Lake District National Park

3

Report from the Head of Development Management to Development Control Committee

Application number: 7/2026/5388

Application type: Full Planning application

Applicant: Mr and Mrs Phillips

Location: 1, Fir Garth, Chapel Stile, Ambleside, LA22 9JW
Grid reference: 331626, 505527

Proposal: Demolition of outbuilding and erection of ancillary annex

Report prepared by: Chris Kempster, Planner

Report agreed by: Neil Henderson 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 I am reporting this application to Committee because we have received five letters of representation objecting to the proposed development contrary to the recommendation of approval.

2.2 Planning permission (7/2023/5084) has previously been granted for the conversion, and extension, of existing outbuildings within the garden of 1 Firth Garth, to be used as an ancillary annex in association with the dwelling.

2.3 Planning application (7/2025/5118) was subsequently sought for the annex to have a flexible use as ancillary accommodation or as a short-term holiday let. This was refused as being contrary to policy given that the building could equally well be used as a local occupancy dwelling and therefore its use for holiday letting would be contrary to development plan policy. An appeal was lodged but dismissed.

2.4 Planning permission is now sought to demolish the outbuildings and build the approved ancillary annex to the north, with the same design, scale and layout as the approved building. The new building would be be

used as ancillary accommodation to 1 Fir Garth, and not as separate accommodation.

3 Consultations

3.1 Lakes Parish Council – No objection in principle to the development, as it is substantially the same as the development which was approved under application, ref. 7/2023/5084. A planning condition should be attached to an approval decision ensuring the accommodation is ancillary to 1 Fir Garth and not occupied as a separate dwelling or holiday let. Subject to this condition, the Parish Council has no objection to the application.

4 Representations

4.1 Five letters of representation have been received, raising the following comments for consideration:

- Concerns that the proposed building would be used as a separate holiday let.
- As the access is not good for guests with mobility issues, and therefore concern that the annex would be used as part of the holiday let.
- Although additional parking would be proposed from moving the building, it would not overcome the additional cars which the accommodation would produce, and therefore not resolve the existing issue with cars parking on the road.
- The proposed demolition and construction must not affect the retaining wall of the Lingmoor View properties.
- The Lingmoor View properties share a private water supply from a nearby stream. The proposed new development would also share this water supply, and would therefore put a strain on the amount of

water shared by the properties, which is already strained due to a low flow rate.

- 1 Fir Garth is used as a holiday let for up to 6 people. If the new annex is used as additional bedrooms for the holiday let, then there would be additional vehicles parking and extra strain on the water supply.
- The proposed flue would result in smoke experienced by Lingmoor View properties.
- If approved, a condition that the annex should be connected to the mains water. This would prevent the water supply from the stream being affected.

5 Development plan policies and other relevant guidance

5.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

5.2 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 05: Protecting the spectacular landscape
- Policy 06: Design and development

- Design Code Supplementary Planning Document

5.3 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
- S4: Principle of development within settlements
- DP4: The design process
- HE8: World Heritage Sites

5.4 There is no community plan in this area.

6 Main issues and assessment

6.1 The main issues in this assessment are:

- Principle
- Character and appearance of the area
- Impact on neighbours
- Protected species

Principle

6.2 The construction of an ancillary outbuilding within the garden of a dwelling is acceptable as a matter of policy principle and in accordance with Policy 02. Any concerns raised by objectors regarding the potential future use of the building are of limited weight given that such alternative uses are not proposed by the application and any planning permission would not permit such uses. Any subsequent material change of use away from annexed accommodation would be at risk of enforcement action.

Character and appearance of the local area

6.3 The application site is at the edge of the village of Chapel Stile, which is characterised by terraced houses constructed of locally quarried stone walls and slate roofs, and separated by locally quarried stone boundary walls. The outbuildings which are subject to the application, form part of

this character, being constructed in locally quarried stone under a slate roof, and surrounded by a stone boundary wall.

6.4 The proposed building would be of the same scale and design as the annex approved under planning permission 7/2023/5084. The building would, however, be located approximately three metres to the north, following the demolition of the existing outbuildings. No changes are proposed to the design other than its repositioning and the removal of the flue, which is no longer required.

6.5 As a result of the design, size and appearance of the proposed annex I consider it would be in keeping with the character of the area subject to conditions with respect to materials which are discussed at the end of this report.

Impact on the amenity of neighbouring properties

6.6 The houses at Lingmoor View are located in an elevated position, approximately 15 metres to the northeast of the site at the closest point, and overlook the application site. Numbers 4 and 6 Fir Garth are located to the south of the application site. 4, Fir Garth is approximately 18 metres from the outbuildings, and number 6 approximately 28 metres away.

6.7 Due to the distance between the application building and the nearest neighbours, the intervening garden and parking area and the significantly lower level where the annex would be located, I am satisfied that the relocation of the development by around three metres would not result in any materially significant increase to the level of impact on the amenities of the occupants of nearby properties over and above that of the approved scheme.

6.8 In short I consider that the development is acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD and the NPPF.

Protected species

6.9 Under Article 12 of the EC Habitats Directive and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 we have had regard to the requirements of the Habitats Directive. The applicant commissioned a bat survey submitted with the application 7/2023/5084.

6.10 The survey found no evidence of bats using the site, and very limited roosting potential. Bat surveys less than two years old are preferred, and the survey is now three years old, but given the alterations and extensions which could be carried out on the outbuildings, under the extant permission and as the original survey found no evidence of bat use, i consider that the development would remain low risk in respect of protected species, satisfying the requirements of the NPPF and Local Plan Policy 04.

Other matters

6.11 Letters of objection express concern regarding the impacts of the development on the private water supply shared between the properties 1-10 Fir Garth. This supply is taken from a nearby stream, which can run low in summer months. There is concern that the development might further exacerbate the existing supply problem.

6.12 The proposed development would be of the same size, design and number of bedrooms as the previously approved development, and would be used in the same way - as an ancillary annex in association with 1 Fir Garth. I do not consider that the change in location would make any material difference in the use of the water in comparison to the extant approved scheme.

6.13 Concerns have also been raised regarding the future use of the annex as a holiday let. The application states that the building would be used as an ancillary annex in association with 1 Firth Garth. As stated at 6.2 above the use as an independent holiday let rather than an annex, would represent a breach of planning control in the absence of a planning permission, and an informative to this effect is recommended to be added to the decision notice should permission be granted..

