SCHEDULE A: Applications with Recommendation

21/0641

Item No: 02 Date of Committee: 14/01/2022

Appn Ref No:	**Applicant:**	**Parish:**
21/0641	Mr & Mrs Taylor-Smith	Hethersgill
	Agent:	**Ward:**
	Sam Fletcher Architect	Longtown & the Border

Location: Yew House, Sikeside, Kirklinton, Carlisle, CA6 6DR

Proposal: Change Of Use Of Garage And Part First Floor To Form Holiday Let

Date of Receipt:	**Statutory Expiry Date**	**26 Week Determination**
30/06/2021	25/08/2021	

REPORT

Case Officer: John Hiscox

The application was deferred at the Development Control Committee meeting on the 3rd December 2021 in order to undertake a site visit.

1. Recommendation

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

2. Main Issues

2.1 Whether the development principle is acceptable
2.2 Design/visual/heritage impacts
2.3 Impacts on others' amenity
2.4 Road user safety

3. Application Details

The Site

3.1 The application relates to Yew House, a semi-detached residence resulting from a barn conversion that took place approximately 30 years ago. The dwelling adjoins Alder House (resulting from the same overall conversion). This pair of dwellings was formed from former farm buildings serving what was Sikeside, but which is now called Copper Beeches. Copper Beeches is a Grade II listed building. Yew House is not listed by association with Copper Beeches.

3.2 Within the small cluster at Sikeside, which is an isolated former farmstead within the parish of Hethersgill, a further dwelling exists within the Grade II listed former Quaker meeting house, now known as Dun Quakin.

3.3 The 'hamlet' of Sikeside totals 4 dwellings, and although no agricultural operations persist within any buildings there, it is situated in a fully rural location surrounded by agricultural fields.

3.4 Yew House consists of a main section and a secondary section connected by a link (augmented further to planning permission in 1999 as listed in planning history). It is the secondary section, which is currently a garage with bedrooms over reached via an internal stair, that is the subject of this application.

3.5 It may be noted that Yew House has both a front and rear garden, and ample parking via a driveway for at least 3 private vehicles.

Background

3.6 There is no background information to present at this point in the planning report.

The Proposal

3.7 The aforementioned secondary linked section would be converted to a unit of holiday accommodation. This would involve mainly alterations to the ground floor section, adding an independent access door, a kitchen, sitting room, w/c and cloakroom. The upper floor would remain as it is now (essentially two bedrooms and a wetroom). Users of the unit would have access to a small amenity area to the rear which would also be home to a hot tub. Parking would be within the existing frontage curtilage.

4. Summary of Representations

4.1 The application has been advertised by way of a site notice, a notice in the press and neighbour letters sent to 3 properties. In response, five letters of representation have been received in objection to the application, and one in comment.

4.2 A summary of the reasons stated in the letters of objection, which are relevant to the planning application, is as follows:

(i) application does not accurately reflect the co-joined nature of Yew House with its immediate neighbour, Alder House
(ii) proposals would give rise to a self-contained unit of accommodation, effectively increasing the number of dwellings at the locus to 5 from 4
(iii) adding separate unit would add to burden of existing septic tank, which is shared by Yew House and Alder House
(iv) use and management of hot tub associated with unit could give rise to

adverse environmental impacts and/or impact on the current drainage system

(v) adverse impact on neighbouring residential amenity from noise arising from development/visitation by non-residents - location of hot tub close to property boundary is specifically mentioned

(vi) potential development impacts on local natural environment

(vii) likely significant increase in terms of vehicular traffic which, due to two-bedroomed nature, is unlikely to be mainly cyclists as indicated in the supporting information

(viii) intention to use the volume within the existing dwelling as a holiday unit has caused the owners to erect a detached shed elsewhere for storage, which impacts on amenity and heritage setting at Sikeside

(ix) planning statement makes no reference to arrangements for disposal of waste generated by the business

