



Appeal Decision

Site visit made on 3 June 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/Q9495/C/24/3342324

Land at The Barn, Main Street, Staveley, LA8 9LU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Dean Wilson against an enforcement notice issued by the Lake District National Park Authority.
 - The notice was issued on 14 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land from use as two planning units with a workshop on the ground floor and a local occupancy dwelling on the first floor to use as a single dwelling occupied as short term letting accommodation.
 - The requirements of the notice are to discontinue the use of the Land as a single dwelling.
 - The period for compliance with the requirement is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), and (g) of the Town and Country Planning Act 1990, as amended (the Act). 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 by:

- i. The deletion of the wording describing the alleged breach of planning control, at Section 3 of the notice, in its entirety, and substitution with the following wording instead:

"Without planning permission, the material change of use of the land from use as a workshop on the ground floor and flat on the first floor to use of the ground, first and second floors as a dwellinghouse occupied for short term letting accommodation.";

and,

- ii. In Section 5 of the notice, deletion of the words:

"i. Discontinue the use of the Land as a single dwelling"

and substitution with the words:

*"i. Cease the residential use of the ground floor of the building; and,
ii. Cease the use of the first floor and second floor of the building as a dwellinghouse occupied for short term letting accommodation."*

2. Subject to these corrections, 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 Act as amended.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, and it is a material consideration in the determination of planning and enforcement appeals. Further amendments were published on 7 February 2025. However, the revisions and amendments to the Framework are not material to the matters raised in this appeal.
4. The appellant suggests that the use of a dwellinghouse as a holiday let does not constitute a material change of use. After consulting the parties, the appellant confirmed that they wish to pursue this argument as a ground (c) appeal, and so the Local Planning Authority (LPA) was invited to provide any comments on this matter. I have therefore dealt with this as a 'hidden' appeal on ground (c).

Background and planning history

5. The appeal property is a former two storey barn with loft and is constructed of local stone and slate. It is located in the centre of the village of Staveley, within the Lake District National Park.
6. In January 1983, planning permission¹ was granted for a 'flat over the existing workshop/garage'. This established a residential unit of accommodation on the first floor of the building. However, this was subject to a local occupancy condition² which essentially restricted the occupation of the residential unit to a person employed or last employed locally together with their dependants.
7. The appellant purchased the property in 2020. At that time, they state that the property comprised a workshop/garage and office space on the ground floor and the first floor was a flat with two bedrooms. In late 2021, the entire building was renovated by the appellant. The ground floor area was converted from the former workshop to provide two bedrooms with en-suites, and a bar area. Overall, the works have resulted in a residential unit with three double bedrooms. The accommodation is primarily arranged over the ground and first floors with some living space within the loft.
8. In February 2022, the LPA advised the appellant that the works were unauthorised and had resulted in a material change of use without planning permission. In order to regularise the situation, in June 2022, the appellant submitted a planning application for development described as 'conversion of the workshop into bedrooms to form extension to existing dwelling'. The supporting information submitted with the application clarified that permission was being sought to use the building for short term letting accommodation.
9. That application was refused planning permission on 4 November 2022 for the following reason:

"The use of the building the subject of the application as holiday accommodation would represent a loss of a dwelling which is subject to a local occupancy condition. The proposals to convert the building into holiday letting accommodation would therefore fail to make use of a building suitable for meeting a local housing need, by virtue of its size and location within the centre of the rural service centre of Staveley, would represent a suitable opportunity for providing a local needs

¹ Planning Permission Reference 7/82/5783

² Condition No. 2 of Planning permission 7/82/5783

house, contrary to the aims of Local Policy 15 (Housing) and contrary to the tests set out in Policy 18 (Sustainable tourism and holiday accommodation) of the Lake District National Park Local Plan 2020-2035. There are no material planning considerations of sufficient weight, including the economic benefits likely to be generated by the proposal, to outweigh the harm identified.”

10. It is common ground between the parties that the ground, first, and second floors of the appeal property is currently in use as a dwelling occupied for short term letting accommodation.

