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Report from the Head of Development Management to Development Control Committee

Application number: 7/2025/2221

Application type: Full Planning application

Applicant: Mr Gary Lovatt

Location: Laurel Bank, Penrith Road, Keswick, CA12 4LJ

Grid reference: 327994, 523810

Proposal: Change of use of guesthouse to a mixed use of guesthouse, holiday let or residential home.

Report prepared by: Phil Nicholls, Area Planner

Report agreed by: Kevin Richards, 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 Planning permission is sought to change the use of Laurel Bank Guest House in Keswick to a mixed use allowing for its use as either a guesthouse, holiday let or residential home.
- 2.2 The application is being referred to Committee because the recommendation of approval is contrary to the views of Keswick Town Council.

3 Representations

- 3.1 Keswick Town Council – Object to the “holiday let” element of this application as it contains no commitment to provide on-site management. There is no objection to the change to a residential home subject to a condition that it is occupied as an only or Principal Home i.e. not as a second home or for holiday letting accommodation.

- 3.2 The TC supports the representation submitted by the adjoining owner, P. Garner, who reinforces the argument we have frequently made that there are very real differences between B&B's, Guest Houses and holiday letting accommodation with no on-site management.
- 3.3 The TC have submitted extensive reports on anti-social behaviour in such situations and is totally against the principle of Local Plan Policy 06, on Design and Development, which imposes a responsibility to ensure that the use does not have an unacceptable impact on the amenity of adjoining residents, etc. The only way this can be reasonably guaranteed is by insisting on provision of on-site management to create a similar situation as currently exists with its use as a guest house. This is a fundamental principle which goes beyond the saleability of a property.
- 3.4 Local Highway Authority and Lead Local Flood Authority – As this falls under our Service Level Agreement (SLA) the highway and drainage implications of this application should be decided by the Local Planning Authority.
- 3.5 One letter of objection has been received which raises concerns relating to the proposed holiday letting use and its impact on the adjacent bed and breakfast use which shares a party wall with the application property. Concerns relate to the increased likelihood of noise and anti-social behaviour associated with the use and the impacts it would have on the amenity of neighbours and businesses.

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 04: Biodiversity and geodiversity
- Policy 06: Design and development
- Policy 15: Housing
- 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 There is no community plan in this area.

5 Main issues and assessment

5.1 The main issues in this assessment are:

- Principle
- Impact on the amenity of neighbours
- Highways and parking
- Nutrient neutrality

Principle of development

5.2 The site is located in Keswick which is designated as a Rural Service Centre in Policy 02 (Spatial Strategy). The policy outlines the settlement should be the focus for housing, employment and retail development. This application seeks permission for the change of use of an existing guest house to use of the building as either a guest house, holiday letting accommodation or a permanent house. The application therefore falls within the scope of both Policies 15 (Housing) and 18 (Sustainable tourism and holiday accommodation).

- 5.3 Policy 15 (Housing) sets out how new homes will be provided to meet community need. It states (amongst other things) that we will support the change of use of guesthouses to dwelling houses where they are secured for permanent occupation and where it can be demonstrated there is no detrimental impact on the range of visitor accommodation types in the area.
- 5.4 The implementation text provides greater clarity outlining that for proposals seeking to change the use of a guest house to a permanent dwelling, the applicant will need to provide evidence to demonstrate that the proposal would not create a shortage of guest houses in the locality after undertaking an appropriate marketing exercise for a minimum of 12 months.
- 5.5 Policy 18 (Sustainable tourism and holiday accommodation) supports proposals which will deliver a high quality, sustainable tourism experience for the diverse range of visitors to the Lake District, and ensure proposals benefit local communities and businesses. In relation to hotels and guest houses the policy in principle supports proposals seeking to change guesthouses to different forms of holiday accommodation to meet changing market demands, providing a range of tourism accommodation is available in the local area and the relevant policy criteria are met.
- 5.6 In line with Policy 15, Policy 18 will only support the change of use of holiday accommodation to other uses where it can be demonstrated there is no demand for it in the local area resulting from an appropriate marketing exercise and other evidence. The implementation text of Policy 18 defines the 'local area' as either a Rural Service Centre or the extent of the parish boundary for other locations.
- 5.7 In this instance the application proposes a flexible use that would allow the use of the property to interchange between a guesthouse, holiday

letting accommodation and a permanent home. I am not aware that a marketing exercise has been undertaken.

- 5.8 Policy is supportive in-principle of both proposed changes, providing that a range of tourism accommodation would remain in the local area. When occupied as a permanent residential property there would be a reduction in a single guest house or holiday let. The proliferation of holiday accommodation in Keswick, and specifically in this part of Keswick, means that a reduction in a single unit of accommodation would not represent a detrimental impact on the range of visitor accommodation types in the area.
- 5.9 I therefore consider that the proposals would accord with the requirements of the development plan, in particular Policies 15 and 18, subject to a condition securing the property's use as either a guest house, holiday accommodation or a permanent residence.

