Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2026 by J Reed MPlan MRTPI

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Appeal Ref: 6009989
Newby Bridge Filling Station, Newby Bridge, Cumbria LA12 8ND

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
- The appeal is made by Cambridge Harriet (Wildstone Estates Limited) against the decision of Lake District National Park Authority.
- The application Ref is 7/2026/5072.
- The advertisement proposed is erection of two digital advertising displays.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) states that advertisements should be subject to control only in the interests of amenity and public safety. With respect to the appeal, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the latest version of the Framework.

Main Issues

5. The main issues are the effect of the proposed advertisements on amenity and public safety.

Reasons for the Recommendation

Amenity

6. The appeal site is known as the ‘Newby Bridge Petrol Station’ and is situated on the A590. The appeal site is surrounded by open countryside and various forms of vegetation.

7. The site is within the Lake District National Park (NP) where there is a statutory duty upon relevant authorities exercising their function to seek to further the purposes for which National Parks are designated. This includes conserving and enhancing their natural beauty, wildlife and cultural heritage. The NP is, in addition, a World Heritage Site (WHS), a designated heritage asset of the highest significance. Such sites are internationally recognised to be of Outstanding Universal Value (OUV). Its significance is in part derived from its mountainous character, glaciated valleys and numerous lakes, which has created a landscape of natural and cultural beauty, shaped by an agro-pastoral land use.

8. The appeal scheme proposes two advertisements at either side of the appeal site's one way system. They would be rectangular in shape and have a height of 2.4 metres and a width of 1.23 metres with a 1.53 square metre digital display screen which could be capable of displaying six advertisement campaigns at a time in a rotating sequence. Both advertisements are to be sited toward the front of the appeal site allowing them to be viewed in both directions on the A590.

9. The appeal site presently includes a degree of advertising in the form of several items of non-illuminated signage. In contrast the proposed advertisements would be digital and as a result would fail to assimilate with the existing styling of signage. Furthermore, the proposed displays through their size and appearance would be markedly out of keeping with the verdant rural backdrop of the appeal site. I also note the presence of existing lighting within the site however this does not justify the addition of uncharacteristic digital signage to the appeal site and area. The appeal scheme would therefore harm the visual amenity of a site within an area designated for in part, its natural beauty and cultural heritage.

10. Both digital display screens, capable of displaying several static images over time, would draw further attention to the freestanding displays, and would be viewed in stark contrast to the static advertisements and signage serving the petrol station presently. This prominence would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screens were carefully controlled.

11. The appellant has also outlined that the appeal scheme utilises contemporary high-quality materials and will replace older poor-quality advertisements. However, for the reasons outlined above I consider the proposed advertisements to be inappropriate in this setting.

12. Based on the cumulative impact of both the advertisements proposed in this location, it would result in some limited harm to the special qualities of the NP. Consequently, it would not protect the OUV of the WHS and would harm its significance.

13. Therefore, based on the matters and reasons above, I conclude that the proposal would harm the visual amenity of the area. I have taken into account Policies 01, 02, 05 and 06 of the Lake District National Park Local Plan 2020-2035, (2021) (LP). Collectively, these policies seek to conserve the OUV of the NP, conserve and enhance the significance of heritage assets, not have an unacceptable impact on amenity due to visual intrusion, and protect the character of the site and lakeshores.

Public safety

14. The A590 directly adjacent to the appeal site is a busy 40 mph road with junctions at both ends of the appeal site in order to allow petrol station customers to enter and exit the site in a one-way system. The proposed digital advertisements would be seen by traffic approaching the site in both directions.

15. Planning Practice Guidance notes that all advertisements are intended to attract attention, but those located at points where drivers need to take more care are more likely to affect public safety.

16. Both the proposed advertisements would be seen intermittently in long range views as road users approach the site from either direction as a result of the vegetation surrounding the appeal site. In addition, both advertisements would be highly visible in short range views with drivers likely to have their attention drawn towards the adverts. Both advertisements would be intervening distractions due to their visibility, illumination levels and changing images which would be inappropriate particularly when considering that drivers are likely to be merging onto the carriageway from the appeal site or exiting the highway.

17. The presence of the petrol station is an important factor associated with the road layout in this location. As a result, traffic may be slowing down on the approach to the petrol station in order to turn off the carriageway or be trying to merge from the appeal site. Whilst drivers may glance towards the advertisements very briefly, their attention would be diverted away from the road ahead and the road users around them. I note the appellant's comments that there is limited evidence to suggest a link between digital adverts and increased road accidents. I also have no reason to doubt that the adverts would comply with industry best practice, with limitations on brightness and controls over changing images. Regardless, the purpose of the proposed advertisements would be to attract attention. The adverts could result in additional distraction along a section of road which requires heightened concentration. Even with the suggested controls in place outlined in the appellant's Highway Safety Report, the scheme could result in additional driver distraction with an associated risk to public safety.

18. The proposed advertisements would therefore pose an unacceptable risk to public safety. In accordance with the Regulations, I have considered the development plan so far as it is material. Therefore, the proposal would be contrary to the aims of Policy 06 of the LP which seeks to create safe and accessible environments.