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, 05, 06, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

8 Conditions

8.1 A standard time limit of three years within which the development must begin is imposed by section 91 of the Town and Country Planning Act 1990.I also recommend a condition requiring the development to be carried out in accordance with the plans and details which form part of the planning permission.

8.2 Two conditions are recommended for proposed materials. The first is that the slate for the roof of the annex is locally quarried green slate to match 1 Fir Garth, and the second is that the stone used to face the walls is locally quarried stone. These are required due to the high visibility of the building from public views from the road, and the contribution that locally quarried materials makes to the character of the area.

8.3 A condition is recommended that the stone boundary wall between the annex and the public road is maintained, and repaired if necessary, to provide partial screening of the annex from public views and to delineate between private and public areas with an appropriate boundary feature.

8.4 A landscaping condition is also recommended to preserve the character and appearance of the local area.

8.5 Finally as indicated at 6.13, I recommend an informative be added to the decision notice explaining the nature of the permission granted and advising that sub-division from the parent property is not authorised by the permission.

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:
- Location Plan and Proposed Block Plan drawing number 2209-001 Rev F
- Proposed Elevations drawing number 2209-206 Rev B
- Proposed Plans drawing number 2209-205 Rev F
- Heritage, Design and Access Statement prepared by Stephenson Halliday, dated 07.07.2026

REASON: For the avoidance of doubt.

3 The roof of the building hereby permitted shall be covered and maintained in local green slates which have been mined or quarried in Cumbria. Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policies 01 and 06 of the Lake District National Park Local Plan 2020-2035.

4 A sample panel of stonework to be used on the building shall be constructed for inspection and approval by an Officer of the Local Planning Authority prior to the application of the stone to the building. The external walls of the building shall thereafter be constructed in such a manner as to match the approved panel.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development in accordance with the provisions of Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.

5 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) the stone boundary wall between the application site and the public road shall be maintained in situ and repaired if necessary to match the existing wall.

REASON: The stone boundary wall plays an important landscape function in the acceptability of the development hereby permitted. Its retention is considered necessary in accordance with Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.

6 Not later than 12 months from the substantial completion of the development, landscaping of the site shall be undertaken in accordance with the details of a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include details of hard and soft landscaping proposals and boundary treatments.

Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard the visual amenities of the area in accordance with Policies 05 and 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.

Informative

This accommodation has been approved as ancillary accommodation to the main house and must be used for this purpose only. The accommodation is part of a single planning unit together with the main house.

Using the accommodation separately from the main house would amount to a material change of use that requires planning permission. For

example a separate use could include use as an holiday let independently from 1, Fir Garth or occupation as a self-contained house. If a material change of use takes place without planning permission the use will be unauthorised and at risk of formal action. If an enforcement notice needs to be issued it would be served on everyone with an interest in the land. This would include any mortgagee. In assessing whether to take further action we can consider whether intentional unauthorised development has taken place.

If you have questions about how you can use the approved accommodation please contact us.

Background papers

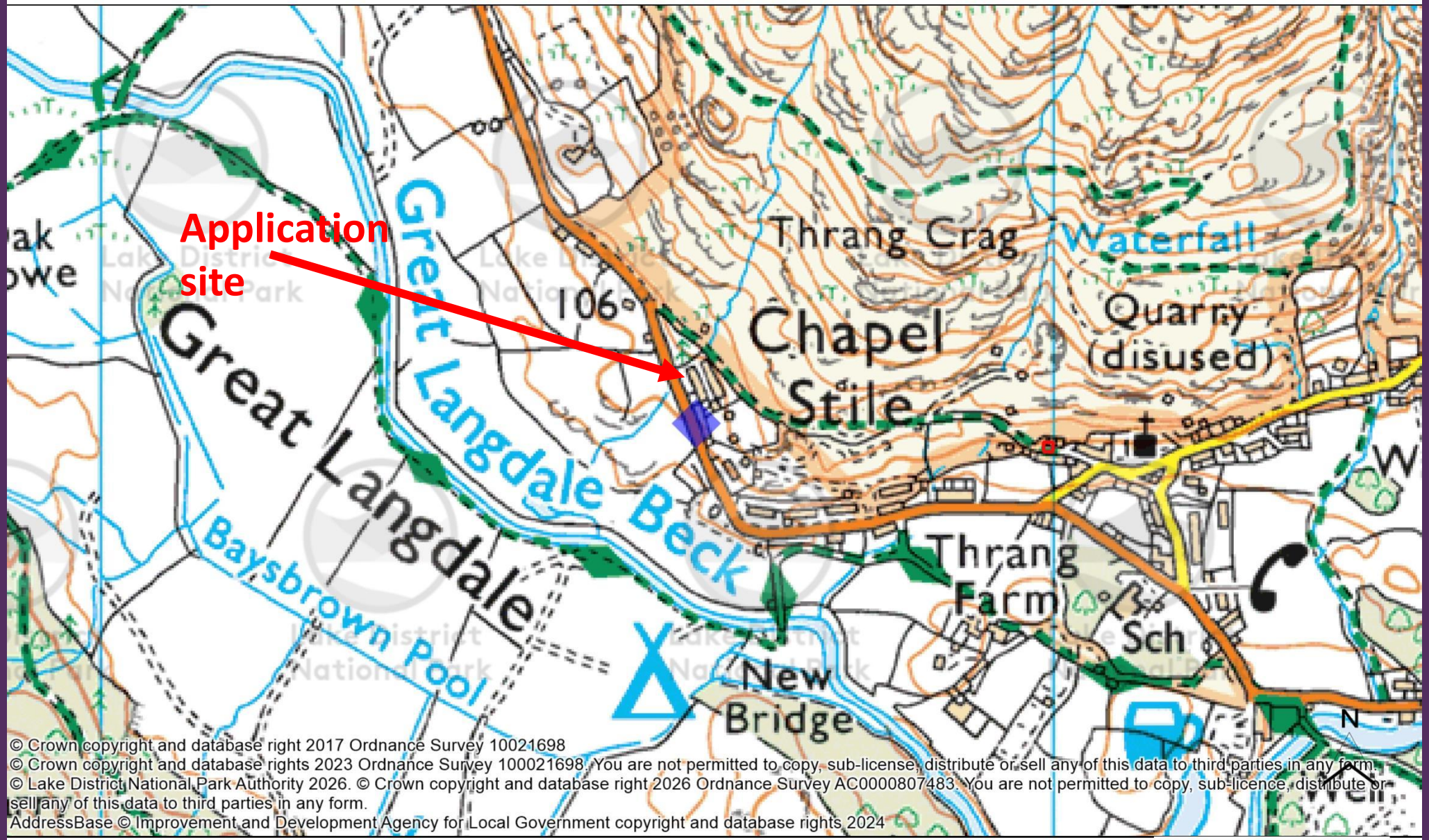
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2026/5388

