Lake District National Park

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Report from the Head of Development Management to Development Control Committee

Application number: 7/2026/2096
Application type: Full Planning application
Applicant: Mr & Mrs T Suddaby
Location: Oak Side, Braithwaite, Keswick, CA12 5SY
Grid reference: 323135, 523632
Proposal: Change of use from single house to single house with self- contained residential unit for holiday letting/ domestic annex accommodation
Report prepared by: Phil Nicholls, Area Planner
Report agreed by: Kevin Richards, Planning Manager

Recommendation: Delegate to Head of DM to 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 The application relates to Oak Side in Braithwaite, a dwelling with an attached garage, now used as additional living space.

2.2 Planning permission is sought to allow the letting of the additional living space for holiday purposes. The result would be a change in the use of the current single dwelling into a single dwelling with an attached self-contained residential unit for use as holiday letting accommodation or as annex accommodation used in association with the house.

2.3 The application is before Committee because the recommendation of approval is contrary to the objection we have received from Above Derwent Parish Council.

2.4 The recommendation is to delegate to the Head of Development Management to approve the application subject to the receipt of a Credit Certificate securing Nutrient Neutrality Mitigation.

3 Representations

3.1 Above Derwent Parish Council: Objection – The Parish Council objects to the application on the following grounds:

- The proposed holiday let is likely to generate additional vehicle movements and parking demand. The existing parking provision is considered inadequate to accommodate the additional vehicles associated with holiday accommodation. Parking spaces serving the main dwelling should not be relied upon to support the holiday let, as this merely displaces vehicles onto surrounding roads.
- Existing parking pressures in Braithwaite already cause difficulties for the local bus service. Additional on-street parking arising from this proposal would exacerbate these issues and have an adverse impact on highway safety and the operation of public transport.
- The Council has concerns regarding the planning status of the building proposed for conversion. It is understood that the structure was previously a garage, and there appears to be no record of planning permission having been granted for its conversion to an annex. The Local Planning Authority is requested to clarify whether an enforcement notice is in place or whether there are any outstanding enforcement matters relating to the building.
- The application refers to nutrient neutrality matters; however, no previous planning application appears to have been made for the use in question. The Parish Council is concerned that insufficient evidence has been provided to demonstrate compliance with nutrient neutrality requirements and requests that the Local Planning Authority fully satisfy itself that the proposal would not result in additional nutrient impacts.

3.2 Overall, the Parish Council considers that insufficient evidence has been provided to demonstrate that the proposal can be accommodated without adverse effects on parking, highway safety, public transport and compliance with planning and environmental requirements. Accordingly,

the application should be refused unless these concerns can be satisfactorily addressed.

3.3 Local Highway Authority: No objection – The use of the existing parking space by the proposed single bedroom holiday let may result in a single car being displaced – and probably onto the public highway. However, the Traffic Management Team confirm there are no significant road safety or congestion concerns nor regular complaints regarding the on-street parking situation. This is considered to be more of an amenity situation.

3.4 Natural England: We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the River Derwent & Bassenthwaite Lake Special Area of Conservation (SAC). In order to mitigate these adverse effects and make the development acceptable suitable measures that mitigate the nutrient load from the development are required.

3.5 Five letters of objection have been received that raised the following concerns:

- There is limited parking available at the site and cars already park on the roadside verge blocking access.
- The village does not need additional holiday accommodation and is already a transient community.
- The village is losing permanent residents and permanent homes are needed.
- The proposals will put additional pressure on the local water network.
- The additional traffic generated by the proposals will put added pressure on the local road network, causing congestion and block the bus route.

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 policies in the National Planning Policy Framework (NPPF) are material considerations which must be taken into account in decision-making. Development plan policies materially inconsistent with NPPF policies should be given very little weight. The following NPPF decision-making policies are relevant to the determination of this application:

- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations
- S4: Principle of development within settlements
- E4: Rural business development
- P3: Living conditions and pollution
- HE8: World Heritage Sites

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 neighbouring dwellings
- Highways and parking
- Nutrient neutrality

5.2 Policy 02 (Spatial Strategy) sets out the Development Plan's spatial strategy. In simple terms it seeks to direct development to appropriate locations. Braithwaite is designated as a village in Policy 02 which allows for development that amongst other things strengthens community viability and resilience and sustains and enhances existing local service provision.

