has a minimal impact on local water courses’.

- 3.2 Natural England: Further information required to determine impacts on designated sites. The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest and those Special Areas of Conservation, Special Protection Areas or Ramsar sites that they underpin. The development site is within the catchment of a European Site vulnerable to nutrient impacts. Within this location proposals with the potential to affect water quality may have a likely significant effect on the qualifying features of the European Site through adverse nutrient impacts. Natural England advises that such developments require a Habitats Regulations Assessment which has been informed by nutrient budget calculation to consider the impacts, along and in combination with other plans/projects, proceeding to appropriate assessment stage where likely significant effect cannot be ruled out.
- 3.3 Westmorland and Furness Council, Local Highway Authority and Lead Local Flood Authority: No objection. The layout details shown on the submitted plan are considered satisfactory from a highway perspective. A PROW (bridleway) number 357061 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
- 3.4 Westmorland and Furness Council, Environmental Health: No comments or objections... as this has been existing without issues known.
- 3.5 Historic England: No requirement to notify or consult HE on this application under the relevant statutory provisions.
- 3.6 15 letters of support have been received raising the following:
 - Hut blends naturally with the local surroundings and respects the character of the area.
 - It provides a valuable option for visitors, supporting tourism, which is vital to our local economy.
 - Whilst the long term nature of planning must be strategically planned, the nature of what Nicky is offering, an outside hut to sleep in, in a remote setting, provides a cheaper option to increase and enable the inclusive nature of a Lake District stay for all budgets.
 - Small businesses like this one help attract and sustain young families in the village, which in turn supports key services like our local school.
 - The applicant’s commitment to using ecological cleaning products also demonstrates a responsible and sustainable approach, which should be encouraged.
 - The applicant has made a very significant contribution to improving the health of the adjacent beck by an overall decrease in the number of overnight stays (as her home was previously a hostel) and installation of a proper sewage treatment plant.
 - Applicant has longstanding family and personal connections to the area.
 - The guest accommodation enables her to earn a sufficient amount to be able to live in this valley where she has established a walking and

navigation business. In addition, she has a number of important volunteer roles.

- Although development without approval is generally to be discouraged, the omission at a time of personal trauma and change is understandable, especially given the history of the property as a hostel sleeping 16.
- I understand that the income received from this hut supports Nicky to stay at Bell Cottage with her young son, without it she would struggle and may have to give up her house and leave the village.
- Nicky is also the local presence that supports the 7 buildings high on the Greenside road (my hostel and the YHA included), and helps maintain the track for the benefit of all that use it. She is also an invaluable protector of the environment and promoter of good eco practices in the valley.
- It is therefore somewhat ironic that she of all people risks rejection on sustainability grounds. I totally understand the desire to restrict rampant expansion and commercialism where it will impact the local environment and put a strain on watercourses etc. but 1 small hut rented out part time which drains into a modern septic tank is meagre compared to other permitted developments and practices in the valley
- I appreciate that 2 wrongs don't make a right but the hut's impact is negligible, indeed her own household has reduced in number now it is just her and her son who lives there, and is considerably lower than when it was the former YMCA. Combined with her eco practices she would probably be net negative even with several huts.
- She has a family to support and needs the income from the little garden room. She has built up a business by sheer determination. The garden room income is vital to her being able to carry on living here, and offers no problem to those nearby, minimum impact in fact.
- The applicant plays a full and active role in our community. Her vocation as a walking guide, educates visitors as to the indigenous nature of life, community, economics and care for the Lakeland countryside. Her natural style inculcates consideration and enjoyment of the landscape's beauty, whilst leaving no trace or impact upon it. As a trainer, she teaches navigational skills to a very high National standard, equipping visitors with vital knowledge for walking the Fells safely and with confidence.
- A successful outcome to this application would enable the applicant and her son to continue to live in the village and carry on contributing to village life as she has done for the past 15 years.
- The applicant is the only permanent resident at the head of the Greenside valley now, where also of the 26 miners cottages on the mine road, only 2 others are permanently lived in. We need to keep people like Nicky and her family in the valley, who contribute to the local community and work hard in their businesses to be able to afford to live and fetch their children up here.
- This kind of enterprise should be supported especially when there is very little or no impact on the local environment.
- I understand there was a new sewage treatment plant installed recently.
- The recently developed holiday cottages in the former hostel cause much more disruption with cars and access to them, while many of the visitors to the hut arrive by foot. We have lost several overnight

accommodation providers in the area in the past few years, such as B&B's and the youth hostel, so there is a demand for more affordable accommodation which the hut provides.