Other Matters

19. I note the merits of the scheme outlined by the appellant including but not limited to the scheme's effective maintenance, ability to keep the site tidy and well maintained, result in an uplift in business rates to spend on public services, reduce waste involved in the poster production process, provide greater flexibility to enable better access to advertising displays for local businesses, provide a platform to broadcast emergency messaging, provision of public messaging and public art campaigns, the opportunity to integrate additional hardware to meet Smart City objectives, reduce vehicle trips to replace adverts and their associated noise and emissions. However, matters not relating to amenity and public safety fall outside the scope of the appeal, as defined in the Regulations.

20. In addition, the appellant has provided various examples of sites where advertisements were considered acceptable. I have limited information in relation to these examples. However, from what is before me, these sites appear to be in more urban locations in comparison to the appeal site. Furthermore, I am not aware of the highway conditions of these locations in order to determine if they are similar to the appeal site before me.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

David MH Rose

INSPECTOR

Planning Application Site Plan: 7/2026/5072

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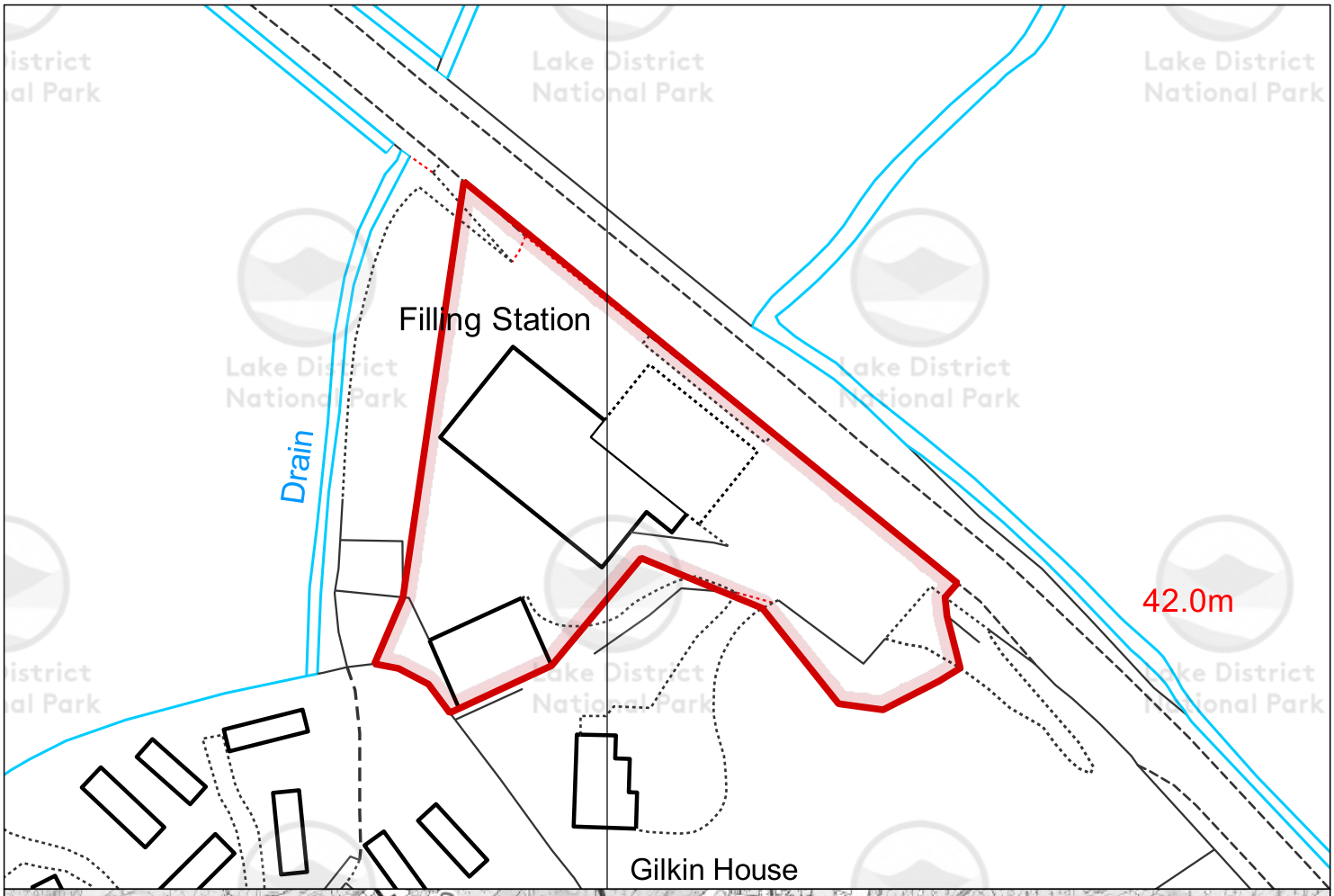