The Enforcement Notice

11. Regardless of what grounds of appeal have been advanced, I have a duty to ensure that the notice is in order. If I consider that the notice is defective in any way, I have broad powers under the provision of s176(1) of the Act to make corrections. I can only do so where I am satisfied that this will not cause injustice to the appellant or the LPA. If corrections cannot be made, I must quash the notice.
12. I have made some minor corrections to the alleged breach of planning control as described in the notice to omit reference to planning units because this is not a use. I have also deleted reference to local occupancy because this relates to a planning condition. To ensure the alleged breach is accurately described, further corrections have been made in the interests of clarity and based on the facts of the case.
13. The requirements of an enforcement notice should reflect and follow logically from the allegation. In this case, the allegation acknowledges that, prior to the alleged breach of planning control, part of the appeal building was in use as a dwelling, albeit with a local occupancy restriction. It is therefore not correct to require the appellant to simply discontinue the use of the land as a single dwelling, because this might result in prohibiting the appellant from doing something they are entitled to do without planning permission by relying on existing lawful use rights, including the right of reversion under s57(4) of the Act.
14. Therefore, the correct approach is for the requirements to follow the wording of the allegation. The most straightforward approach would be to delete the current requirement in its entirety and replace this with requirements to cease the residential use of the ground floor of the building, and to cease the use of the first and second floors of the building as a dwellinghouse occupied for short term letting accommodation.
15. I consulted the parties over this potential correction and neither raised any objection on the grounds of injustice. In its response, the LPA suggested that the second requirement could be expressed as: *Cease the use of the first floor and loft area of the building as a dwelling other than in accordance with planning permission 7/1982/5783.* However, it is unnecessary to refer specifically to the 1983 permission because s57(4) would allow the appellant to revert to that use, assuming that this consent has not been lost or extinguished for any reason. In any case, the requirements, as corrected, would achieve the purpose of the notice, that being to remedy the breach of planning control that has occurred, and nothing more.

16. For the avoidance of doubt, the corrections are to align the wording of the requirement with the alleged breach of planning control, as corrected. These corrections do not prevent the resumption of the previous lawful use of the land, if one can be demonstrated without an intervening unlawful use having occurred.
17. Overall, I am satisfied that my corrections to both the allegation and the requirements of the notice would not cause any injustice to either party or prejudice their respective positions. I shall therefore correct the notice accordingly by exercising the powers available to me under s176(1) of the Act.

The appeal on ground (c)

18. The ground of appeal is that, in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control. This is one of the 'legal' grounds of appeal, in which the burden of proof is on the appellant to show, on the balance of probability, that the matters alleged in the notice do not constitute a breach of planning control.
19. Under s57(1) and s55(1) of the Act, planning permission is required for 'development' which includes the making of any material change in the use of the land. A change of use is 'material' where it gives rise to some significant difference to the character of the activities taking place as a matter of fact and degree.
20. The appellant submits that the whole of the appeal property has been in use as a single dwelling since 2009, with its use being primarily residential and the workshop element being ancillary to this. Subsequently, they take the view that the use of a dwellinghouse as a holiday let does not constitute a change of use that requires planning permission. However, this does appear to be contrary to the appellant's own actions in seeking planning permission in June 2022 for a change of use to that alleged by the notice.
21. In any case, there is no substantive evidence before me to show that use as a dwelling with ancillary workshop ever took place, let alone became lawful. Reference has been made to title deeds and sales particulars. However, this does not demonstrate use or occupation of the property, and therefore this has no bearing on the planning status of the land. Furthermore, there is no certificate of lawfulness before me to confirm the appellant's claims. Representations from an interested party also appear to contradict the appellant's account. Consequently, there is a lack of evidence to support the appellants position in this regard.
22. From the evidence before me, and on the balance of probabilities, it seems that the lawful use of the land was that of a workshop and flat above. Therefore, the baseline for assessing materiality is a ground floor workshop and a flat on the first floor, with the latter being occupied as a sole or main place of residence.
23. The appellant does not dispute that the whole of the appeal property is in use as a dwellinghouse occupied for short term letting accommodation. It appears that significant works were carried out to convert and internally reconfigure the building in order to facilitate this use. The property is advertised online for short term lets with three double rooms and a private bar area. It has the ability to accommodate six to eight people, and the appellant has advised that they have a number of bookings confirmed for the next nine months.