4 Policy and 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 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment
- Policy 15: Housing
- Policy 16: Job creation and employment space
- Policy 18: Sustainable tourism and holiday accommodation

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 Patterdale Parish Council do not have a Parish Plan.

5 Assessment

5.1 The main issues in this case are:

- Principle of development
- Visual and landscape impact
- Habitats Regulations Assessment (nutrient neutrality)

Principle of development

5.2 Whilst the application site is reasonably close to the rural service centre of Glenridding (approximately one mile away), the site is located in the open countryside. Access to the site is via a single track, which is unlit and from my site visit I noted that it is poorly surfaced with changes in level as you travel further up the valley.

5.3 Policy 02 (Spatial strategy) sets out the Development Plan's spatial strategy, to direct new development to appropriate locations. To safeguard the character of the open countryside and promote sustainable patterns of growth Policy 02 only supports development in the open countryside in limited circumstances, specifically where the application demonstrates:

- An essential need for a rural location; or
 - The location is necessary for the provision of public utilities and infrastructure; or
 - That it helps sustain an existing business; or
 - It is necessary for and designed to support agricultural or forestry use; or
 - An appropriate extension, or reuse of an existing building.
- 5.4 Additional Policy 02 supports the reuse of buildings for business or residential use where the building:
- Contributes to the landscape character or historic environment, and
 - Is structurally sound and capable of conversion, and
 - The development would not result in an unacceptable change to its character, and
 - Is large enough to accommodate the use proposed without the necessity of major alteration, extension, or reconstruction, and
 - Is easily accessible to the existing road network and suitable access arrangements can be secured.
- 5.5 Policy 02 goes on to state that we will only support the redevelopment of an existing building where it can be demonstrated that the development would result in a significant enhancement of the landscape character or historic environment and would enhance its immediate setting.
- 5.6 Policy 18 (Sustainable tourism and holiday accommodation) aims to locate new tourism development in places which offer a choice of transport options for visitors and employees. Policy 18 supports sustainable tourism proposals only where they:
- are within or well related to the settlement form of a Rural Service Centre; or
 - contribute to the diversification of an agricultural or land-based rural business (Policy 19); or
 - rely upon a geographically fixed resource which justifies the development; or
 - are located within or adjacent to an existing visitor attraction or accommodation site.
- 5.7 As a hut, the section of Policy 18 in relation to caravan and camping is relevant, as this section states that caravan and camping can include glamping, lodges, huts, tree house accommodation and pods. Policy 18 states that proposals will only be supported for short term holiday letting, and where the proposed development area is located on, or immediately adjacent to existing sites, and is consistent with the landscape character
- 5.8 Policy 18 goes on to state that, exceptionally, creation of new sites will only be permitted for short term holiday letting and where:
- it contributes to the diversification of an agricultural or land-based rural business, pub or drinking establishment, and

- the proposed development area would be appropriately screened and is consistent with landscape character; and
 - the site has necessary infrastructure capacity, it does not introduce inappropriate levels of use to the location, and is well related to the existing road network.
- 5.9 For holiday letting proposals, Policy 18's approach is consistent with Policy 15, which aims to achieve a balanced and resilient housing market with a high proportion of properties in permanent occupation, and a supply of new homes that meet people's needs and maximises the delivery of affordable housing. Policy 15 requires the occupancy of new dwellings to be secured in perpetuity as set out in the Housing Supplementary Planning Document. With respect to holiday letting Policy 18 states that we will only support proposals for the reuse of existing buildings (excluding guest houses) for short term holiday letting where they would:
- not utilise a building that is suitable for providing local need or affordable needs housing; and
 - not utilise a building which is suitable for providing employment use; or
 - form part of an agricultural or land-based rural business diversification proposal.
- 5.10 Policy 18 states that new build housing for holiday letting use will not be supported.
- 5.11 The application states that the applicant 'runs her guided mountain walks and skills business 'Hiking Highs' from the property' and that the proposal 'helps to support the retention and expansion of a small existing tourism related business that brings regular year round business to the local economy and causes no adverse harm to the landscape character or to neighbouring properties'.
- 5.12 Whilst Policy 02 does support development where it helps to sustain an existing business, there are no details other than that set out in the paragraph above, that this proposal would do so. I am conscious that there is no permission for business use at this location other than the hostel component of the flexible use. That is not to say that operating the hiking business from the dwelling is unlawful, as it is common for persons to work from home and this does not amount to a material change of use unless the use of the property materially differs from that of a dwelling house. In this case there is no indication that this has occurred. As far as I am aware occupation of the hut is not confined to those who use the services of Hiking Highs, and is freely available to book. Rather this appears to be a separate income stream for the applicant with no direct link to the existing business.
- 5.13 From the details submitted with the application, it would appear that the building was constructed and used as holiday accommodation from the outset. Even if the building was first constructed for ancillary accommodation to the dwelling Bell Cottage, I do not consider that it would be an 'appropriate reuse of an existing building' as set out in Policy 02 as the building, of a modern timber construction, does not 'Contribute to the landscape character or historic environment'.