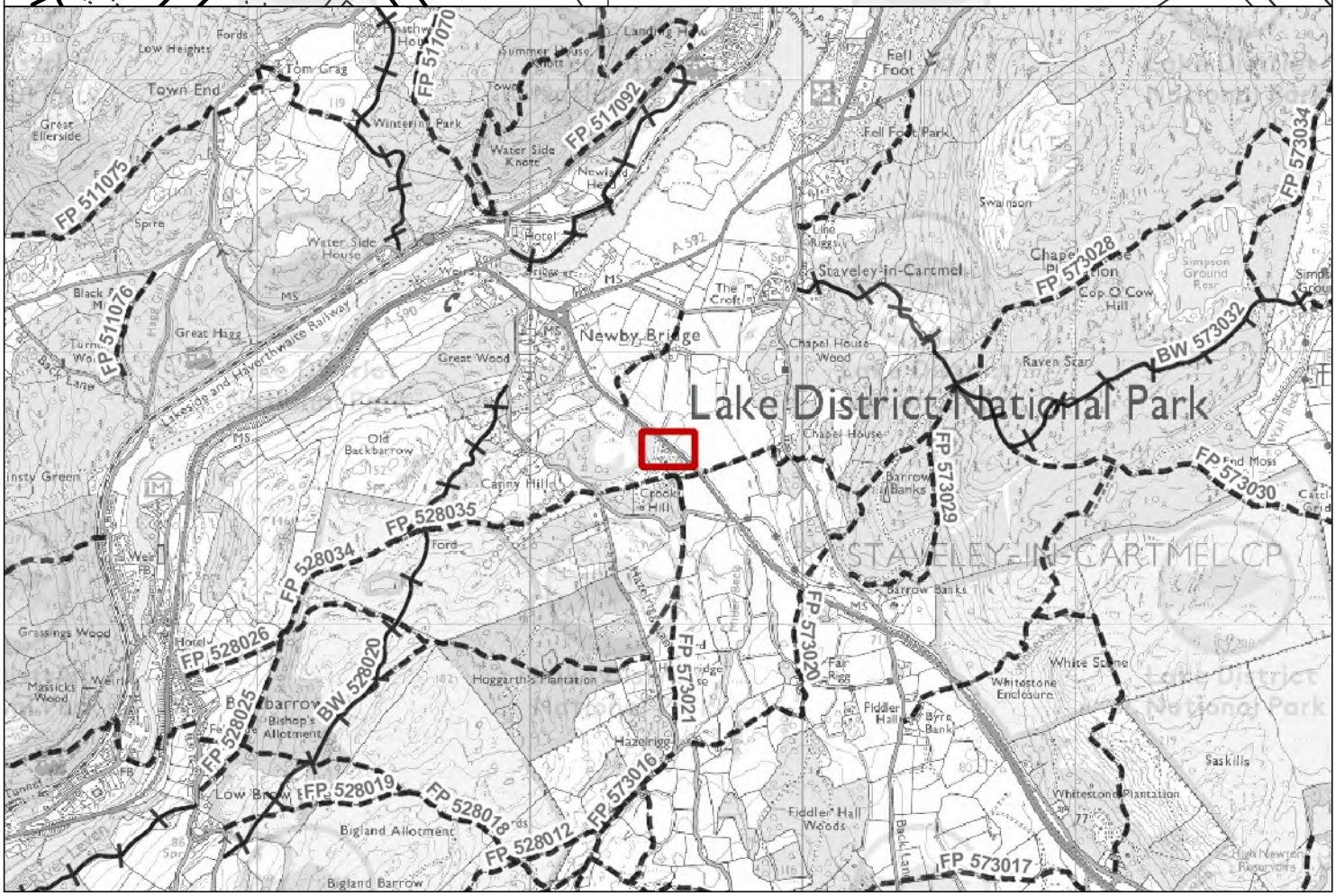

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Plan scale: 1:1,000
Overview: 1:25,000

Date Authored: 17/11/2026

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Lake District National Park Authority

Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2026

Appeal Ref: APP/Q9495/C/25/3375989
Burns Farm Caravan and Campsite, St Johns in the Vale, Keswick CA12 4RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr D Lamb against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 24 September 2025.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of the land from a mixed use of agriculture and caravan and campsite reception and toilet and shower facilities to a mixed use of agriculture, caravan and campsite reception and toilet and shower facilities and a residential flat.
- The requirements of the notice are: (i) Discontinue the use of the land as a residential flat; and (ii) Remove the kitchen and bathroom fittings from the residential flat from the land.
- The period for compliance with the requirements is five months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.

Decision

1. It is directed that the enforcement notice is varied by in paragraph 5 substituting the text in step (i) with the following text: '*Cease the mixed use of the land for agriculture and caravan and campsite, reception and toilet and shower facilities and a residential flat, by ceasing the use as a residential flat'.* Subject to the variation the appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

2. Since the matter alleged as constituting a breach of planning control set out in paragraph 3 of the enforcement notice is described as a mixed use which includes use as a residential flat, the corresponding requirement in paragraph 5 should strictly be to cease the stated mixed use. However, the appellant could be in little real doubt as to what they are required to do by the notice. Therefore, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to refer to the mixed use alleged in step (i). There would be no injustice to the appellant or the National Park Authority in my varying the notice accordingly.

3. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (g) appeal

4. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

5. The appeal premises includes a farm holding with a caravanning and camping site, including pitches for touring caravans and tents, holiday lodges and other associated buildings. The notice attacks the use of part of a former farm building at the premises as residential accommodation.

6. The appellant sought to extend the five-month period specified in the notice for ceasing the residential use and removing the associated kitchen and bathroom facilities to nine months. This it was stated would provide for the preparation and submission of a planning application for the residential accommodation with supporting documentation to the National Park Authority.

7. However, the prospect of a planning application being submitted is not in itself, a sound reason to extend the period for compliance, particularly as there can be no reasonable assurance that such an application would be successful. Also, to my knowledge no planning application has been submitted.

8. Besides, as the appeal is made on ground (g) only, it is appropriate to take the time which has elapsed since the issuing of the notice into account in assessing the reasonableness of the compliance period. The appeal was made solely to extend that period, in the full knowledge that the notice would be upheld and that the requirements would have to be complied with. In doing so, the appellant has already delayed the date the notice will come into effect.