Impact on the amenity of neighbours:

- 5.10 Policy 06 outlines that development must not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development, due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts.
- 5.11 The National Planning Policy Framework states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.12 Laurel Bank Guest House is the end building in a row of four Victorian buildings of a similar design. The two adjacent are operated as guest houses, though one (Brookfield Guest House) gained planning approval to be converted into a holiday let in 2022 (ref: 7/2022/2201). The fourth property appears to be a private residential dwelling. To the south and to the rear are further residential dwellings.

- 5.13 As no external alterations are proposed there would be no increase in overlooking, loss of light or overbearing impact to neighbours from the development.
- 5.14 The main assessment therefore is whether the proposed uses would have an impact on the amenity of the neighbouring properties. A holiday let, a dwelling in permanent occupation or a guesthouse can all be occupied by persons who behave well or behave poorly. Although the current use includes proprietor's accommodation this is not a planning requirement - a guesthouse could be operated without owner's accommodation, alone or in combination with other similar changes already permitted locally).
- 5.15 Three uses are proposed as part of the application and approval of the application would allow the owner to freely change the use of the building between its current guest house use, and the other two uses proposed, a holiday let and permanent dwelling. The continued use as a guest house would have no impacts beyond its current lawful use, as such is acceptable. Similarly, I do not consider the permanent occupation of the property as a dwellinghouse would give rise to adverse impacts. The primary consideration therefore is whether the holiday let would result in any adverse impacts on the amenity of the nearby properties.
- 5.16 Keswick Town Council together with one letter of objection have expressed concerns that the ever-increasing number of holiday lets in the area would lead to inappropriate levels of use. A cause of this has been cited as a lack of management of the property. The Town Council refer in their response to a set of collated complaints from residents of Keswick raising concerns about the impacts arising from the operation of large holiday lets in the Town - a Holiday House Nuisance Report.

- 5.17 In this instance I consider the end of terrace position of the dwelling together with the varied uses in the surrounding area, which include other types of holiday accommodation, would mean that activity internal to the building would not lead to an unacceptable impact on the amenity of the neighbouring properties.
- 5.18 Externally there are limited amenity spaces associated with the application property, instead the land to the rear is an extensive parking area used by the guest house. The continued use of this area as parking by either a holiday let or permanent dwelling would not give rise to adverse impacts and would be akin to how the space is currently used. The space does have a close relationship to neighbouring dwellings and boundaries therefore I consider it reasonable to remove permitted development rights to construct outbuildings or make alterations within this area.
- 5.19 I am therefore satisfied that taking into account the existing activity associated with the guesthouse (or that could be associated with the guesthouse) coupled with the context of the area, the proposed development would not be likely to bring about unacceptable adverse impacts on the living conditions of neighbouring properties or businesses. As such the proposals are in compliance with Policy 06 and the NPPF.

Highways and parking:

- 5.20 The building currently has approximately seven off-street parking spaces which would be retained. Given there are no extensions proposed and the capacity of the building would be similar to its current levels, I consider the proposals are unlikely to increase the requirement for parking compared to the existing use. I have not identified any adverse highway or parking impacts.

Nutrient neutrality:

- 5.21 The application site lies within the catchment of the River Derwent & Bassenthwaite Lake Special Area of Conservation. As a Competent Authority under the Habitats Regulations, we must carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.
- 5.22 The current property is a five-bedroom guesthouse with owner's accommodation. The proposed uses would have a similar number of bedrooms. This would be unlikely to result in any increased use of the property, and a reduction in overnight accommodation is possible.
- 5.23 I consider that the proposed development is therefore unlikely have an effect on the River Derwent and Bassenthwaite Lake SAC. I consider the proposals to be in accordance with Policies 01 (National and international significance of the Lake District) and 04 (Biodiversity and geodiversity), the NPPF and the Conservation of Habitats and Species Regulations 2017.

6 Conclusion

- 6.1 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 04, 06, 15 and 18, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

Recommendation: APPROVE with conditions

Conditions/Reasons

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:
 - Site location plan
 - Block plan

REASON: For the avoidance of doubt.

- 3 The accommodation hereby permitted shall only be used as:

- Guest House;

- Short-term Holiday Letting Accommodation (with or without managers accommodation) which shall only be occupied for the purposes of short term holiday letting, and shall not be occupied by any one individual, family or group for a period exceeding 35 days in any calendar year.

A register of occupants shall be maintained by the owner, the content of which shall be provided to the Local Planning Authority within 14 days of a written request by the Local Planning Authority.

Any managers accommodation shall only be occupied by a person about to be employed, employed or last employed as the manager, proprietor or other person involved in the operation of the holiday letting accommodation, including a widow or widower or surviving civil partner of such a person, and or resident dependants;

Or

- A dwellinghouse which shall not be occupied otherwise than by a person 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.