5.3 Policy 18 (Sustainable tourism and holiday accommodation) offers support for sustainable tourism proposals that enhance and improve the quality of visitor experiences, increase the length of stay and encourage year-round tourism. Policy 18 goes on to state that proposals for the reuse of existing buildings for short term holiday letting are supported only where they would not utilise a building that is suitable for providing local needs housing or for employment use. This reflects the approach set out in housing policy (Policy 15) which seeks to increase the number of local needs housing in the area.

5.4 The accommodation comprises one main room with bed, chairs and small kitchenette on the ground floor. There is an en-suite and small outdoor space with parking shared with the main property. Although entirely self-contained, the space has been functioning as an annexe to the main house, with family members residing within it most recently.

5.5 The size of the accommodation is small; approximately 25sqm and as such is 14sqm below the nationally described space standard for a two-person flat. The space is located below a living room used by the main house at first floor level and is entirely self-contained. There is no access between the two and there is no reasonable prospect that the accommodation could be extended. This small size, coupled with its limited facilities mean that it would, in my view, be unsuitable for occupation as a permanent home. As such, the proposals would not represent a lost opportunity for a local needs house.

5.6 Subject to a condition to restrict occupation as short-term holiday letting accommodation and ensure it remains as a single planning unit with the main house, Oak Side, the principle of the use is supported by policy and accords with Policies 02, 15 and 18.

Impact on the amenity of neighbours

5.7 The application site is contained within a converted barn together with four other dwellings, one of which is Oak Side, the dwelling with which this application is associated. All four dwellings are unrestricted and based on the representations three of them are used as holiday accommodation. Other dwellings are located nearby, although they are detached and separate from the application site.

5.8 The application building is a small, self-contained portion of Oak Side, currently functioning as an annex. As set out above the lounge area of Oak Side is located directly above the proposed unit of holiday accommodation. Due to this close arrangement, the conversion into a unit of holiday accommodation separate from Oak Side would in my view fail to achieve adequate levels of amenity for occupants. This issue can be overcome by tying the two units together as a single planning unit ensuring that they are operated together and that if sold separately the new unit cannot be occupied pursuant to this permission.

5.9 The same amenity issues do not in my view exist for the other neighbouring dwellings. The closest is Acorn Cottage, a detached dwelling to the east. With no shared party wall, overlooking or shared spaces I do not consider the proposed accommodation would have an unacceptable impact on the amenity of this dwelling. Other neighbouring dwellings are sufficiently separate to also ensure that they are not impacted.

5.10 Subject to the recommended conditions, I do not consider the use would affect the amenity of any of the neighbouring properties. The use is

considered acceptable in terms of amenity and satisfies the requirements of Local Plan Policy 06 and the NPPF.

Highways and parking

5.11 Two off street parking spaces exist for the application building. The applicant has set out that one would be used by the owners with the remaining space used by occupants of the holiday let. Given the size of the respective dwelling this would be reasonable.

5.12 Concerns have been raised that pressure on parking is leading to inconsiderate on-street parking, resulting in congestion through the village. There is a risk that the proposals in some instances may lead to the displacement of a single parked vehicle onto the public highway, however the impacts of this, in my view, would not be significant and would not lead to an adverse impact on highway safety sufficient to withhold planning permission.

Nutrient neutrality

5.13 The application site lies within the catchment of the River Derwent and Bassenthwaite Lake Special Area of Conservation identified by Natural England as a European protected site requiring nutrient neutrality strategic solutions.

5.14 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.

5.15 The development proposed generates additional wastewater from overnight use, which will be discharged to the main sewer which leads to the sewage works which in turn is discharged into the designated SAC.

The submitted Nutrient Neutrality Statement and calculator confirms that a total Annual Nutrient Budget of 0.08 kg/TP/year needs to be mitigated.

5.16 An Appropriate Assessment is therefore required to determine whether it can be concluded that the project (either alone or in combination with other plans or projects) will not adversely affect the integrity of the European site, in view of its conservation objectives. There is no prescribed format or content for an Appropriate Assessment. Having regard to the nature and scale of the proposals together with their impacts and proposed mitigation this assessment should be read as our Appropriate Assessment as Competent Authority.

5.17 The supporting information sets out that nutrient neutrality can be achieved through mitigation by the purchasing of Nutrient Neutrality credits. The applicant has provided evidence that they have entered the scheme though the final agreement is being finalised. Once agreed the applicant will purchase the required credits, and a credit certificate will be issued evidencing that sufficient credits have been secured to offset the additional inputs into the catchment.