9. Set in the above context, there is little sound reason before me to support a further delay to complying with the notice steps beyond the end of the five-month period specified in the notice. That period affords ample time for the steps in the notice to be taken.

10. Accordingly, the compliance period strikes an appropriate balance between remedying the breach as soon as practicable whilst also avoiding imposing a disproportionate burden on the appellant. Extending that period on the other hand would serve little purpose other than to perpetuate the breach.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Stephen Hawkins

INSPECTOR

Enforcement Site Plan: E/2022/0068





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Plan scale: 1:1,000
Overview: 1:25,000

Date Authored: 17/11/2026

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Lake District National Park Authority

Planning Inspectorate

Appeal Decision

Site visit made on 28 October 2026

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal Ref: APP/Q9495/C/25/3366036
Land at High Cordale, Carhullan, Askham, Penrith, CA10 2QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Caroline Brown against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 16 April 2025.
- The breach of planning control as alleged in the notice is without planning permission, the making of a material change of use of an outbuilding to a separate dwellinghouse.
- The requirements of the notice are to discontinue the use of the Land as a dwellinghouse.
- The period for compliance with the requirement is one month after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).

Decision

1. 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 1990 Act as amended.

Procedural Matters

2. A revised National Planning Policy Framework was published on 17 August 2026 (the Framework). It is a material consideration of 'critical importance' in decision making terms. The main parties were afforded the opportunity to provide written comments about the implications of the Framework in respect of their appeal positions. I have considered all comments received as part of the determination of this deemed planning application.

3. The evidence is that the breach of planning control relates to a short-term holiday let dwelling and not to a permanent dwelling. Despite this, the appellant has asked that I consider the breach of planning control based on a *"flexible"* dwelling use. The reasoning for this is so that she can *"either continue the current modus operandi or provide a safety-net of a home for the appellants should their tenure of Carhullan be terminated".*

Main Issue

4. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issues for consideration area (i) whether the breach of planning control is acceptable in land use principle with or without the imposition of any necessary conditions, and (ii) the effect of the development on the integrity of the River Eden Special Area of Conservation.

Reasons

Land use principle

5. The evidence is that planning permission (reference 7/2015/3087) was approved in 2015 for the renovation of a barn to create a workshop and art studio in respect of the appeal building. Planning permission (reference 7/2019/3167) was subsequently approved for a revised scheme in January.

6. The appellant does not dispute that a material change of use of the building has occurred or that the breach of planning control has occurred. Indeed, there are no ground (b) or (c) appeals. I have considered the Council's expediency report, and the evidence is that the building in question (known as Wild Boar Barn) has been advertised as a holiday let on the booking.com website. The Council says that there are "*reviews which indicate that the property has been occupied as a dwelling"*. Again, this has not been disputed.

7. I was able to view inside the building as part of my site visit. It has all the facilities needed for day-to-day private domestic existence, whether it is used as a permanent dwelling or as a holiday let dwelling. In that regard, I have considered the breach of planning control as being an independent and uncontrolled self-contained short-term holiday let dwelling falling within use C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). In issuing the notice, the Authority states that a new unfettered short-term holiday let dwelling in the open countryside has been created.

8. Policy 18 of the adopted 2021 Lake District National Park Local Plan 2020–2035 (LP) 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"*. Neither the appellant nor the Authority provide any evidence to suggest that the appeal building would not be suitable for local need housing.

9. There is no good reason why the appeal building could not be used as a permanent dwelling for local need purposes. In this regard, I find that the requirements of Policy 18 of the LP are not met and hence the use of the appeal dwelling as a short-term holiday let cannot be supported.

10. While the breach of planning control relates to a short-term holiday let type dwelling (class C3), as distinct from use as a permanent dwelling (class C3), it is noteworthy that Policy 15 of the LP states that new permanent homes be "*secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances"*. If the appeal building were to be used for this purpose, instead of as a short-term holiday let, it would be necessary to impose a condition controlling occupation/eligibility as per that suggested by the Council and in accordance with the Authority's Housing Supplementary Planning Document 2023 (SPD).

11. I conclude that the breach of planning control in the form of a short-term holiday let does not accord with the holiday let requirements of Policy 18 of the LP. This weighs against allowing the breach of planning control to continue. It certainly

does not justify the appellant's request for a "flexible" permission which would also allow use as a short-term holiday let.

River Eden Special Area of Conservation

12. The breach of planning control results in additional stays and hence additional wastewater from overnight use. The appeal site lies within the catchment area of the River Eden Special Area of Conservation (SAC) which is a European protected site requiring nutrient neutrality strategic solutions. The appellant has submitted a Foul/Sewage Drainage Strategy Report prepared by Hough Tullett Limited. This acknowledges that the development is not nutrient neutral and that mitigation is required to compensate a total annual phosphorous load. The evidence is that the development is currently likely to be having a significantly adverse effect on the integrity of the SAC in combination with other projects given additional phosphorous load from foul water.

13. At my request, Natural England has been consulted in respect of the appellant's proposed mitigation which essentially relates to the provision of a new independent treatment plant (i.e., a BioDisc). The appellant's evidence is that the total annual phosphorous load to mitigate is 0.01kg TP/yr and proposes to mitigate this through the planting of an area of woodland in conjunction with the proposed treatment plant. This would contrast with the current position where the evidence indicates that the appeal building has its foul water discharge needs served at Lower Carhullan and which is not within the control of the appellant.