1 Fir Garth, Chapel Stile, Ambleside, LA22 9JW

Demolition of outbuilding and erection of ancillary annex

Location Plan 7/2026/5388

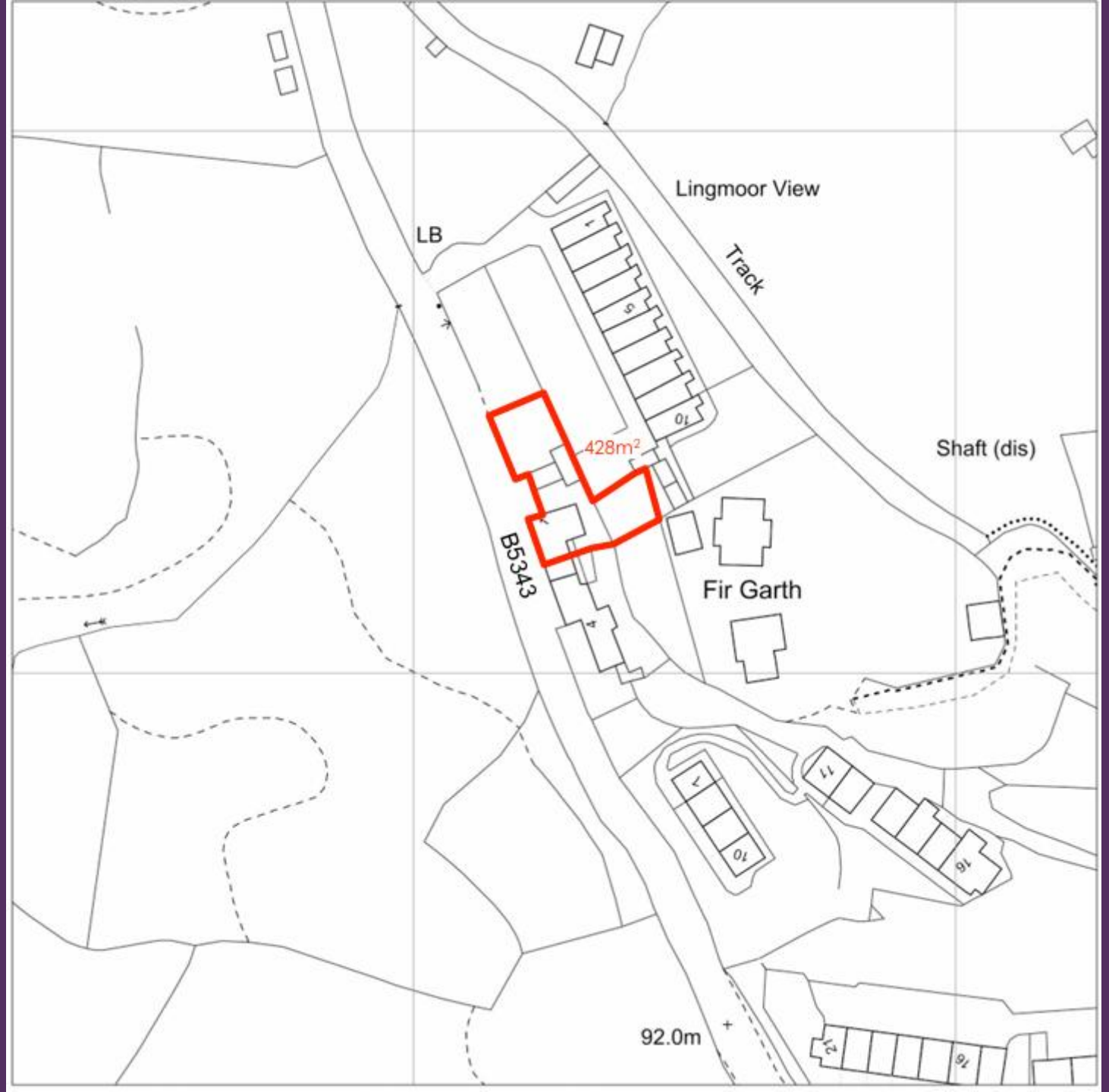


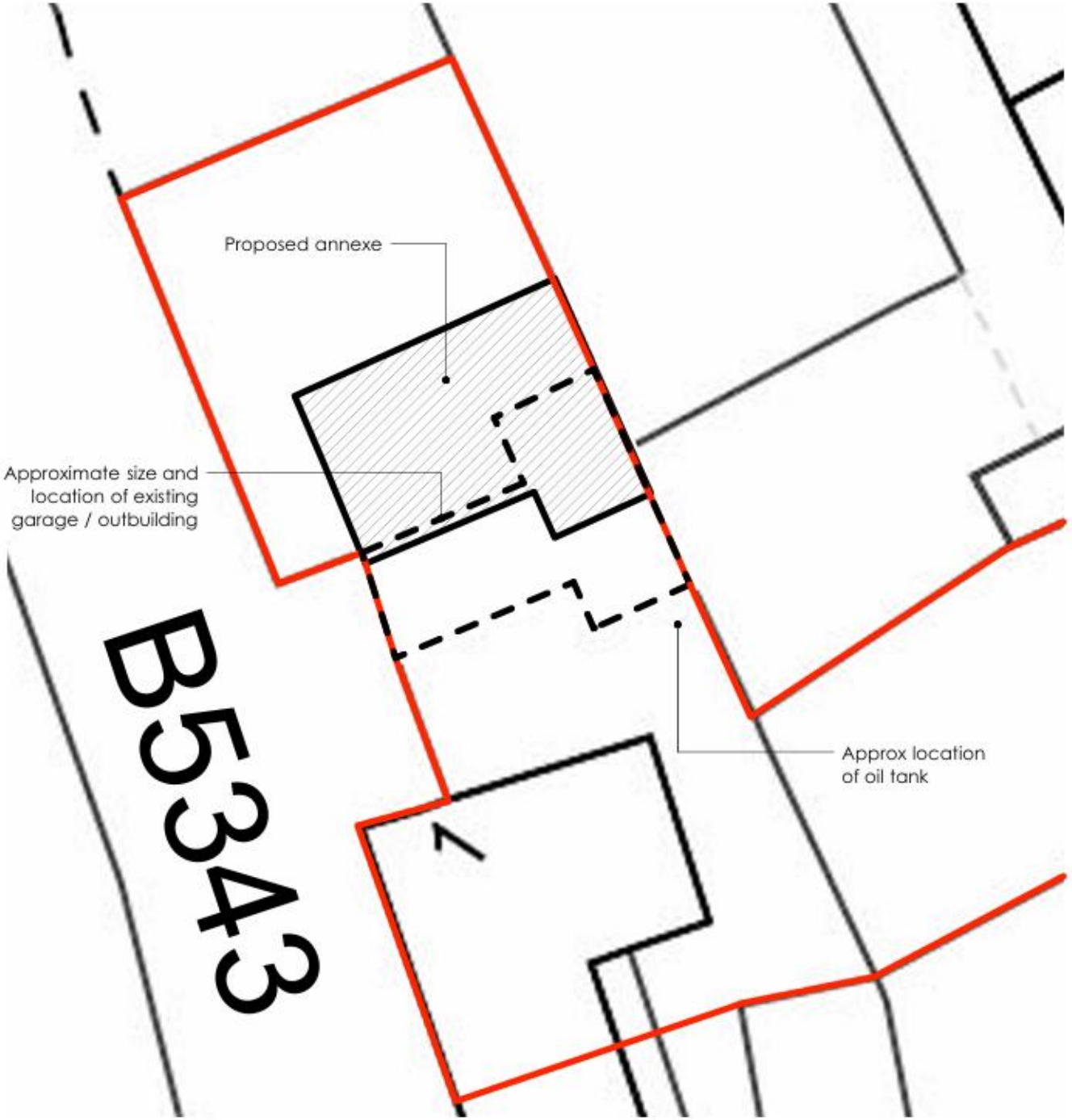
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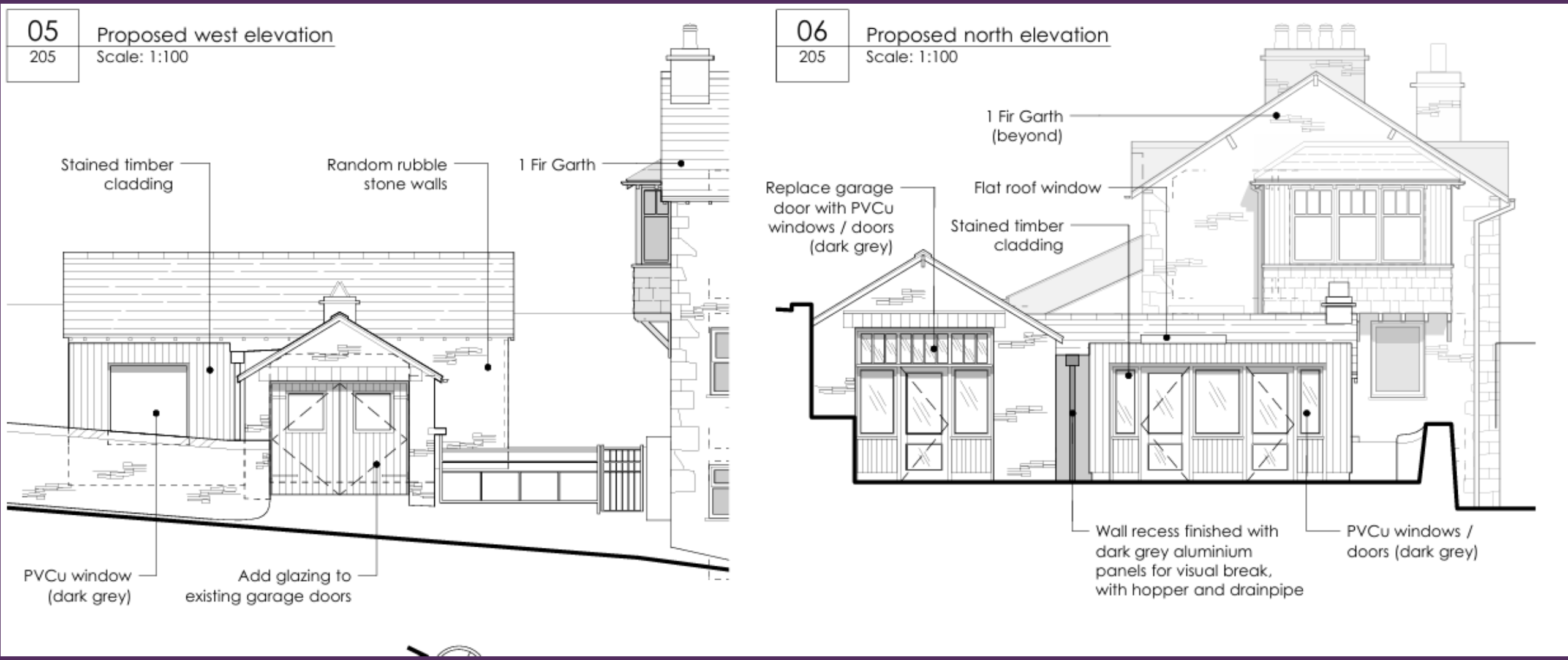
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Lake District National Park Authority