5.18 Though no credit certificate has been issued I am satisfied that there is every likelihood that one will be issued ensuring that adequate mitigation is secured to conclude that the development, alone or in combination with other plans or projects, would avoid an adverse effect on the integrity of the River Derwent and Bassenthwaite Lake Special Area of Conservation in accordance with Policies 01 and 04, the NPPF and the Conservation of Habitats and Species Regulations 2017.

6 Conditions

6.1 Beyond the standard conditions a condition to secure the holiday let use would be required together with a condition tying the uses together as a single planning unit.

7 Conclusion

7.1 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: Delegate to Head of DM to 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
- Floorplans

REASON: For the avoidance of doubt.

3 The dwellinghouse hereby permitted shall operate as a single planning unit comprising either:
- a single dwellinghouse with attached annexe; or
- a single dwellinghouse with attached holiday letting accommodation.

The accommodation shall remain as part of a single planning unit with Oak Side, Braithwaite. At no time shall the accommodation hereby permitted be operated or managed separately from Oak Side and in the event that the accommodation is sold separately from the property the accommodation shall not be occupied pursuant to this planning permission.

REASON: The use of the annexed accommodation/holiday letting accommodation separate of Oak Side would be unacceptable in terms of residential amenity by reason of proximity to the property..

4 When the annexe is used for holiday letting purposes it 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.

REASON: To ensure that the accommodation hereby permitted is secured as short-term holiday accommodation in accordance with Policy 18 of the Lake District National Park Local Plan 2020-2035.

5 Notwithstanding the provisions of Section 55(2)(a) of the Town and Country Planning Act 1990 the self-contained unit of holiday letting/domestic annex accommodation hereby approved shall be limited to the ground floor area as shown on the submitted plans.

REASON: For the avoidance of doubt and retain control over any further alterations or extensions to the accommodation in accordance with Policy 18 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 have worked with the applicant in a positive and proactive manner by seeking solutions to problems arising in relation to dealing with the application by requesting additional information on nutrient neutrality.