(x) potential danger to dog walkers, cyclists and horse riders using the narrow lanes nearby due to additional visiting vehicles - previous rejection of application at Rigg Head cited

(xi) introduction of a commercial element will have a degrading and detrimental effect on the historical setting of Sikeside, which includes 2 listed buildings, and disrupt its unique character

(xii) damage to jointly owned nearby property arising from manoeuvring of visitor vehicles

(xiii) ample other tourism accommodation already exists in the wider area - need for the development questioned

(xiv) accommodation not within prime tourist area - not close to Hadrian's Wall, Lake District and other well known tourist attractions

(xv) development unlikely to give rise to significant support for local companies relaying on tourism

(xvi) development could set precedent for other similar developments in the locality

4.3 Although it is not strictly a matter for planning, the issue of a covenant that may affect the property/proposals has been drawn to the attention of officers. This advises in relation to matters of legal entitlement. Such matters do not directly align with planning process and should therefore not prevent a planning recommendation being made.

4.4 A summary of the matters raised in the letter of comment is as follows:

(xvii) increase in traffic and noise on single track country roads with many blind bends and passing places

(xviii) citing Cycle Route 10 as using this accommodation is questionable as they would be arriving on cycles with no facilities/shops within miles

(xvix) oversupply of holiday lets being created in the rural area

(xx) development could set precedent for other similar developments in the locality

5. Summary of Consultation Responses

Hethersgill Parish Council: - Has no objection to the specific details of the application, however, the trend for allowing permissions for holiday lets in rural areas, when low cost housing is sorely needed, is a cause for concern that

they would like noted.

The Ramblers: - No response.

Cumbria County Council - (Highway Authority - Footpaths): - Advises of presence of public rights of way nearby and the requirement not to obstruct them in relation to the development proposal.

Historic England - North West Office: - No comment.

6. Officer's Report

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 proposed development requires to be assessed against the National Planning Policy Framework (2019 - as amended in July 2021) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.4 below.

6.3 The main issues, as listed earlier in the report, are as follows:

(i) Whether the development principle is acceptable
(ii) Design/visual/heritage impacts
(iii) Impacts on others' amenity
(iv) Road user safety

6.4 Taking into consideration the range and nature of matters for consideration in respect of this planning application, the following Policies of the aforementioned Local Plan are of relevance to this application:

Policy SP 1 - Sustainable Development
Policy SP 2 - Strategic Growth and Distribution
Policy SP 6 - Securing Good Design
Policy GI 5 - Public Rights of Way
Policy IP 2 - Transport and Development
Policy IP 3 - Parking Provision
Policy HE 3 - Listed Buildings
Policy EC 11 - Rural Diversification

6.5 Furthermore, the most relevant paragraphs from the NPPF of specific relevance to this development would be as follows:

Paragraph 84

6.6 Planning Policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural

areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 195

6.7 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Applicants' Supporting Information

Heritage and Planning Statement (Sam Fletcher Architect):

6.8 A summary of the highlights of this supporting document is as follows:

- describes components/elements of Yew House (advises 5-bedroomed) as existing
- confirms neighbouring property to be Grade II listed (states 'Sikeside', but this is known to be called 'Copper Beeches')
- summarises significance of adjacent listed building
- briefly describes proposed alterations and mentions proximity of national cycle route no. 10
- summarises potential impacts on adjacent listed building
- provides level of justification in the end summary
- includes copy of Historic England list description for Copper Beeches (stated as Sikeside)

Letter submitted by applicant (published on Carlisle City Council website on 20.9.21):

6.9 The letter is intended to address matters raised in representations by third parties. A summary of the matters covered, which are relevant to planning, is as follows:

(i) applicants' wish is that the private, safe, tranquil and secure setting remains that way even when clients are staying in the holiday let
(ii) applicants' intend to source appropriate materials to preserve character at Sikeside
(iii) willow fence to be erected to rear of unit to ensure privacy is maintained for all parties