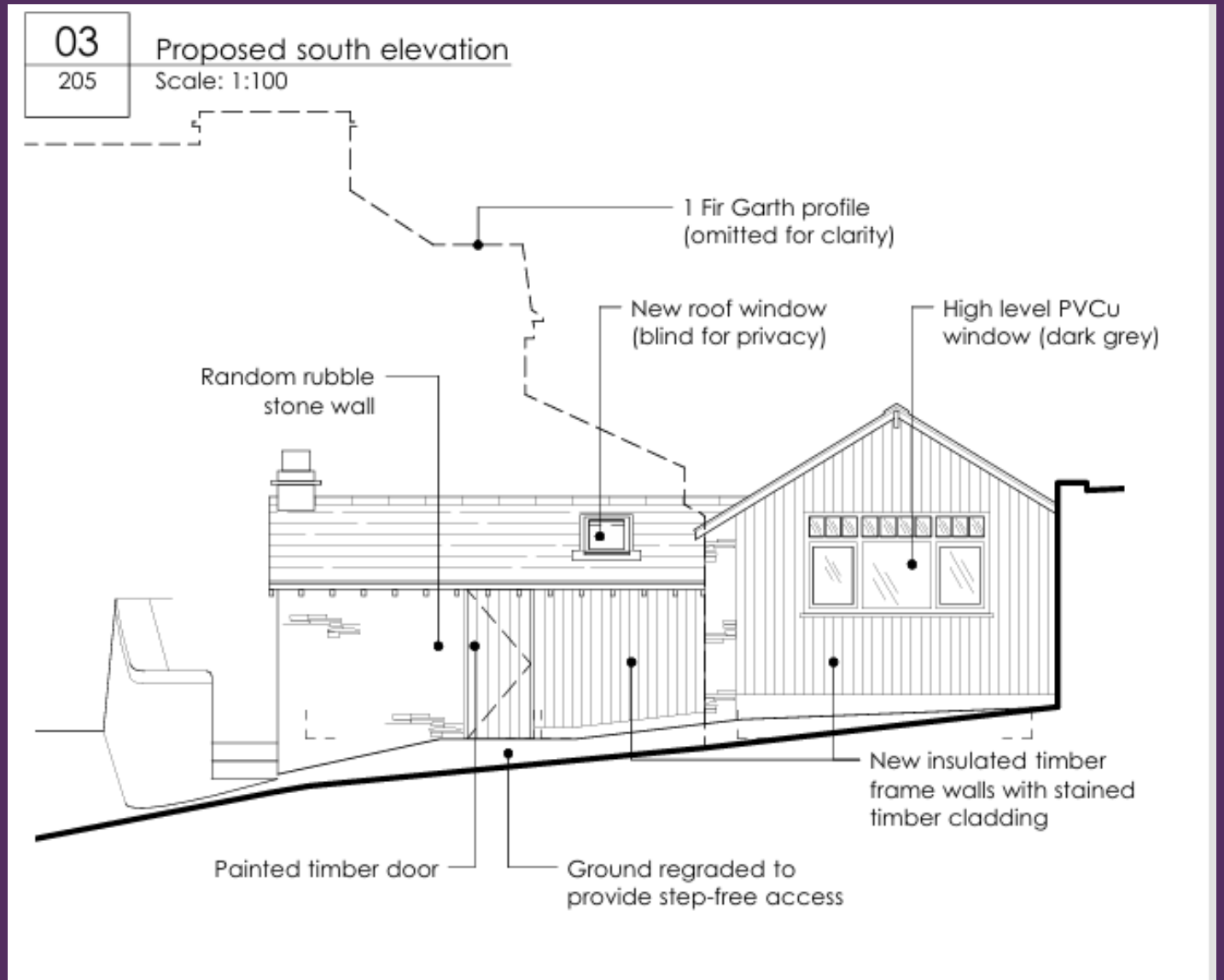

Lingmoor View
LB
Track
428m²
Shaft (dis)
B5343
Fir Garth
92.0m


Proposed annexe
Approximate size and location of existing garage / outbuilding
B5343
Approx location of oil tank
1