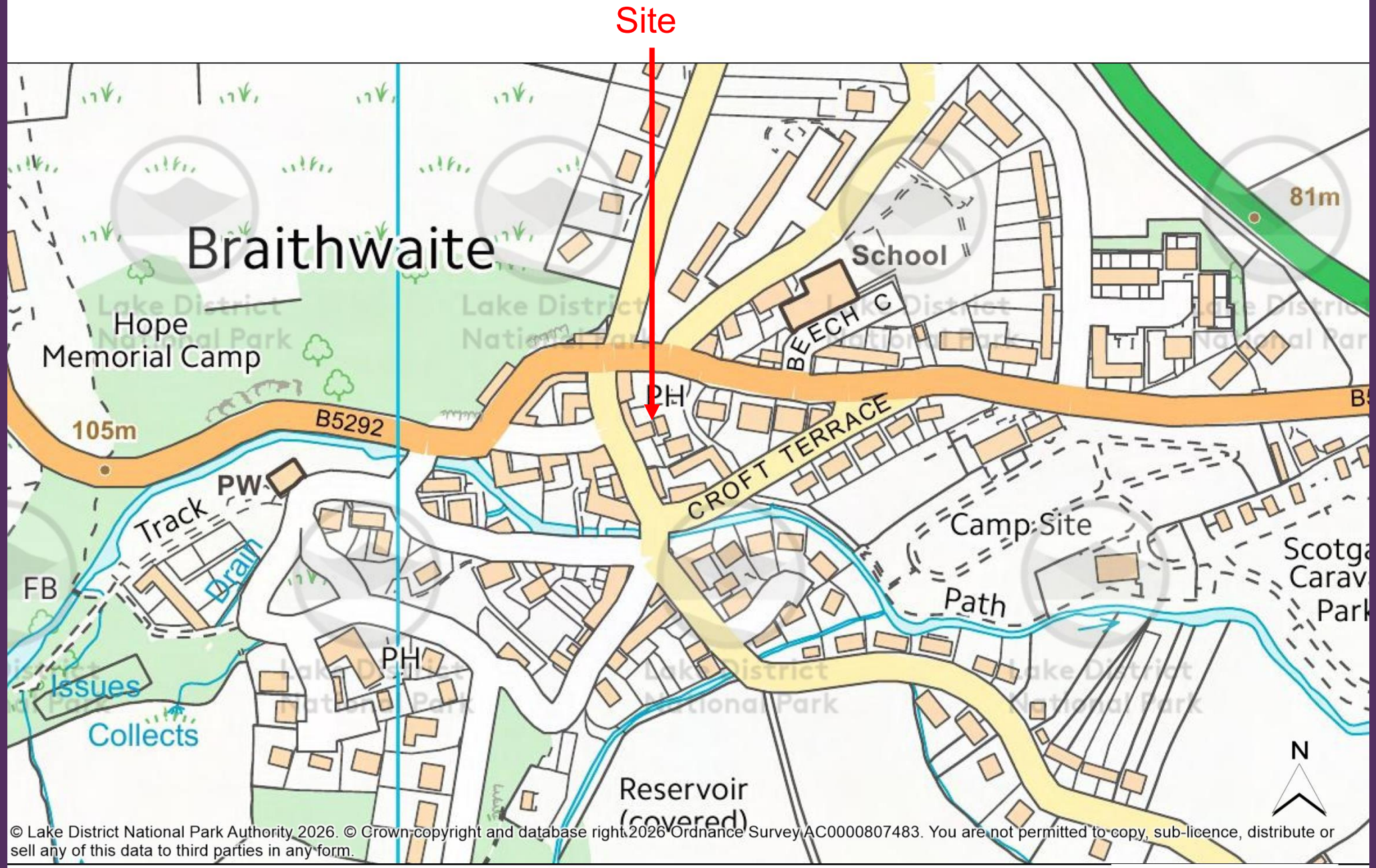
Background papers

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.

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Oak Side, Braithwaite, Keswick, CA12 5SY