(iv) management of behaviour of clients, for example in relation to finishing outside activity (such as hot tub) likely/possible due to proximity of owners to unit
(v) traffic generated would not exceed potential traffic generated by the 5-bedroomed dwelling
(vi) acknowledges that users would probably arrive by car (even if intention is to use nearby cycle network)
(vii) not much holiday accommodation in the local area
(viii) Hadrian's Wall within cycling distance and lots of footpaths and cycle routes nearby
(ix) addition of holiday unit would help support local businesses such as grocers' and hostelries
(x) development is reversible
(xi) development would not significantly impact on usage of shared septic tank facility - similar level of use anticipated by comparison to existing dwelling
(xii) hot tub already in existence and utilised by applicants
(xiii) hot tub emptied to soakaway at bottom of garden (weekly at most)
(xiv) no intention to harm biodiversity (intention to improve it over time)
(xv) separate development of shed now subject of planning application and mitigation being undertaken
(xvi) drivers using development likely to be more cautious around local road network than people who know the network
(xvii) passing places exist locally even if they are only field entrances and enable applicants to pass with no problems
(xviii) no impact on public footpaths crossing the property.

Assessment

Whether the development principle is acceptable:

6.10 The most pertinent policy of the Local Plan in this respect is EC 11, supported by SP 2. The Policies are the most pertinent because no policies within the Plan are specifically relevant to this type of development, in this scenario. Paragraph 84 of the NPPF as stated above is also relevant to the development principle.

6.11 **Policy EC 11** states:

"*Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact and blend satisfactorily into the landscape through the use of suitable materials, design and siting.*

Proposals must:

1. *be compatible with their existing rural setting;*
2. *be in keeping, in terms of scale and character, with the surrounding landscape and buildings;*

3. *include adequate access and car parking arrangements; and*
4. *not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network."*

6.12 The relevant application of SP 2 relates to principle 8, which requires that within the open countryside, development will be assessed against the need to be in the location specified.

6.13 In considering the application in the context of these policies and in the light of Paragraph 84 of the NPPF, the proposals are deemed to be acceptable because:

- the proposal constitutes a degree of rural diversification
- the nature and scale of the development proposed would be in-keeping with the rural setting, local landscape and existing buildings
- adequate car parking arrangements are available
- the development would not promote more traffic movement than if the overall dwelling were more fully occupied
- any 'need' associated with the development may be superfluous because the building is where it is and conversion/change of use only would occur (no new-build)

6.14 Notably, the existing five-bedroomed dwelling could be occupied by a family (no limitation on number of persons living together as a bona fide family unit) or by 6 persons individually living together in the context of a House in Multiple Occupation, or up to 6 persons resident if the property would be operated as a Bed and Breakfast (including the permanent residents). The intended use as a residence with two of the bedrooms occupied by holidaymakers would not be likely to result in a significant deviation from that total.

6.15 There is no separate fundamental policy reason why small units providing holiday accommodation cannot be provided within rural locations such as Sikeside. The Covid-19 pandemic has changed patterns of holiday making for UK residents so that more opportunities to take breaks within the UK are desired and thereby required, and if proportionate and appropriate sites are available, support should be given in a rural diversification context, unless other factors relating to applications deem otherwise and are overriding.

6.16 Having regard to these matters there is no fundamental reason to oppose the development principle in terms of Policies EC 11, SP 2 and the NPPF.

Design/visual/heritage impacts:

6.17 Changes to the existing buildings would be negligible in terms of physical alterations. Replacing the existing garage door with a door and window would have no discernible effect on the building or its locus, including heritage settings. Changes to the rear would not be visible because they would be within an enclosed rear garden in a secluded location. The application would therefore accord with Policies SP 6 and HE 3. It would also accord with Paragraph 195 of the NPPF.

Impact on others' amenity:

6.18 Objectors have stated that the introduction of a holiday unit would be incompatible with the residential character of the locale at Sikeside. The existing scenario is purely residential with none of the four properties engaged in agriculture and seemingly no other business uses occurring.