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.

REASON: For the avoidance of doubt and to ensure that the accommodation hereby permitted is secured as holiday accommodation in accordance with the provisions of Policies 15 and 18 of the Lake District National Park Local Plan 2020-2035.

- 4 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 building, enclosure, container, pool, structure, or hardstanding shall be constructed within the curtilage of the dwellinghouse (when being used as such) 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 in order to minimise the impacts on the neighbouring properties in accordance with Policy 06 of the Lake District National Park Local Plan 2020-2035.

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

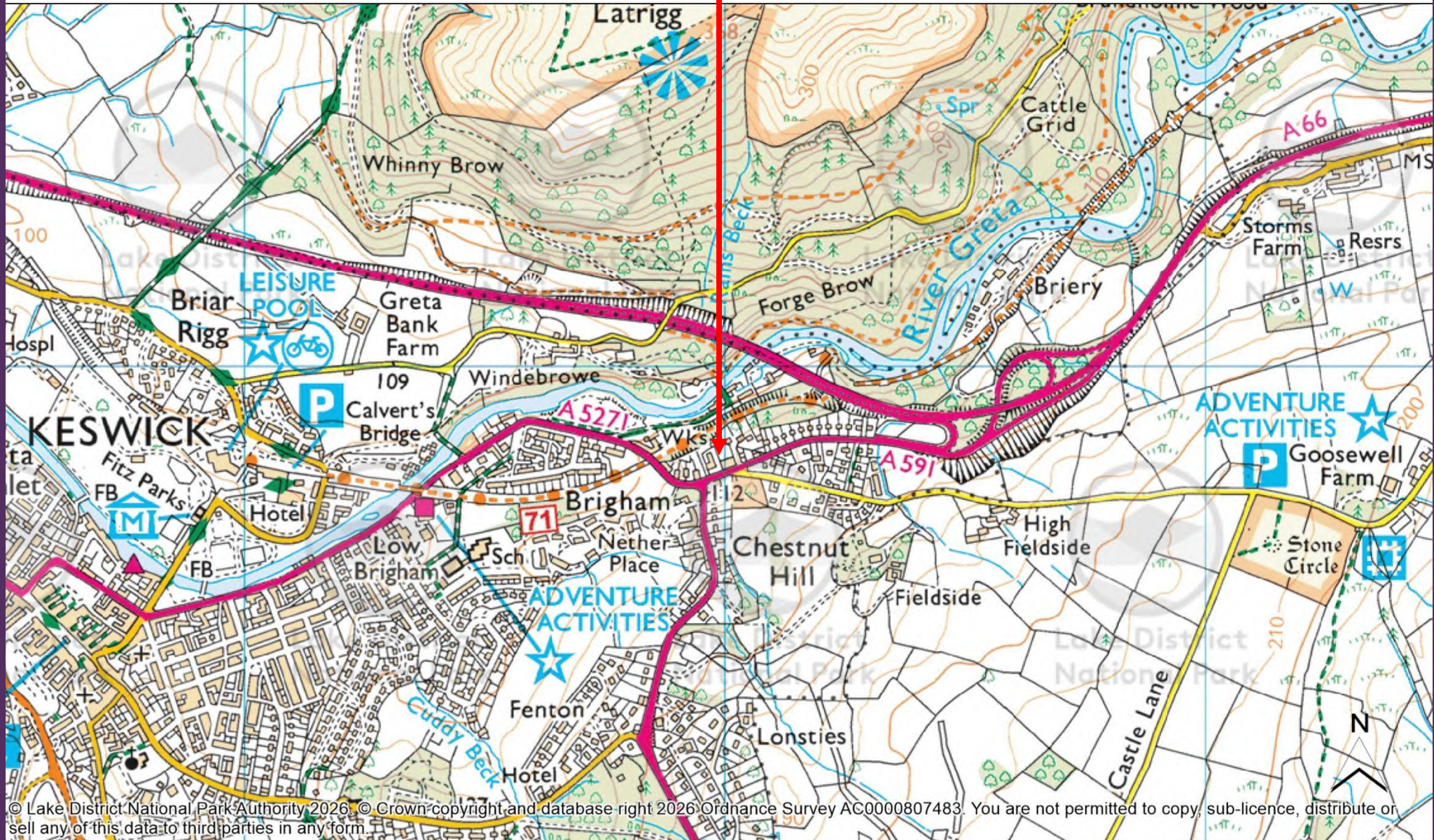
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2025/2221

Laurel Bank, Penrith Road, Keswick, CA12 4LJ

Change of use of guesthouse to a mixed use of guesthouse, holiday let or residential home.

Site



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Lake District
National Park Authority

Laurel Bank - Location Plan













Laurel Bank - Location Plan