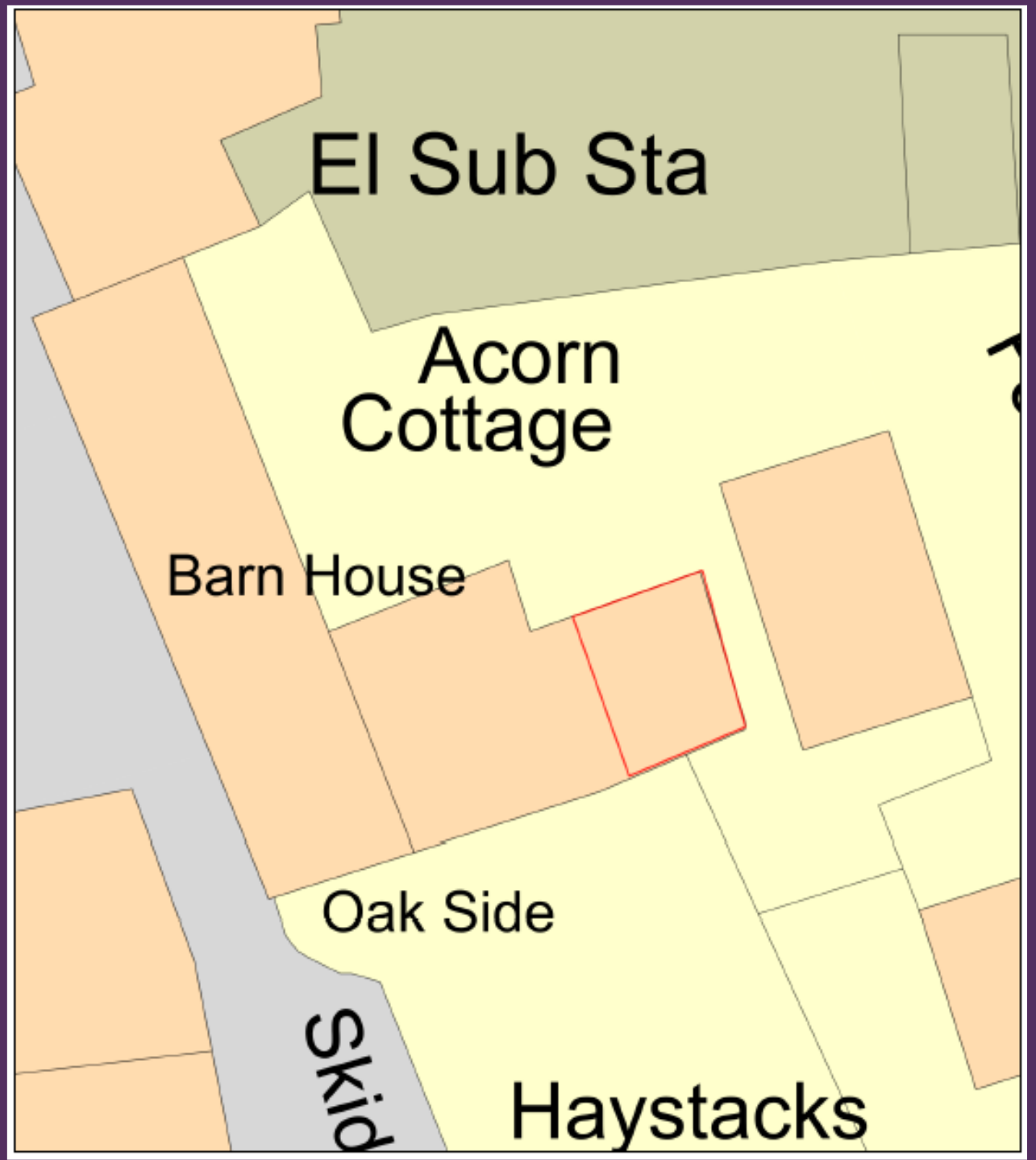
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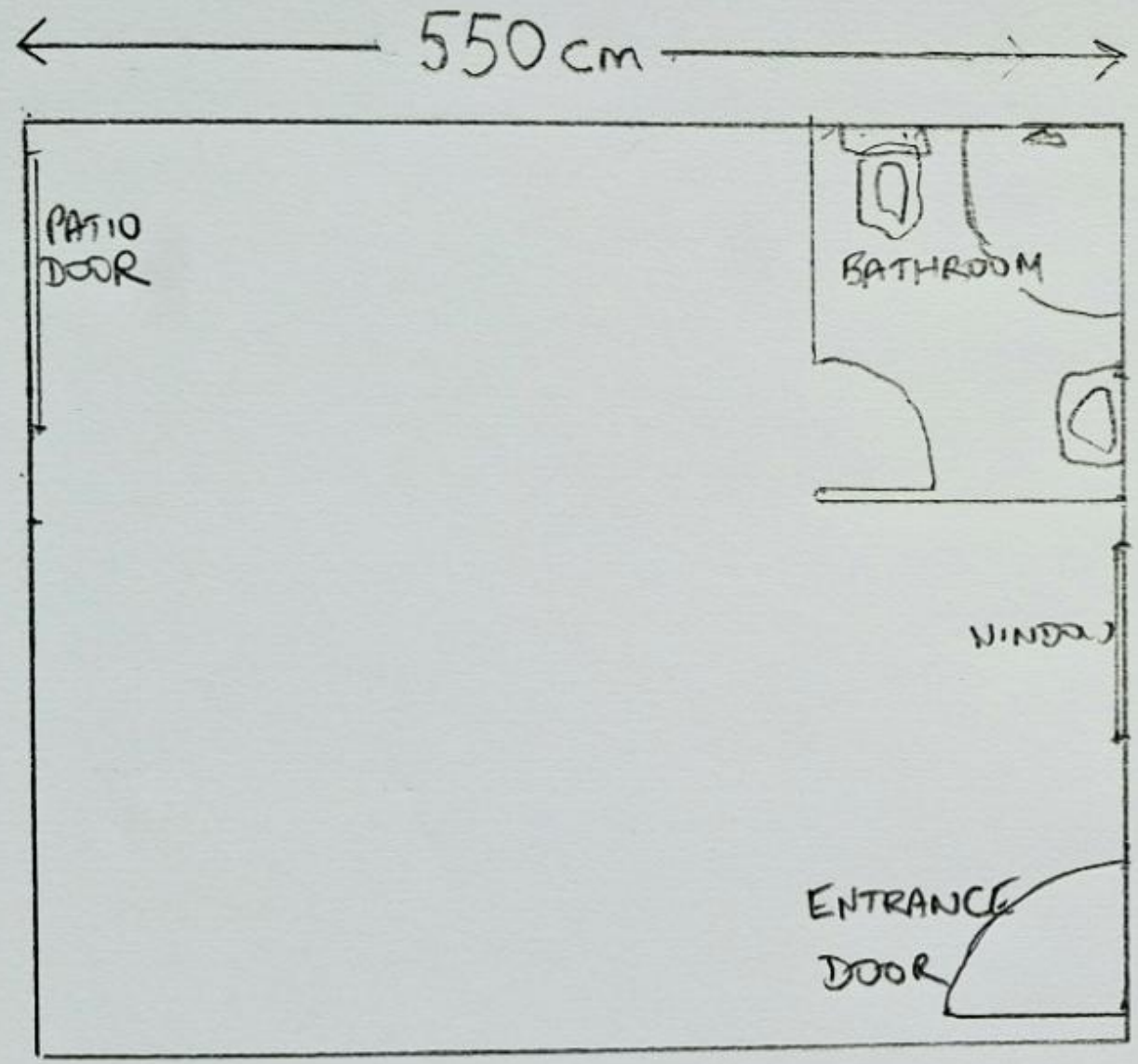


