SCHEDULE A: Applications with Recommendation

21/0681

Item No: 08	Date of Committee: 10/09/2021			
Appn Ref No: 21/0681	Applicant: Mr Day	Parish: Hayton		
	Agent: Harraby Green Associates	Ward: Brampton & Fellside		
Location: Fell Hall, Townhead, Hayton, Brampton, CA8 9JH				
Proposal: Removal Of Conditions 3 & 4 Of Previously Approved Permission 13/0431 (Revisions To Original Planning Approvals 11/0433 & 11/0690 Involving Amended Estate House And Erection Of 1no. Eight Bed Holiday Unit In Lieu Of 8no. Holiday Lets) Enabling The Holiday Unit To Be Occupied As A Dwelling				
Date of Receipt:	Statutory Expiry Date	26 Week Determination		

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06/07/2021 16:00:49	01/09/2021	13/09/2021

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

2.1 Whether The Removal Of Conditions 3 & 4 From Application 13/0431 Would Be Acceptable

3. Application Details

The Site

3.1 The existing building is a U-shaped two-storey building that is set around a courtyard. The building, which is constructed of stone under a slate roof, is currently an eight-bedroom holiday unit. A block paved parking area is located to the front of the building and this is adjoined by a paddock. An estate worker's dwelling is located to the front of the building, with an area of woodland adjoining the site to the rear.

3.2 The building lies on the eastern side of the unclassified Townhead Road to the immediate south of the residential property Woodleigh and approximately 80 metres to the north of the junction with the Talkin/Castle Carrock Road.

Background

- 3.3 In September 2011, planning permission was given for the replacement of Townhead Cottage with an estate worker's house (11/0433). In November 2011, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage (11/0690). In August 2012, under applications 12/0540 and 12/0635 approval was given for non-material amendments to include basements for the developments approved under 11/0433 and 11/0690.
- 3.4 In October 2013, planning permission was granted for "revisions to original planning approvals 11/0433 & 11/0690 involving amended estate house and erection of one eight bed holiday unit in lieu of eight holiday lets". This permission was subject to several conditions one of which, number 3, stated:

"The holiday unit hereby approved shall be used for let holiday accommodation as a single planning unit and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. Under no circumstances shall the applicant or successors in title subsequently let, use or permit to be used any part of the holiday unit hereby permitted independently of the remainder of the overall property."

Condition 4 also required that:

"A bound register of all occupants of the holiday unit hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them."

The Proposal

3.5 This proposal is seeking to remove conditions 3 and 4 of application 13/0431 to allow greater flexibility in the occupation of the building. The lifting of these conditions would enable the holiday unit to be occupied as a residential dwelling.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and

notification letters sent to 27 neighbouring properties. In response, six letters of objection have been received which raise the following concerns:

- concerned that the removal of conditions 3 & 4 will leave the conditions for future use of the property vague and unclear;

- planning application 13/0431 was approved subject to the imposition of relevant conditions 3 and 4 in order to secure control of the development in relation to adverse impacts on the local community. In particular, these conditions protect the quality of life for neighbouring residents and safeguard the character of the area. Unfortunately, the current application aims to remove those very conditions which facilitated the approval of the building complex back in 2013;

- feel potential usage needs defining conditions and limits as would be the case for domestic properties;

- it is important that planners and councillors examine the full history of this site;

- although the occupation of the property has been irregular and infrequent it is well suited to the purpose of existing consent;

- it is not suitable for "multiple occupation" as such is out of character in this rural location;

- consent for housing, C3(a) only, would be acceptable;

- category C3 covers three distinct sub-uses: C3 (a) which is for family use; C3 (b) which would be some kind of supported living; C3 (c) which is up to 6 individuals living together ie falling just short of the definition of an HMO - the supporting statement for the change of use class does not disambiguate the three potential elements;

- two of these sub-divisions would have a negative impact on the area;

- C3 (b) is not a suitable use of the building in respect of the local community. It would be very different to the originally proposed use of holiday letting. Such a use would be constant and year round and would increase noise and traffic movement from frequent staff changes and there might be other anti-social issues that would arise;