24. Regardless of whether the former use consisted of two separate planning units or a single mixed use, the sole use of the land as a dwelling occupied for short term letting accommodation is far removed from use as a workshop and flat. The loss of the workshop, the extension of the residential use over three floors rather than one, and the short-let nature of the residential use, when taken together, have changed the character of the activities on the land to a significant degree. This has resulted in a definable change in the character of the use, a difference which amounts to a material change of use, and for which planning permission was required.
25. In arriving at this finding, I have had regard to the two appeal decisions³ put forward by the appellant. However, these decisions relate to different types of development and the circumstances are not similar to the facts before me in this case. Therefore, they do not provide a reason for me to depart from my findings or reach an alternative view. Instead, I have considered the ground (c) appeal on the relevant facts and evidence before me, which are specific to this case.
26. Taking all these points together, I conclude that, on the balance of probability, that the matters alleged in the notice (as corrected) do constitute a breach of planning control. Therefore, the appeal on ground (c) cannot succeed.

The appeal on ground (a)

27. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, as corrected, planning permission ought to be granted. Therefore, in this case, planning permission is sought for the use of the ground, first and second floors as a dwellinghouse occupied for short term letting accommodation.
28. From a review of the evidence before me, the main issue is whether the use of the building for short term letting accommodation is acceptable, having regard to local housing policy.
29. Policy 15 of the Lake District National Park Local Plan 2020-2035 (the Local Plan) seeks to increase the supply of homes to meet local community need. This approach is underpinned by the Local Plan's spatial strategy, set out by Policy 02, which supports development that contributes towards meeting the needs of the local community. Policy 18 of the Local Plan states that proposals for the reuse of existing buildings (excluding guest houses) 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 overall policy thrust being to prioritise and secure permanent housing to meet local community need.
30. The appeal property has been extensively refurbished to a high standard as part of its conversion and comprises three double bedrooms and is well appointed with a large open plan living, dining and kitchen area along with further living space in the loft and private outdoor amenity space. The property is located within the rural service centre of Staveley within walking and cycling distance to a range of local services and facilities, and where Policy 02 of the Local Plan identifies as a focus for housing development. All of these factors suggest that the appeal property, due to its location, size and configuration, is suitable for providing local need housing.

³ Appeal references APP/D2510/W/20/3245593 and APP/C1760/W/22/3290641

31. Furthermore, prior to the appellant taking ownership of the property, part of the building was providing a local housing need as a flat, with a condition securing local occupancy. While the appellant has provided a letter from the LPA, dated 18 September 1985, essentially stating that the condition would not be enforced, this is not a formal determination of the LPA under the Planning Acts, and thus it has no legal standing. Therefore, it appears that the condition remains in place and has effect. Consequently, given that part of the appeal property was previously meeting local housing need, in principle the appeal building is suitable to continue to meet a local housing need, albeit as a larger dwelling that would likely increase its appeal and suitability in this regard.
32. Given this context, the proposal would also result in the loss of a local occupancy dwelling. This would be contrary to the overall policy impetus, as set out above, and would further frustrate the supply of housing to meet local community need.
33. The appellant has suggested that the conversion works were undertaken to a very high standard and that the works would not have been financially viable if the property was to provide a local housing need. However, I have not been provided with any evidence to support this. In any case, the appellant chose to undertake the works to this standard and it does not diminish the suitability of the building to provide housing to meet a local need in accordance with Local Plan Policies 15 and 18.
34. For all these reasons, I conclude that use of the building for short term letting accommodation is not acceptable, having regard to local housing policy. Specifically, the proposal is contrary to Local Plan Policies 02, 15 and 18, the relevant provisions of which are set out above.