- 5.14 The application site is located in the open countryside over a mile from Glenridding. I do not therefore consider that the site is 'within or well related to the settlement form' of Glenridding, as required by Policy 18. Whilst Bell Cottage does have a flexible use as a local occupancy dwelling or a hostel, and the hut is in the garden of Bell Cottage its current use is as a dwellinghouse, and the property has not been used as a hostel for some years. There is no indication that a hostel use is likely to resume. I do not consider therefore that the proposal is 'within or adjacent to an existing accommodation site.
- 5.15 The proposal does not meet the requirements for the creation of new caravan and camping sites set out in Policy 18 as it would not 'contribute to the diversification of an agricultural or land-based rural business'.
- 5.16 As mentioned in paragraph 5.13 it would appear that the building was constructed and used as holiday accommodation from the outset. Given the standard of accommodation within the hut I do not consider that a dwelling has been created, however even if the hut did provide facilities for day-to-day living, the proposal would result in new build housing for holiday accommodation, which would not be supported by policy.
- 5.17 I accept that the proposal would add to the range of accommodation to suit different budgets and could increase the length of stay of overnight visitors, but this alone does not result in compliance with Policy 18.
- 5.18 The proposal has not demonstrated that it meets any of the exceptional circumstances for development within the open countryside outlined in Policy 02, nor does it meet the criteria for sustainable tourism and holiday accommodation outlined in Policy 18. I consider therefore that the principle of the development is contrary to the development plan in particular Local Plan Policies 02 and 18.

Visual and landscape impacts

- 5.19 As the application is retrospective it is possible to assess the actual visual impact of the hut. It is located within the garden of Bell Cottage, adjacent to the access track which is also a public right of way (PROW). There are also PROWs opposite the application site on the other side of the valley.
- 5.20 From my site visit, I noted that the building can be viewed from the PROW adjacent to the site. It is sited at a lower level than the track and therefore is the roof of the building which is most visible. There is also natural screening around the site.
- 5.21 The hut is small scale and domestic in appearance. In the context of its siting in the garden of Bell Cottage, and given its small scale and the screening to the property, I do not consider that it has an adverse visual or landscape impact.

Habitats Regulations Assessment (nutrient neutrality)

- 5.22 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.
- 5.23 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.
- 5.24 Plans and projects which are not wholly directly connected with or necessary to the conservation management of the site's qualifying features, require formal screening for any Likely Significant Effects (either alone or in combination with other plans or projects). Where these effects cannot be excluded, assessing them in more detail through an appropriate assessment (AA) is required to ascertain that an adverse effect on the integrity of the site can be ruled out.
- 5.25 Natural England guidance outlines that developments for all types of new overnight accommodation may result in additional nutrient inputs and these developments must be subject to Habitats Regulations Assessment. Where additional nutrient inputs to these catchments occur, unless all reasonable scientific doubt over adverse effects on the integrity of the SAC arising can be eliminated, a development will rarely be acceptable.
- 5.26 The proposal would result in new overnight accommodation. Natural England has indicated that in such cases wastewater is likely to be generated from overnight use. As additional wastewater is likely to be generated without mitigation the development is likely to result in a significant effect on the protected site.
- 5.27 The application form states that foul sewage from the hut is disposed of via the 'existing domestic package treatment plant'. The application has not been accompanied by a Natural England nutrient neutrality budget calculator for the relevant catchment; a Nutrient neutrality mitigation strategy; or a Shadow habitats regulations assessment. The applicant has simply provided a Nutrient Neutrality paragraph within their planning statement which states:

'The property lies within the catchment of the River Eden Special Area of Conservation, as identified by Natural England as a European protective site requiring nutrient neutrality strategies solutions as a priority. This proposal is affected by nutrient neutrality because nominally it would result in an increase in overnight accommodation. However, the property already has a flexible use as a hostel or dwelling and so the amount of overnight accommodation can lawfully be increased and current foul water loadings would be much higher. Also, since buying the property the applicant has replaced an old septic tank with a modern package treatment plant, which is much more efficient in dealing with issues affecting nutrient neutrality. It is therefore concluded that, with the house being used for residential purposes rather than a hostel, the proposal would not result in an increase in the

amount of overnight accommodation over and above that which is already allowed for by planning permission 7/2012/3048'.

- 5.28 With respect to the replacement plant, I am unable to find any evidence of planning permission being granted for a package treatment plant at this site. Nor has any information been provided with regard to the respective discharges from the former septic tank and current treatment plant, or when the new plant was installed. I cannot therefore make any meaningful conclusion on the impacts on the levels of phosphorus discharge.
- 5.29 The applicant has also provided a table provides calculations in respect of loads and flows for this proposal. An accompanying email states that 'this shows the proposal would result in a net daily decrease of 1,290lt of flow, a daily decrease of 530 grams of BOD and a daily decrease of 70 grams of ammonia'.
- 5.30 The above appears to be based on a comparison between the maximum load that would result from the use of the property as a hostel. The authorised use of the building however is as a dwellinghouse or a hostel. These uses are distinct and are not a mixed use. As noted above the property has not operated as a hostel for many years as far as we are aware, and there seems little prospect of the hostel use resuming so a better comparison would have been against the use as a single dwellinghouse.
- 5.31 Even if the hostel use was likely to resume, the comparison figures are based on the assumption that the existing permission would fall away if permission were granted but a change of use of the whole site is not proposed, so the permission would remain intact. As an additional unit of accommodation, whichever one of the flexible uses were to be operated the proposal would result in an increase in overnight accommodation. Put simply,
- If Bell Cottage is used as a dwelling then the hut is another unit of occupation
 - If it were used as a hostel there would be additional bed spaces.
- 5.32 There are also some fundamental flaws in the information provided, primarily that the the information fails to recognise that the over-neutrification of the catchment is through excess phosphorus so the figures regarding BOD and ammonia are not relevant.
- 5.33 Without more robust evidence that the proposal would not add to existing phosphorus enrichment within the catchment, a likely significant effect cannot be ruled out and an Appropriate Assessment is required to determine whether the integrity of the European site would be affected. This assessment should be read as our Appropriate Assessment as Competent Authority.
- 5.34 The application has not been accompanied by a detailed Nutrient Neutrality Assessment and Mitigation Strategy. Therefore, there is insufficient information provided to demonstrate that the proposal would be nutrient

neutral. In this respect, I note the comments from Natural England summarised in paragraph 3.2 above.

- 5.35 Based on the qualifying interest features of the site, the existing level of phosphorus in the catchment and the nature of the development it is considered that the development is likely to result in significant effects on the identified qualifying features.
- 5.36 In the absence of a Nutrient Neutrality Assessment and effective mitigation solution, it is not possible to rule out an adverse effect on the integrity of the River Eden Special Area of Conservation and the proposals would be contrary to Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

Would the proposal offer any benefits that would outweigh the harm identified?

- 5.37 The development would result in additional visitors coming to the area which would offer minor benefits to the economy through any associated spending, and it is accepted that the proposal would likely increase the length of stay of overnight visitors and would add to the range of accommodation to suit different budgets.
- 5.38 The application states that it would support the applicant's hiking business and a number of representations have been received in support of the application, including from Patterdale Parish Council. They state that it would provide additional income to the current landowner allowing them to remain in the community. A number of representations also talk highly of the applicant and their commitment and contribution to the community.
- 5.39 I acknowledge these comments and have no doubt that the applicant is a valued member of the community, and I am sympathetic to the applicant's circumstances set out in the representations. Nevertheless, personal circumstances are rarely of sufficient material weight to justify approval of developments which are contrary to the development plan.
- 5.40 Planning Practice Guidance is clear that '*Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.*'
- 5.41 New development in the countryside requires however to be fully justified as an exception to the normal policy of restraint and would need to show clear and demonstrable benefits of protection or enhancement of interests of acknowledged importance.