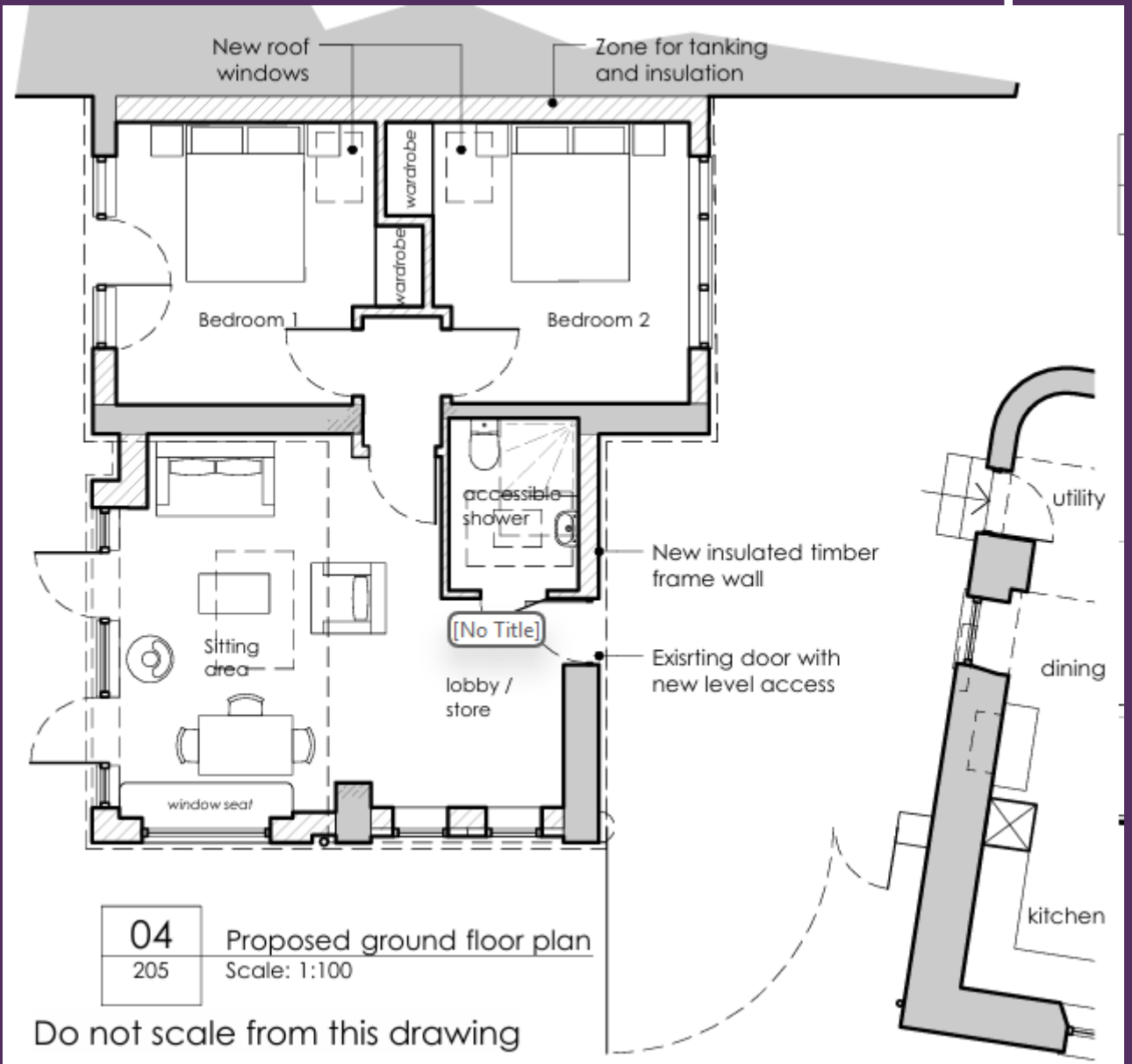
Extant elevations

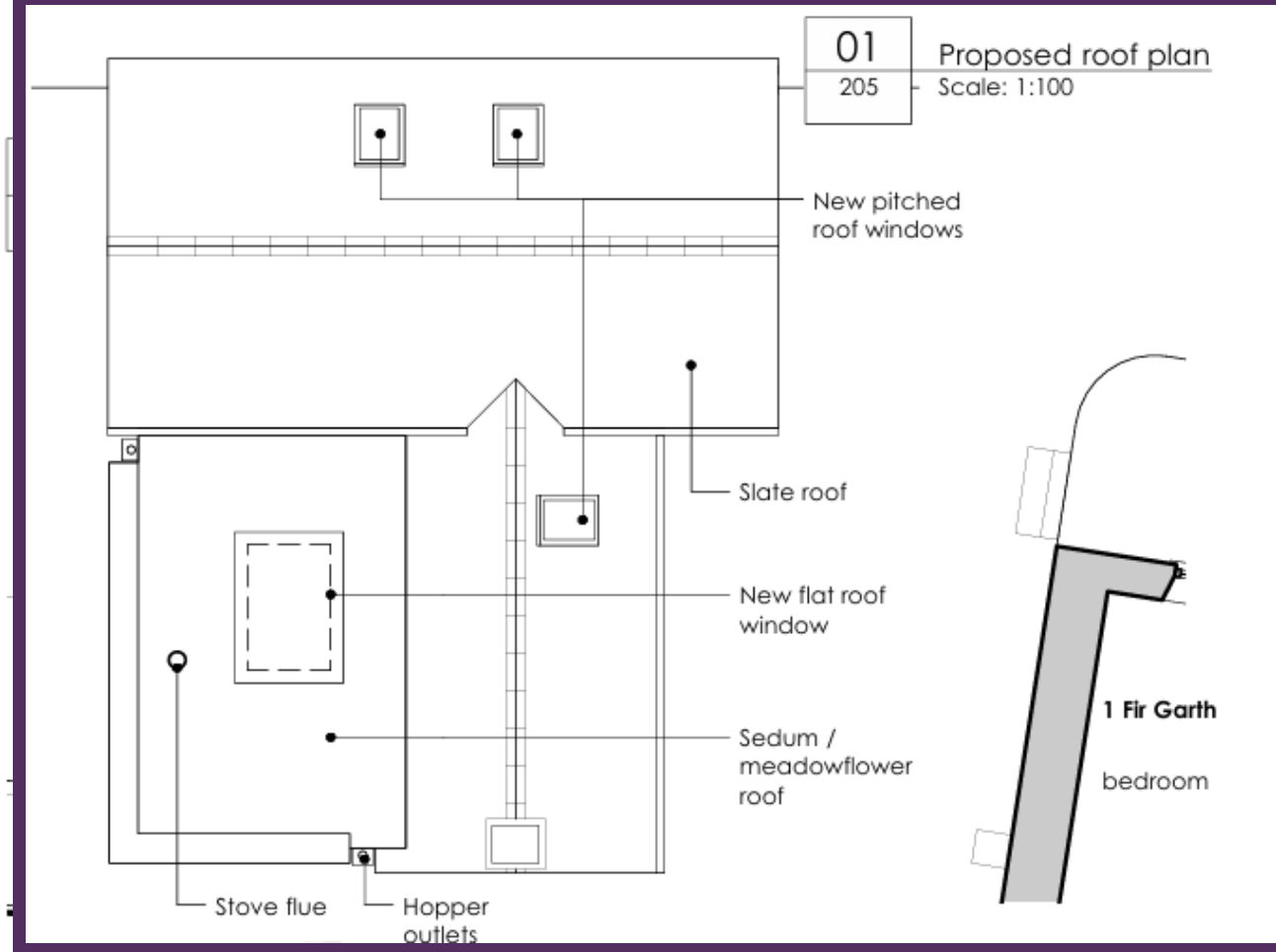


Extant elevations