Other matters

35. The use of the appeal property for short term letting accommodation would bring economic benefits to the local community, with visitors utilising local services, including shops, restaurants and tourist attractions. It would also generate income for the appellant that could be re-invested into the local economy. It would therefore gain some support from an element of Local Plan Policy 18 along with the associated provisions of the Framework which supports the building of a strong, competitive economy.
36. I note the appellant's assertions that they bought the property in good faith and paid market price for the property on the assumption that the occupancy restriction was not enforceable, and that the property was in use as a single unrestricted dwelling. Whilst I have some sympathy for the appellants position, it was incumbent upon them to conduct their own due diligence during the conveyancing process. That process appears to have fallen short and has led to some of the issues raised in this case.
37. In support of the appeal, my attention has been drawn to a planning appeal⁴ that sought permission for a change of use of a barn to a dwelling without complying with a local occupancy condition dating from 1983. Whilst I have not been provided with a copy of that appeal or the full details of the case, I regard that decision to be of little relevance as it involved a different type of development and so the circumstances are not comparable to the case before me.

⁴ APP/Q9495/W/20/3258317

38. I have considered whether the condition proposed by the LPA would make the development acceptable in planning terms. The suggested condition would restrict the occupancy of the dwelling to a person with a local connection as his or her only or principal home, in essence creating a local occupancy dwelling. However, this would not be reasonable as it would be contrary to the permission sought and so would in effect nullify the benefit of planning permission.
39. The appellant suggests that if the site was not located within the National Park it would benefit from permitted development rights⁵ to change its use from a workshop/office to a dwellinghouse. However, this is a moot point because the site is located within a National Park and so does not qualify for permitted development. In any case, outside of a National Park, this is subject to the prior approval of the LPA, and it is unlikely that a comparable form of development could be achieved.
40. The LPA did not cite any concerns with the effect of the development on the living conditions of neighbouring residents. I see no reason to take a different view in this regard.

Ground (a) conclusion

41. I have found that the use of the appeal property for short term letting accommodation is not acceptable, having regard to local housing policy. In this respect, the development is contrary to the above cited policies of the development plan. The other matters and considerations advanced in support of the development are of insufficient weight, either individually or collectively, to justify a decision other than in accordance with the development plan.
42. For these reasons, I conclude that the appeal on ground (a) should fail and therefore planning permission is refused in respect of the deemed planning application.

The appeal on ground (f)

43. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve its purpose. In this case it appears that the purpose of the notice is to remedy the breach of planning control that has occurred.
44. I have already dealt with the requirements of the notice and made corrections to ensure that the notice is in order, and free from any defects. Consequently, I am satisfied that the corrected requirements are not excessive, and so I take no further action in relation to the appeal on ground (f).

The appeal on ground (g)

45. The ground of appeal is that the compliance period falls short of what should reasonably be allowed. The period for compliance specified in the notice is two months.
46. The appellant points out that because the property operates as a short term holiday let (at the time the Statement of Case was written) they have advanced bookings confirmed for the next 9 months. They consider that they have an obligation to honour these bookings and that the people who have booked their

⁵ Pursuant to the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)

holidays have an expectation that the bookings will be honoured. Furthermore, they consider that in order to discontinue the use, the property would require stripping out. This would require some pre-planning, the appointment of a contractor, and time to undertake the works.

47. Therefore, the appellant suggests that they would need 12 months in order to remove the property from online letting sites and allow current bookings to be honoured without financial penalties. This would also allow a contractor to be appointed and complete the internal strip out of the property.
48. Against these private interests, I must consider the public interest of expeditiously complying with the requirements of the notice. In this case, the public interest is primarily concerned with the provision of local needs housing, and the loss of such housing. The proposal is frustrating the supply of local needs housing in the area and has been harmfully doing so for a period in excess of 4 years. Therefore, the residents of Staveley and the surrounding area have a legitimate expectation that this harm should cease at the earliest opportunity and without delay.
49. I am mindful that the corrected requirements of the notice do not call for the internal strip out of the property as the appellant suggests. Instead, the requirements are focused on ceasing the unauthorised use. Nevertheless, I appreciate that compliance will result in the cancellation of some bookings that will be inconvenient to prospective visitors, and this will likely result in financial losses for the appellant. However, a two month period of compliance should provide sufficient time for visitors to seek alternative holiday accommodation.
50. Extending the compliance period to 12 months would unduly perpetuate the breach of planning control and the associated harm. It would, in effect, amount to a temporary planning permission. Therefore, in weighing the balance between public and private interests, I consider that the public interest of expeditious compliance with the requirements of the enforcement notice outweighs the private interest in extending the period for compliance.
51. I am, therefore, not persuaded that there is a need to extend the period for compliance with the requirements of the notice, and I am satisfied that the period of compliance stated in the notice is a proportionate response to the breach of planning control that has occurred.
52. Accordingly, the appeal on ground (g) fails.