- 5.42 The circumstances of this proposal are very repeatable, with many more self-employed people working from home than has previously been the case. Granting permission here would mean that other applications for similar accommodation would be hard to resist. If repeated, then the cumulative impacts caused by development of this type in the open countryside would be harmful and our spatial policy would be undermined.
- 5.43 Any benefits must furthermore outweigh the potential impact on the integrity of the River Eden Special Area of Conservation. Given the very high level of protection afforded to European Protected Sites the public benefits would have to be of a very high order to contemplate a development which might cause harm to the special interests of a site. The public benefits in this case fall well short of that high bar.
- 5.44 In this instance, the benefits of the provision of tourist accommodation in this location do not outweigh the conflict with the provisions of Policy 01, 02, 04, 15 and 18 of the Local Plan.

Other matters

- 5.45 A planning policy statement on Green Belt Protection and Intentional Unauthorised Development came into force at the end of August 2015. This makes intentional unauthorised development a material consideration in the determination of planning applications. There is no guidance or definition of 'intentional unauthorised development'. Because it is impossible to know what was in a particular person's mind at a particular moment in time, we must construct a picture and reach a view of the weight to be attributed to this issue, based on the information and evidence available around any individual retrospective case.
- 5.46 I have no evidence to demonstrate that there was intent on the applicant's part to proceed knowingly unlawfully, or with malicious intent. As such I afford the ministerial statement little weight in this case.
- 5.47 Whilst the site is partly within an area covered by a Historic Environment Record (no.12731) and close to the Greenside Lead Mines Scheduled Monument, given the location, siting and scale of the proposal I consider that it would have no impact on heritage assets.

6 Conclusion

- 6.1 I consider that the retention of the hut for short term holiday letting in the garden of Bell Cottage would not be compatible in principle with relevant policies of the Local Plan. Nor has it been demonstrated that the development would not cause harm to a European protected site. The benefits to the economy and the visiting public and the personal circumstances of the applicant would not outweigh these objections, and therefore the development is contrary to the provisions of the Development Plan, in particular Lake District National Park Local Plan Policies 01, 02, 04, and 18, and other material considerations (including the provisions of the NPPF).

RECOMMENDATION: REFUSE

Conditions/Reasons

1. The proposal fails to satisfy the exceptional requirements of Policy 02 (Spatial strategy) for development in the open countryside and the limited exceptions for tourism development as set out in Policy 18 (Sustainable tourism and holiday accommodation).

The proposal is contrary to development plan policies in respect of tourism development and represents sporadic development in the open countryside.

In the absence of a Nutrient Neutrality Assessment and effective mitigation solution it is not possible to rule out an adverse effect on the integrity of the River Eden Special Area of Conservation.

The benefits of the proposal, including to the economy, providing accommodation for visitors, and the personal circumstances of the applicant, are not sufficient to outweigh the harm.

Consistent application of policy is important and granting planning permission to contrary to policy in the absence of compelling justification would undermine the adopted policy position. This readily repeatable type of development and type of location would result in significant adverse effects upon the open countryside and undermine spatial policy set out in the development plan.

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), 02 (Spatial strategy), 04 (Biodiversity and geodiversity), and 18 (Sustainable tourism and holiday accommodation) and the provisions of the National Planning Policy Framework.