Extant floor plan and roof plan

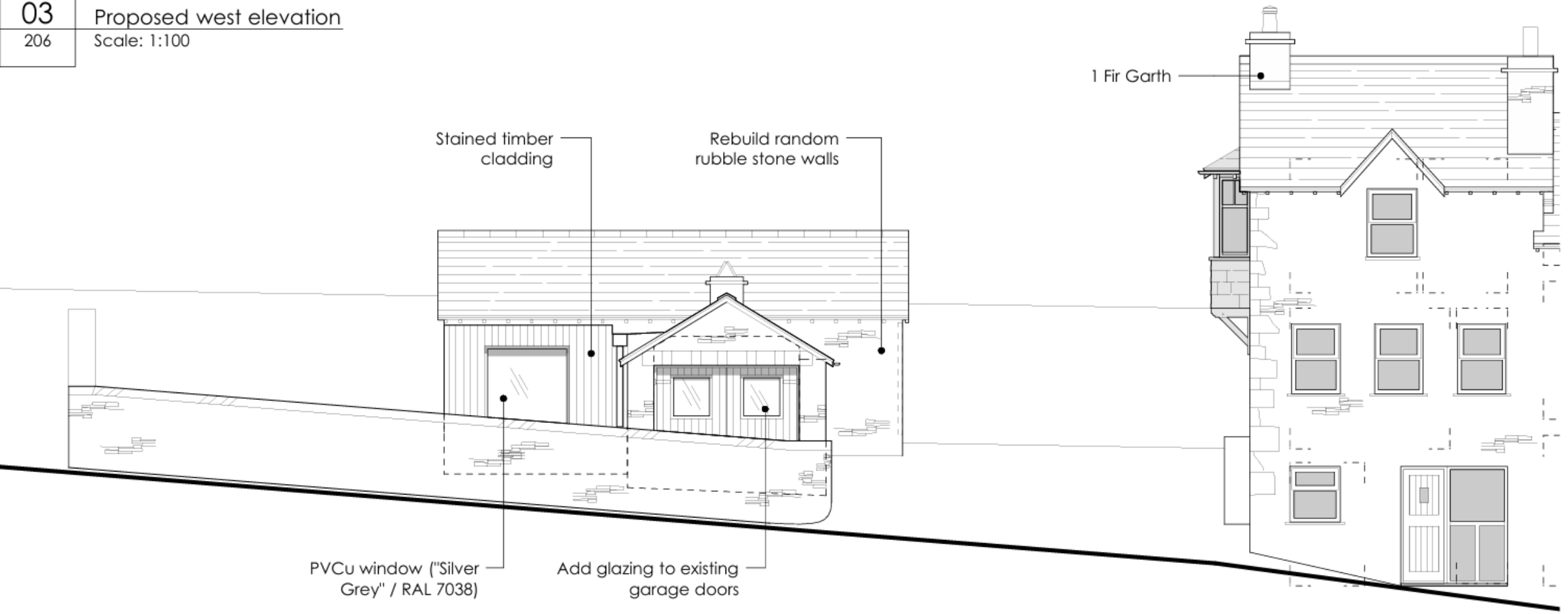




Proposed elevations

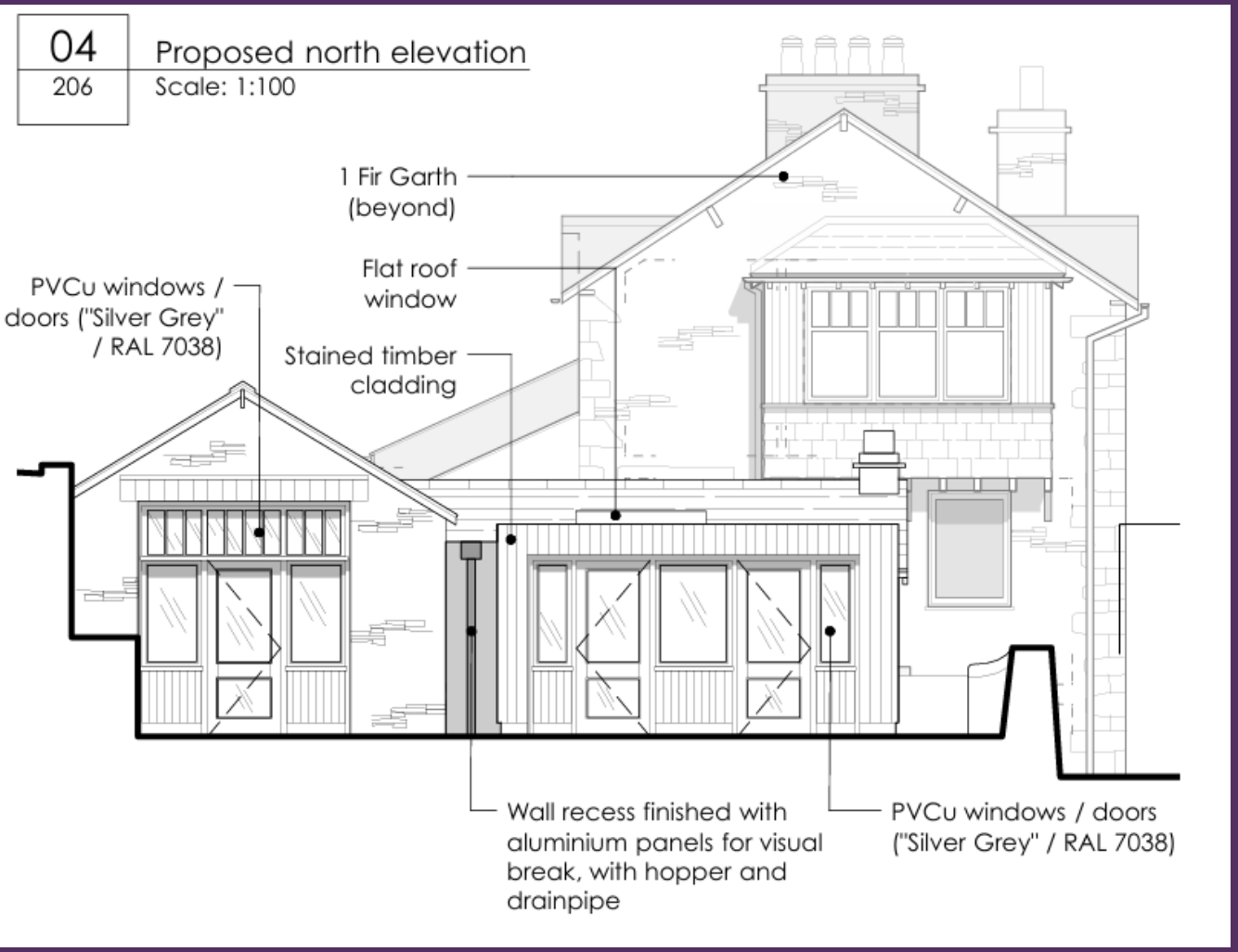