- C3 (c) is for up to six residents living in the eight-bedroom property. Six residents would avoid the additional requirements for an HMO license. However, once occupied there would be no way to police its use to ensure it doesn't become an HMO, ie with more than 6 residents;

- with six residents this would be different to a C3(a) dwelling as its likely use would be for staff in the employ of the applicant. Comings and goings from the property, times of movement, traffic movement and number of vehicles present, and so on, would all be very different, and have a negative effect on the local community, compared to a C3 (a) use;

- C3 (b) and C3 (c) would in many ways would have a negative impact on, local social and environmental conditions;

- a change of use class to C3(a) can be seen as having potential benefits, for example by using the local facilities such as the primary school and pub, and contributing to the Townhead community feel. Uses C3(b) and C3(c), however, appear to offer no benefit and have the strong potential to incur a negative impact;

- removal of conditions 3 and 4 to allow occupation of the premises for uses falling within Use Class C3 would result in a lack of control over the user group as well as the potential for multiple occupation and a high number of

people occupying the dwelling all year round. This brings likely material problems in terms of noise/disturbances, especially for those living nearby.

5. Summary of Consultation Responses

Hayton Parish Council: - no observations.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO2, GI1, GI3, GI6, CC5, CM4, EC9, EC11 and IP3 of the Carlisle District Local Plan 2015-2030.
- 6.3 The proposals raise the following planning issues:
 - 1. Whether The Removal Of Conditions 3 & 4 From Application 13/0431 Would Be Acceptable
- 6.4 The proposal is seeking to remove conditions 3 and 4 of application 13/0341 which would allow the building to be occupied as a dwelling.
- 6.5 The building is located on the edge of Townhead. The Council has previously allowed new dwellings to be erected in Townhead, due to the proximity of Hayton, which contains a range of services including a school, a public house and a village hall. The proposal to use the building as a dwelling would, therefore, be acceptable in principle.
- 6.6 Objectors have raised concerns that if the building becomes a dwelling, it could be occupied by up to six residents living together, including a household where care is provided. They are concerned that comings and goings from the property, times of movement, traffic movement and the number of vehicles present would all be very different, and have a negative effect on the local community, compared to the current use of the building or the use of the building as a single dwelling.
- 6.7 Use Class C3 would allow the building to be used for the following purposes:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child

- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

- 6.8 Use Class C4 (houses in multiple occupation) allows small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Planing permission is not required to move between Use Classes C3 and C4.
- 6.9 Whilst the objectors concerns are noted, the building currently has permission for use as an eight-bedroom holiday let and it has previously had permission for eight separate holiday lets. It is not considered that the impact of the use of the building as a dwelling (even if occupied by six residents living together) in terms of traffic generation and noise would be significantly worse than the current use of the building. It should be noted that the applicant is intending to let the property to a single family and this should have less impact on local residents than the current use.
- 6.10 It is not considered reasonable to restrict the use of the building solely to Use Class C3(a) given the current use of the building, as holiday accommodation with eight bedrooms, which could have similar impacts to a house occupied by six people.
- 6.11 In light of the above, the proposal to remove conditions 3 and 4 to allow the building to be occupied as a dwelling would be acceptable.

Conclusion

6.12 In overall terms, the proposal to remove conditions 3 and 4 to allow the building to be occupied as a dwelling would be acceptable. In all aspects, the proposal is considered to be compliant with the relevant polices in the adopted Local Plan.

7. Planning History

- 7.1 In September 2011, under application 11/0433, planning permission was given for a replacement dwelling at Townhead Cottage, Hayton.
- 7.2 In November 2011, under application 11/0690, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage.