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Lake District
National Park Authority


El Sub Sta
Acorn
Cottage
Barn House
Oak Side
Haystacks



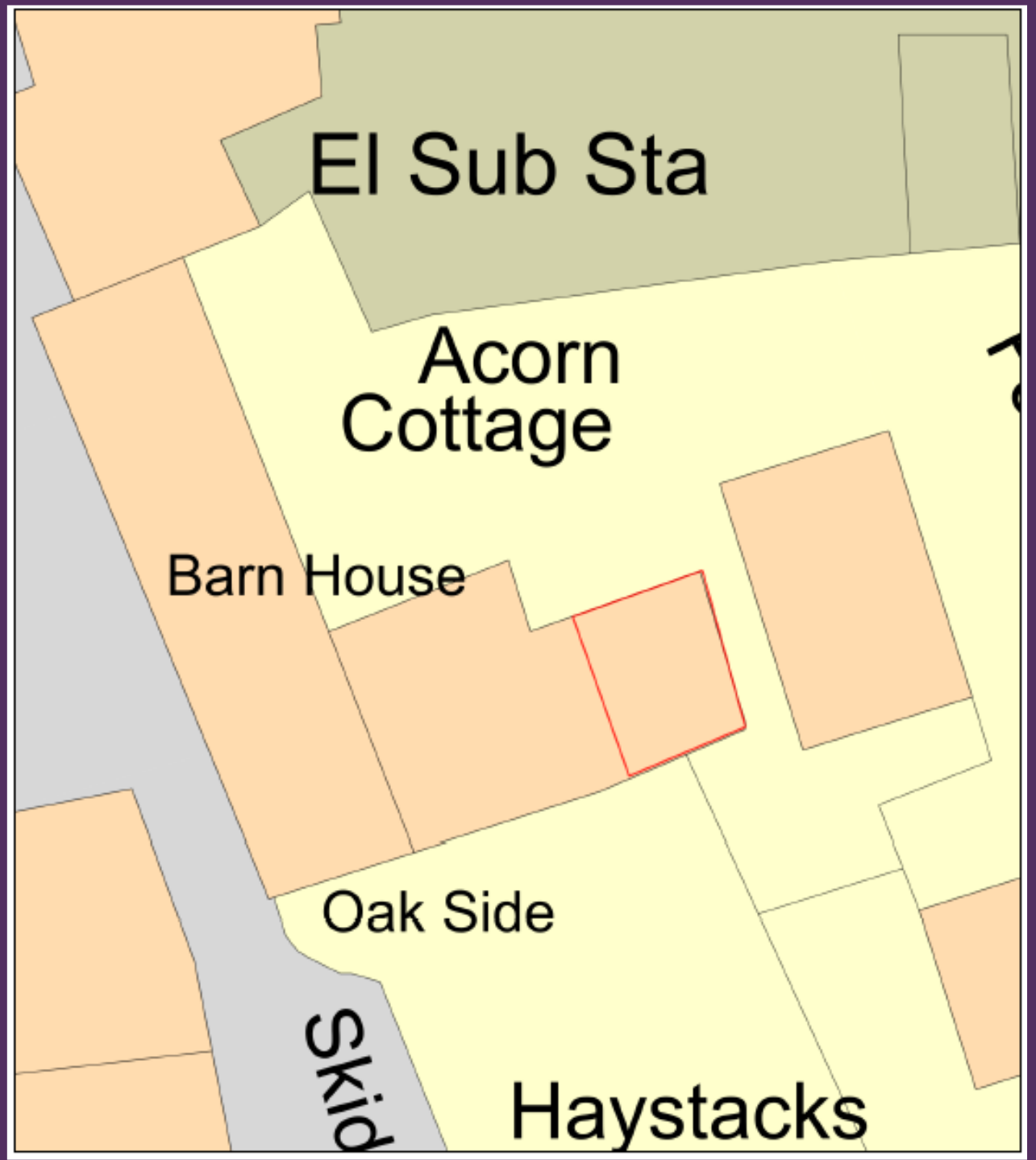
REFERENCE 7/2026/2096

OAKSIDE, BRAITHWAITE, CA12 5SY

FLOOR PLAN - EXISTING.

NO CHANGE IN SIZE OF FLOOR PLAN.




El Sub Sta
Acorn
Cottage
Barn House
Oak Side
Haystacks