14. Natural England (NE) states that the use of chemically dosed systems are not used due to uncertainties in their environmental impact and hence a biological treatment plant is considered. This would require efficiency value inputs into the Natural England calculator to the determine the amount of phosphorous that requires mitigation. While NE states that woodland planting is a suitable mitigation option, as proposed by the appellant, it is necessary to show existing and proposed land uses in the NE River Eden calculator which will then show the existing and proposed leaching rates to indicate the mitigation that can be achieved for the parcel of land. Such mitigation can then be deducted from the application's nutrient budget to determine whether sufficient mitigation is being provided to achieve nutrient neutrality.

15. A full NE River Eden Calculator, together with a separate calculator demonstrating the amount of mitigation that is required in respect of woodland planting, has not been submitted as part of the ground (a) appeal and in accordance with the appeal timetable. Moreover, concern is raised about the use of a chemically dosed system. I am therefore unable to conclude that the appellant's mitigation would be sufficient from the point of view of ensuring that the development would not cause harm to the integrity of the SAC.

16. For the above reasons, I am unable to conclude that the development would accord with the nature conservation requirements of Policy 04 of the LP, and national decision-making policy N6 of the Framework.

Other Considerations

17. The appeal building is curtilage listed. It is close to Carhullan which is Grade II listed. The breach of planning control relates solely to the use of the appeal building. Despite some minor alterations to the appeal building and its immediate

setting, I find that its vernacular form, using traditional materials and construction techniques, have been conserved. Its special interest and significance derive in part from its age, functional agricultural appearance, external materials including local stone walls and local slate roof, and the legibility of its former use and connection to the wider agricultural landscape. Its special interest and significance are also derived from its value as a group with the Grade II listed building nearby.

18. The breach of planning control has not caused harm to the special interest of the significance of the curtilage listed building. Moreover, I find that the character of the setting of the Grade II listed building has been preserved, even accounting for use of the appeal building as a short-term holiday let. The outside seating areas and steps are sympathetic to the curtilage listed building and these works and the associated activity are confined to the rear elevation of the outbuilding. Therefore, there is no visual or activity association with the setting of the Grade II listed building. Consequently, the unauthorised development does not conflict with the conservation requirements of national decision-making policy HE6 of the Framework. The significance of the designated heritage assets has been preserved.

19. Use of the appeal building as a short-term holiday results in some economic benefits in terms of spend in the local area, as well as in respect of those that are involved in marketing and servicing the property. However, I afford the benefits only limited positive weight in the overall planning balance as only one short-term holiday let is under consideration.

20. The Authority take the view that there is no evidence to suggest that there was intentional unauthorised development in this case. I have no reason to depart from this conclusion. Consequently, national decision-making policy DM8 of the Framework is of no relevance in this case.

Planning Balance and Conclusion

21. The breach of planning control relates to a short-term holiday let. It does not relate to permanent dwelling. Such development does not accord with policy 18 of the LP. The appellant's request for a flexible dwelling use is not justified with reference to policy 18 of the LP.

22. Notwithstanding the above, the proposal could be suitable as a permanent dwelling. Indeed, this has been considered by the Authority who say in its statement of case that "*it is the Authority's view that the appeal building is suitable for providing local need housing. The appellant does not appear to disagree with this. Their request for a flexible use appears to be based on their specific personal circumstances".* It is also the case that use of the building as a permanent dwelling would deliver some economic benefits in terms of local spend in the area. However, such benefits would be somewhat limited from only one dwelling.

23. In this case, I am satisfied that subject to the imposition of a condition which controlled the use of the building to that of a permanent dwelling (local occupancy) as suggested by the Authority, the unauthorised dwelling would then accord with policy 15 of the LP and the SPD. It is noteworthy that national decision-making policy DM3 of the Framework states that when considering development proposals, local planning authorities should "*consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations".*

24. In considering the above, it would be necessary to ensure that the breach of planning control does not cause harm to the integrity of the SAC. As confirmed by Natural England, the appellant's proposed mitigation does not suitably demonstrate that harm would not be caused to the integrity of the SAC when considered in combination with other developments/projects. Consequently, the breach of planning control does not accord with the biodiversity and nature conservation requirements of policy 04 of the LP, and national-decision making policy N6 of the Framework.

25. I have considered the breach of planning control against national decision-making policy S5 of the Framework. This is relevant in so far that the appeal site is within the countryside and outside a settlement. The reuse of the building as a permanent dwelling would be acceptable in land use principle in so far that it would accord with national decision-making policy S5(1)(c). The Authority raise no objection to the use of the property on this basis subject to it being used for local housing need purposes (i.e., the imposition of a condition) and hence as per the need requirements outlined in the development plan.

26. While the reuse of the building as a holiday let would fall within the list of development types in national decision-making policy S5 that can in principle be approved outside of settlements, approval is subject to any benefits not being substantially outweighed by adverse effects when assessed against the national decision-making policies in the Framework. While there would be some limited economic benefits associated with use of the property as a holiday-let, I find that this is substantially outweighed by the fact that I cannot conclude from the evidence that the mitigation proposals would not cause harm to the integrity of the SAC. It is also the case that such a use would fail to accord with the requirements of policy 18 of the LP.