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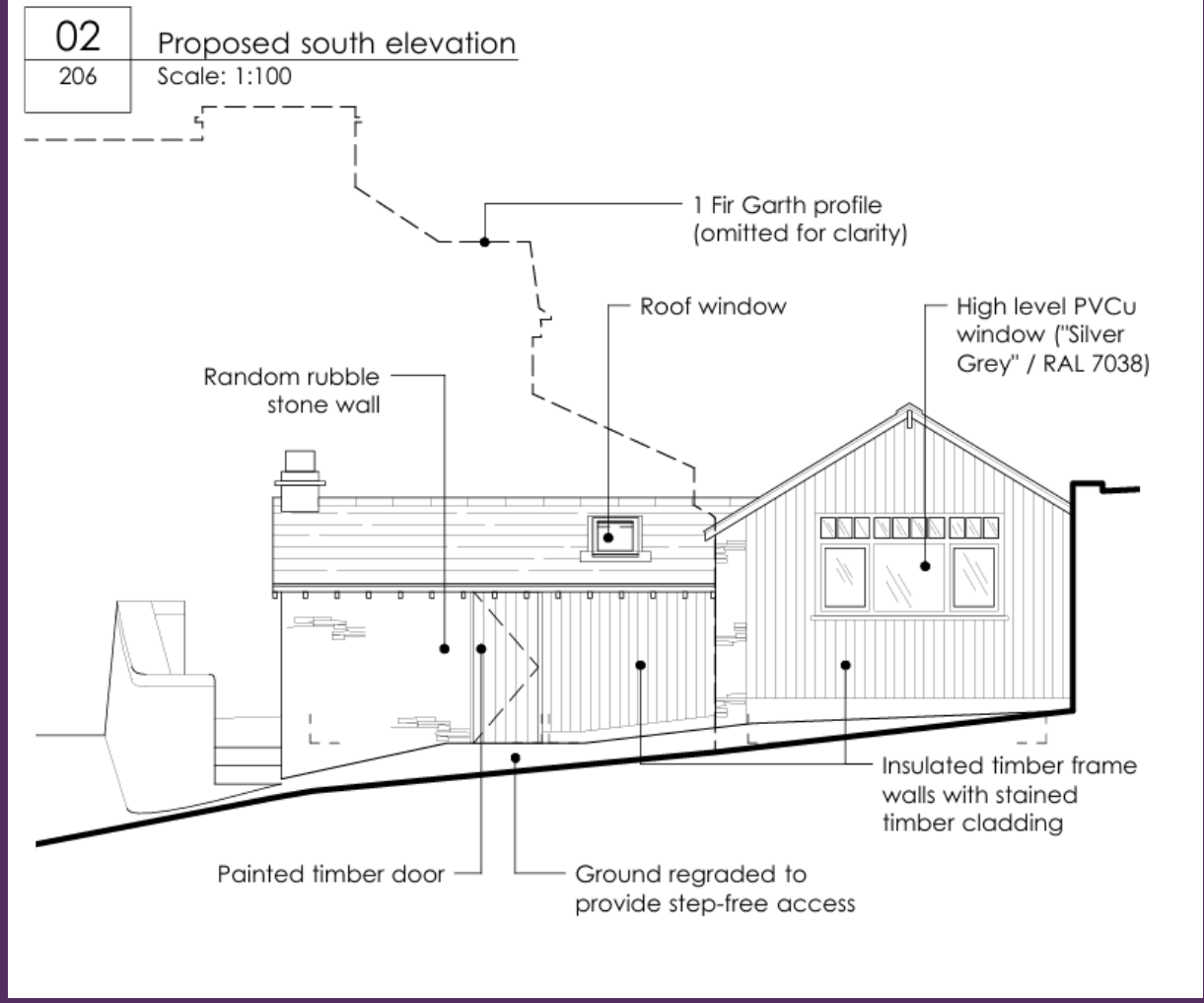
Proposed west elevation
Scale: 1:100