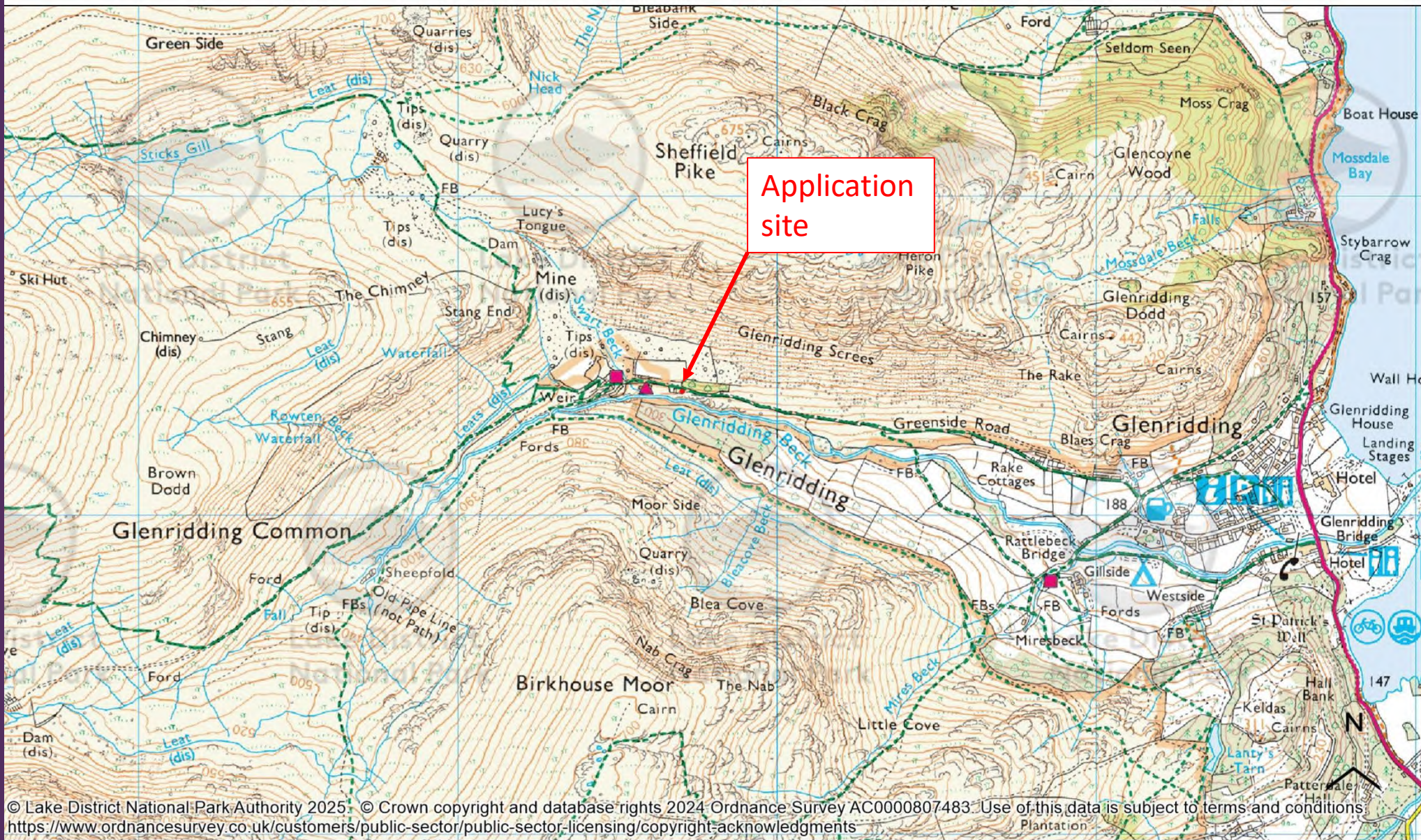
Background papers

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.

7/2025/3036

Bell Cottage, Greenside Road, Glenridding

Retention of short term holiday letting hut in garden of property (retrospective)



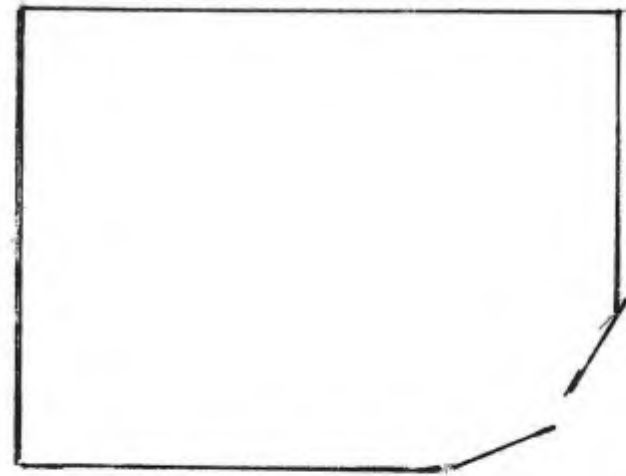
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Lake District
National Park Authority

The Hut measures 4.25m X 3 m



SCALE 1:50





