27. In respect of use as a permanent dwelling, this would be acceptable subject to the imposition of a local occupancy condition. However, I cannot conclude that such a use would not cause harm to the integrity of the SAC. This is an overriding concern, and the benefits of such a use would be substantially outweighed by such an adverse effect when assessed against the national decision-making policies in the Framework. It is also noteworthy that paragraph 63(5) of The Conservation of Habitats and Species Regulations 2017 states that *"the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site"* (my emphasis). In this regard, it is not possible to address this matter by way of the imposition of a planning condition.

28. Whether the property is used as a permanent dwelling, or as a holiday let, the evidence is that neither use would deliver a sustainable form of development. Consequently, there is conflict with national decision-making policy S3 of the Framework.

29. In reaching the above findings, I have considered the supportive comments made by the occupier of Howes Beck Barn as well as to the circumstances relating to the conveyancing process. However, these matters are not sufficiently weighty to alter or outweigh my overall findings above.

30. Moreover, I have considered the fact that in refusing planning permission and upholding the notice, it would result in the owner of the property being denied the opportunity of using it as a permanent dwelling. However, I find that given the

harm identified, a refusal of planning permission constitutes a proportionate and justified balance in the public interest and relative to any interference with rights expressed in Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998.

31. Overall, I conclude that the continued use of the property as either a permanent dwelling, or as a holiday let, would not accord with the development plan for the area when considered as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

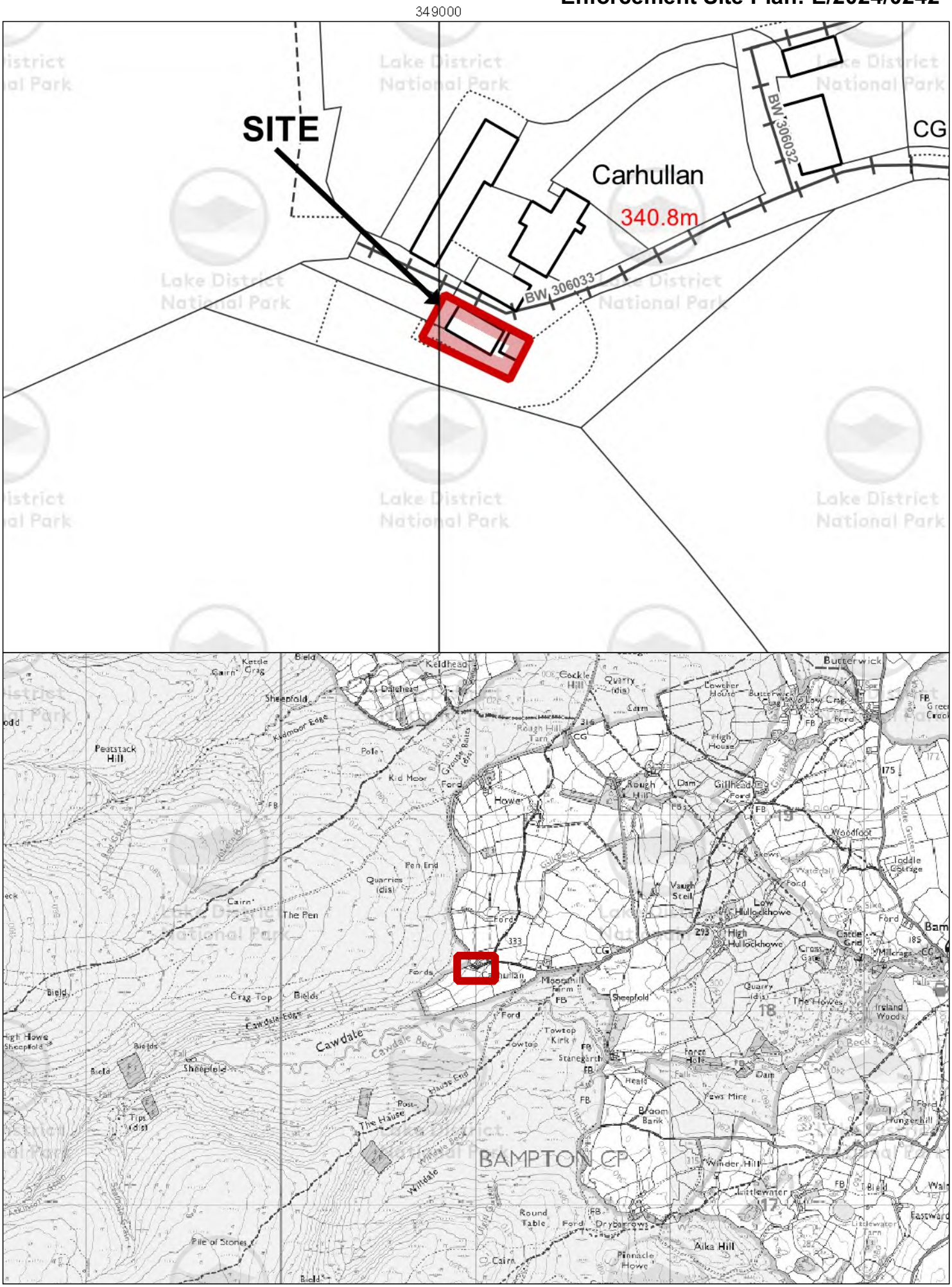
Overall Conclusion

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

D Hartley

INSPECTOR

Enforcement Site Plan: E/2024/0242



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Plan scale: 1:1,000
Overview: 1:25,000

Date Authored: 17/11/2026

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Lake District National Park Authority