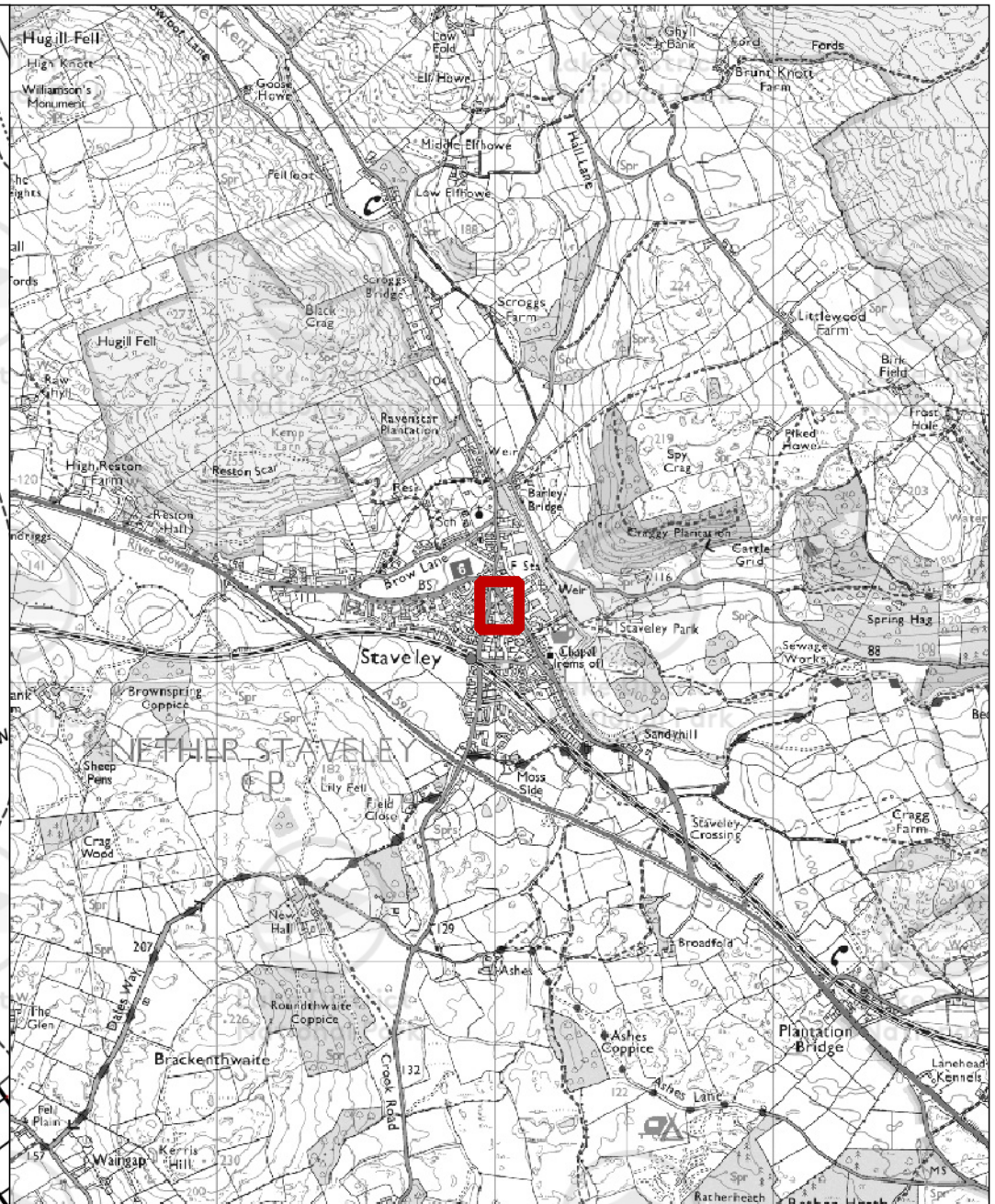
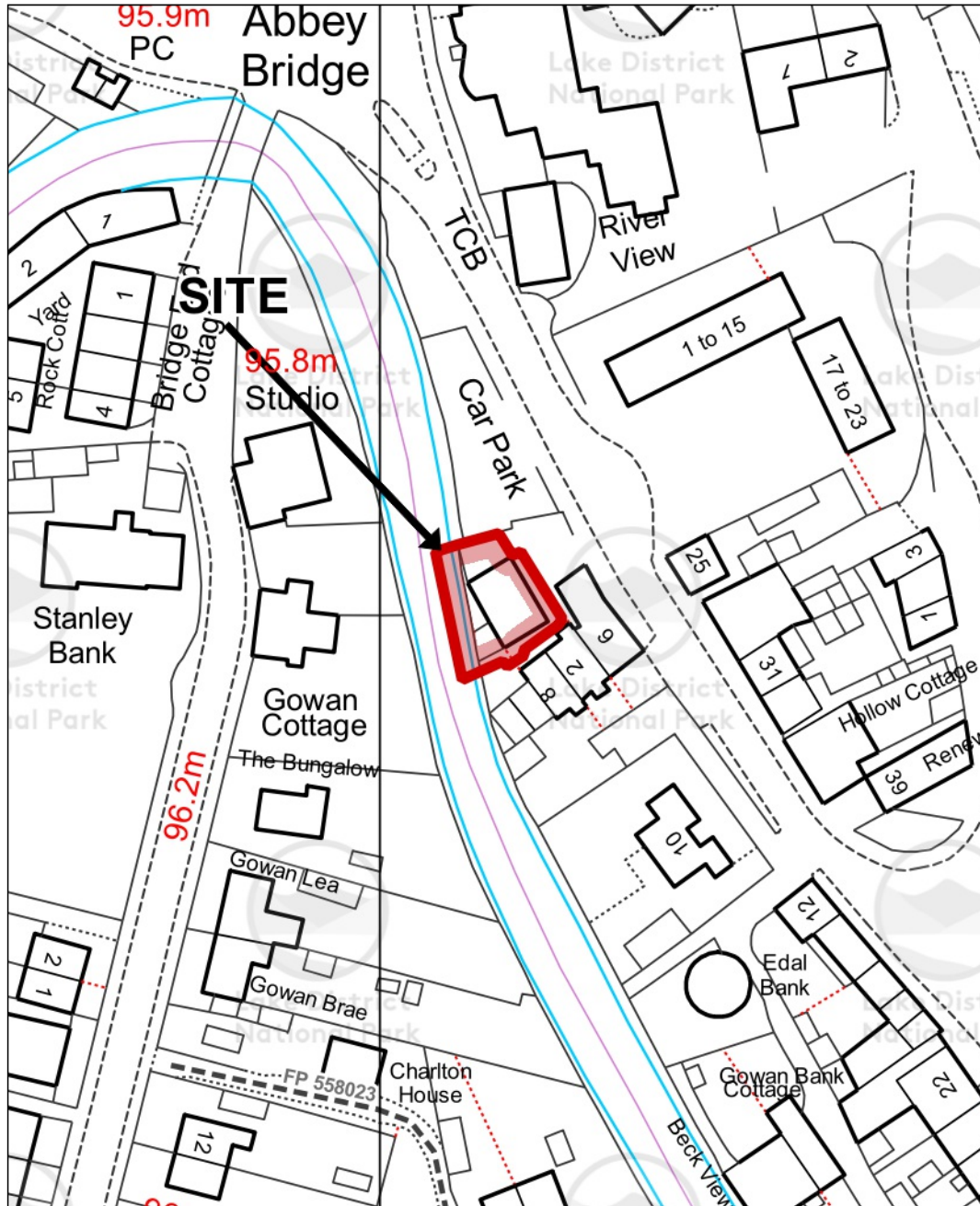
Conclusion

53. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

J M Tweddle

INSPECTOR

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