- 7.3 In 2012, under application 12/0242, approval was given to discharge conditions 4 (materials) And 5 (bat habitat mitigation measures) regarding the permission granted under 11/0433.
- 7.4 In August 2012, under applications 12/0540 and 12/0635 approval was given for non material amendments to include basements for the developments approved under 11/0690 and 11/0433.
- 7.5 In December 2012, under application 12/0736 partial discharge of conditions 6 (Bat Friendly Ridge Tiles); 8 (Hard Surface Details); And 13 (Drainage Details) and full discharge of conditions 7 (Materials); and 11 (Landscape Scheme) relating to application 11/0690 was given.
- 7.6 In October 2013, planning permission was granted for revisions to original planning approvals 11/0433 & 11/0690 involving amended estate house and erection of an eight bed holiday unit in lieu of eight holiday lets (13/0431).

8. Recommendation: Grant Permission

- 1. The approved documents for this Planning Permission comprise:
 - 1. the submitted planning application form rec'd 30 May 2013 and 7th July 2021;
 - 2. Dwg 1213.18.01 Proposed Basement Plan (Single letting unit) Rev.B rec'd 25 July 2013;
 - 3. Dwg 1213.18.02 Proposed Ground Floor Plan (Single letting unit) Rev C rec'd 16 August 2013;
 - 4. Dwg 1213.18.03. Proposed 1st Floor Plan (single letting unit)Rev.B rec'd 25 July 2013; .
 - 5. Dwg 1213.18.04 Proposed Roof Plan (single letting unit) Rev.B rec'd 25 July 2013; .
 - 6. Dwg 1213.18.05 Proposed Elevations to Quadrangle/Courtyard sheet 1 Rev. B rec'd 25 July 2013;
 - Dwg 1213.18.06 Proposed Elevations to Quadrangle/Courtyard sheet 2 Rev. B rec'd 25 July 2013;
 - 8. Dwg 1213.18.07 Setting Out Section PRELIMINARY Rev. A rec'd 25 July 2013;
 - Dwg 1213.18.08 Proposed & Existing Site Sectional Elevations Rev. A rec'd 25 July 2013;
 - 10. Dwg 1213.18.10 Proposed Site Plan (single letting unit) Rev.C rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
 - Dwg 1213.18.11 Proposed Landscape/Reinstatement Site Plan rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
 - 12. Dwg 1213.18.12 Location Plan Rev.O rec'd 25 July 2013;
 - 13. Dwg 1213.18.13 Block Plan Rev.O rec'd 25 July 2013;
 - 14. Dwg 1213.18.14 Site Survey made 29.04.13 Rev.O rec'd 25 July 2013;
 - 15. Dwg 1213.19.01 Proposed Ground & 1st Floor Plans Front & Gable

Elevations as proposed Rev.C rec'd 16 August 2013;

- 16. Dwg 1213.19.02 Basement, Loft & Roof Plans Rear & Gable Elevations as proposed Rev.B rec'd 6 June 2013;
- 17. the submitted Design and Access Statement rec'd 30 May 2013 and "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd and rec'd 18th September 2013;
- 18. Supporting Statement, received 6th July 2021;
- 19. the Notice of Decision; and
- 20. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- 2. The paddock/field as identified on drawing number 1213.18.11 Rev 0 (submitted with application 13/0431) shall be retained and used for agriculture as defined in Section 336 of the Town and Country Planning Act 1990.
 - **Reason:** For the avoidance of doubt and safeguard the visual amenity of the area.
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and/ or re-enacting that Order), no extensions shall be carried out to the replacement dwelling and holiday unit/ dwelling hereby permitted without the permission of the local planning authority.
 - **Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of the neighbouring residents and safeguard the character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and/ or re-enacting that Order), there shall be no temporary buildings and uses carried out on, in, under or over the paddock/field as identified on drawing number 1213.18.11 Rev 0 (submitted with application 13/0431), within the meaning of Schedule 2 Part 4 of Classes A and B of these Orders, without the written approval of the local planning authority.
 - **Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of neighbouring residents and safeguard the character of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 5. For the avoidance of doubt, neither drainage from the proposed swimming pools, surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall thereafter be maintained and managed in accordance with the drainage

details approved under application 12/0736.

Reason: To ensure a satisfactory means of foul and surface water disposal and in accord with Policy CC5 of the Carlisle District Local Plan 2015-2030.