Planning Inspectorate

Appeal Decisions

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2026

Appeal A Ref: APP/Q9495/C/25/3371365
Appeal B Ref: APP/Q9495/C/25/3371366
Land at Haveriggholme, Torver, Coniston, LA21 8BU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Neil Griffin and Appeal B is made by Mrs Lorraine Griffin against an enforcement notice issued by Lake District National Park Authority.
- The notice was issued on 9 July 2025.
- The breach of planning control as alleged in the notice is without planning permission the making of a material change of use of the land from domestic garden to a separate independent residential unit facilitated by the siting by a self-contained residential caravan.
- The requirements of the notice are to discontinue the separate independent residential use of the land.
- The period for compliance with the requirement is two months from the notice taking effect.
- Appeals A and B are proceeding on the ground set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Procedural Matter

2. The appellants have pleaded ground (b) of section 174(2) of the Act, i.e., that the matters comprising the alleged breach of planning control have not occurred. If it is argued as part of an appeal made on ground (b) that an alleged change of use was not 'material', the correct approach is normally to treat this as pertaining to a hidden ground (c) appeal. The appellants' statement of case does indeed relate to a claim made that the alleged breach of planning control does not constitute a material change of use of the land. Following my intervention, the main parties agreed that the appeals should proceed on grounds (b) and (c) of section 174(2) of the Act. The banner heading above reflects that agreed position.

Ground (b) and (c) appeals

3. The appeals made on ground (c) are that the matters alleged do not constitute a breach of planning control. The appeals made on ground (b) are that the matters comprising the alleged breach of planning control have not occurred. These are interlinked matters and so I have dealt with the respective grounds of appeal together.

4. There is no dispute between the parties that a caravan has been sited on the appeal land or that it is being lived in. Moreover, there is common ground that it falls within the curtilage of Haveriggholme which is a dwellinghouse. The matter in dispute relates to the whether the caravan is being used as a separate or

independent residential use falling within its own planning unit. This is as distinct from being used for an incidental residential purpose in association with the primary use of Haveriggholme as a dwellinghouse.

5. It is noteworthy that a lawful development certificate (LDC) was issued for a residential caravan on the land on 26 May 2017[1]. The LDC caravan was intended to accommodate the mother of Mr Griffin, although it is understood that due to a deterioration in her health, she moved into Haveriggholme. Mr Griffin's mother continues to live in Haveriggholme. The evidence is that both she and Mr Griffin are disabled.

6. I have considered the reasoning of the Authority in respect of approving the LDC application and note that the officer reports states, *'the information submitted indicates the caravan / mobile home is to provide a residential annex with shared garden, parking and services (electricity, water, sewage) including clothes washing with the main house. It would not have a separate postal address. The caravan would provide bedroom, bathroom and living area with kitchenette facilities. There would be a degree of independence, but the occupier of the caravan would still be reliant on the dwelling to provide facilities. The caravan would be physically closely related to the dwelling house. I conclude that the caravan usage would be incidental to the dwelling house and would not create a new separate dwelling due to the interdependence of the caravan occupier on the main house*'.

7. Section 55(2)(d) of the Act provides that the use of land or buildings within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not development. Whether a use is incidental for section 55(2)(d) purposes, or indeed is part and parcel of the use of Haveriggholme as a dwellinghouse, needs to be considered with regard to this primary residential use, the type and size of the dwellinghouse and its curtilage, as well as the scale and nature of the claimed incidental activity. It is always vital that there is a normal functional relationship between the incidental and the residential use. The keynote is reasonableness.

8. It is necessary for me to assess the degree to which there are physical and functional links between the use of the residential caravan and Haveriggholme and to consider whether a separate residential use falling within a separate planning unit has been created, as a matter of fact and degree.

9. The evidence from the appellant is that the caravan is being occupied by an individual who has no functional family relationship with the occupiers of Haveriggholme. There is no suggestion that he shares meals with the occupiers of this property, or that he shares any facilities in the dwellinghouse in any material way. There is an absence of precise and unambiguous evidence from the appellants in terms of the frequency of laundry being carried out. I do not doubt that the appellants allow the occupier of the residential caravan to use laundry facilities without prior approval, but I am not persuaded that this alone is sufficient to demonstrate functional dependency.

10. The appellants state that the caravan is occupied by an individual who provides *'voluntary on-demand immediate care'* to Mr Griffin who is disabled. It is stated that Mr Griffin can need assistance in lifting himself which is difficult for his wife. It is also in this context that there is a claimed functional relationship with the use of

[1] LDC reference 7/17/5230

Haveriggholme. The appellants say that this is also sufficient for a decision to be made that the residential caravan is part and parcel of the primary use of the land as a single dwellinghouse and hence that it does not therefore amount to a material change of use of the land (i.e., an act of development) requiring planning permission.

11. The onus is on the appellants to provide precise and unambiguous evidence to support the legal grounds of appeal. The appellants do not provide precise details relating to the frequency of assistance that may be offered to Mr Griffin. In any event, the sort of assistance being offered is in my judgement similar to say a nearby neighbour *'lending a hand'* from time to time. The evidence does not support the contention that the occupier of the caravan provides a day-to-day main carer role to Mr Griffin. The evidence is that it is more likely than not that the main carer role function for Mr Griffinn, and his disabled mother, is one which is undertaken by Mrs Griffin.