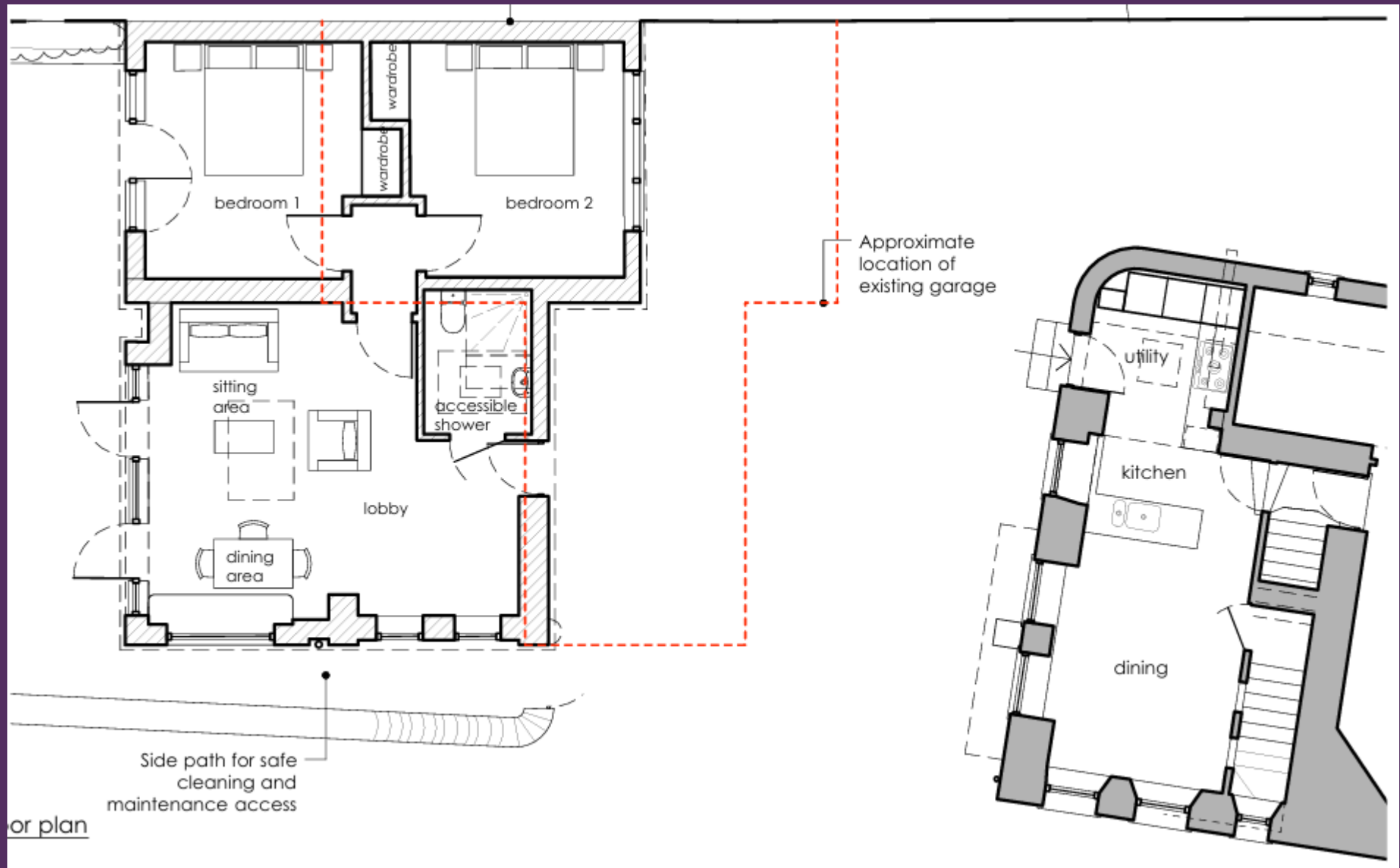
Do not scale from this drawing

Proposed elevations





Proposed floor plan



Proposed roof plan