12. I note from the planning contravention notice (PCN) response that the occupier of the residential caravan keeps birds on the wider landholding and that he also arranges shoots. The PCN response says that he *'has a lease relating to the agricultural land to be able to have bird feeders on the fields and to carry out a pheasant shoot on the land'* and that he *'works on the farm and carries out maintenance on the holiday lets as a self-employed worker'*. That may be the case, but it does not alter my conclusion above. In fact, it may suggest that the residential caravan has a functional relationship with an agricultural or recreational shooting type use.

13. I note the comments made that Mr Griffin is effectively *'self-funding care in the community'* and hence is *'of public benefit saving the Exchequer considerable financial resources'*. However, that this of no relevance to the consideration of the ground (b) and (c) appeals.

14. For the above reasons, and as a matter of fact and degree, I find that the breach of planning control constitutes a material change of use of the land. I find that the residential caravan is not part and parcel of, or incidental to, the primary use of Haveriggholme as a dwellinghouse. Instead, it is being used as a functionally separate unit of residential accommodation and falling within its own planning unit. In this regard, it requires planning permission. It does not accord with that lawfully permitted through the 2017 LDC.

15. I therefore conclude that the matters alleged constitute a breach of planning control. Therefore, the ground (c) appeal fails. Given this conclusion, I therefore find that the matters comprising the alleged breach of planning control have occurred. Therefore, the ground (b) appeal fails.

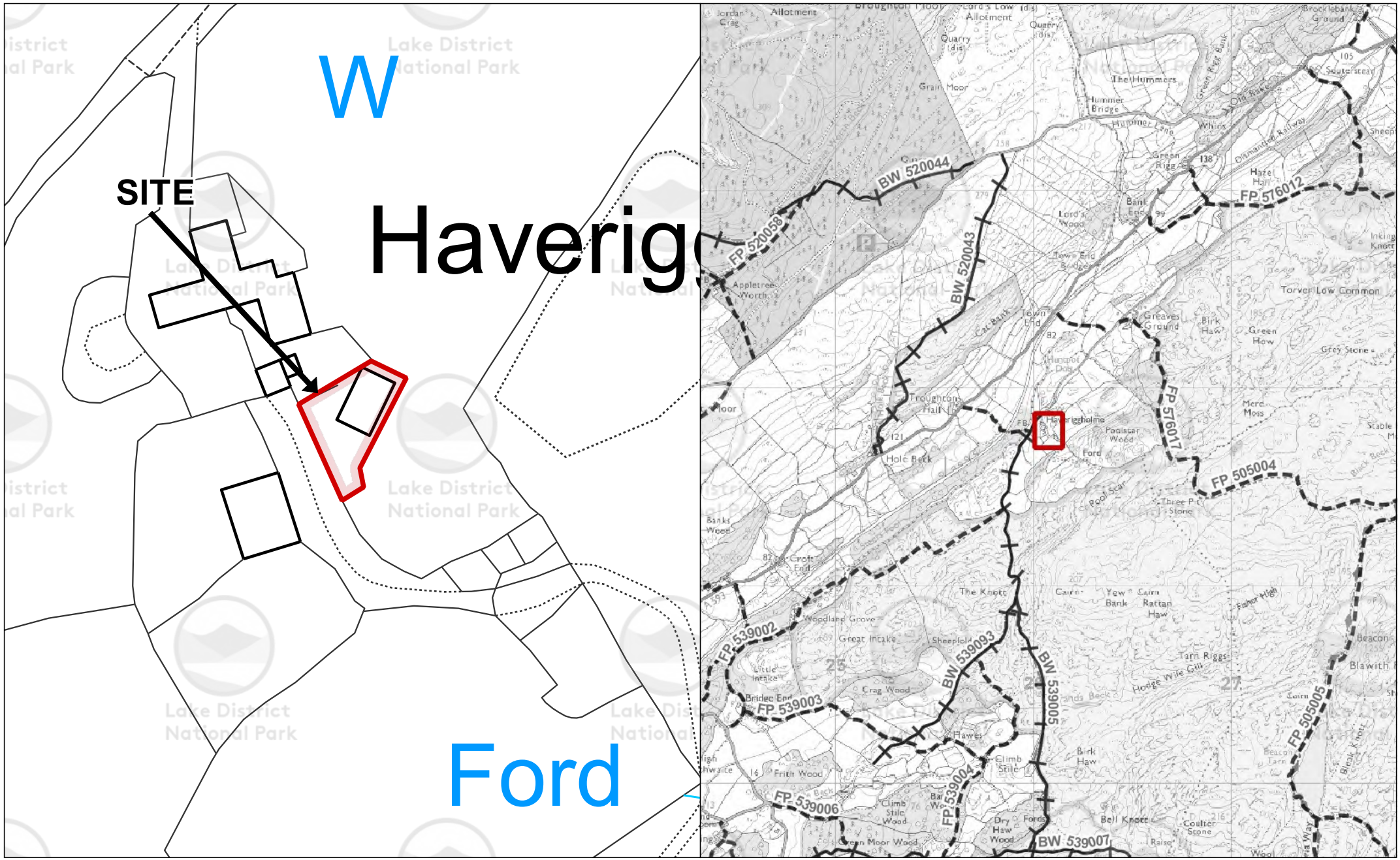
Conclusion

16. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR

Enforcement Site Plan: E/2024/0197



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Plan scale: 1:1,000
Overview: 1:25,000

Date Authored: 17/11/2026

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