6.19 The placement of a hot tub close to the boundary with Copper Beeches, and visible from Alder House, is a specific concern being raised.

6.20 These are valid concerns, but factors regarding the development relating to (i) its small scale; and (ii) its creation within existing volume of a large dwelling would be relevant here. It is highly unlikely that visitations to Sikeside by up to four persons staying within the proposed unit would have significant adverse impact on the private amenity of neighbours, especially as the operators are resident within Yew House, which is immediately adjacent. This would enable the unit to be managed, if necessary, from very close by to ensure it is occupied appropriately and users are not taking liberties by, for example, being noisy or carrying on disruptive activities beyond reasonable hours.

6.21 With regard to the hot tub, this is already in situ and is used by the current occupiers of Yew House. It is accepted that it is close to the boundary with Copper Beeches, but a substantial stone wall separates the properties, and the location is not so close to habitable accommodation that it would be an overriding concern.

6.22 However, it is recognised that there is tension locally regarding potential impacts on the residential setting, character and activity at Sikeside as a whole. For this reason, although it is accepted that the development could co-exist harmoniously with existing residences adjacent, a helpful addition could be a management plan, which could be required by condition if planning permission is granted, to ensure that operators and users of the development abide by a set of principles intended to minimise impacts on neighbours.

6.23 The inclusion of a condition of this nature would add certainty in relation to control of the development, via which it would be able to accord with Policies EC 11 and SP 6 of the Local Plan. It would also be transferable to future owners/operators.

Road user safety:

6.24 Sikeside is approached via a network of secondary and unclassified public roads, until it reaches the long, shared, private drive to the cluster of dwellings. It is therefore valid to question whether it has the capacity to accommodate traffic associated with the introduction of a holiday unit.

6.25 Reference is made earlier in this report to other potential ways in which Yew House could be occupied (B & B, HMO, extended family home). The proposed development does not propose to increase habitable volume, and

although it would generate visitor vehicles, the number of persons using the property would be unlikely to increase by comparison to those other uses, by the introduction of this use.

6.26 It is therefore concluded that there would be no discernible difference regarding usage of the local road network as a result of this development.

6.27 Yew House has ample parking availability within its frontage for at least 4 domestic vehicles and potential within its grounds to provide additional space if required. This could be done under permitted development allowances.

6.28 With regard to road safety and parking provision, the application is therefore considered to be in accord with Policies IP 2 and IP 3 of the Local Plan.

Conclusion

6.29 The application would give rise to a small unit of holiday accommodation within the existing fabric of a five-bedroomed dwelling within a small rural cluster of residences where there are currently no business activities. It would be operated/overseen by the applicants who reside in the main house and can therefore manage activities of users to limit potential private amenity impacts. A management plan would go a long way to ensuring that management obligations would be transferable.

6.30 The proposals would not give rise to significant concerns relating to road safety due to the likely negligible increase on traffic movement in the locality, and would have no impact on the setting of nearby listed buildings because the only physical alterations relate to replacement of a garage door with a window and pedestrian door.

6.31 There is a need nationally for opportunities to provide appropriately located, designed and scaled tourism accommodation which has resulted from changes in holidaymaker movement/ambitions in response to the pandemic.

6.32 By virtue of its scale in relation to the existing dwelling, the fact that it re-uses existing residential volume as opposed to promoting additional volume, and the likelihood that it would not promote a discordant level of change to the residential nature of Sikeside as a whole, the use/principle is considered to be compatible and to accord with Policies EC 11 and SP 6.

6.33 It is therefore recommended that planning permission is granted for the development as proposed.

Note regarding drainage

6.34 Concerns relating to the potential impact on an existing shared septic tank serving Yew House and Alder House have been discussed with the Building Control Service. It has been confirmed that the level of usage would be unlikely to change and that although Building Regulations approval is required for the alterations to the building, in Building Regulations terms it is not significant and would not be under scrutiny, as long as it is demonstrated

that foul drainage will be connected to an existing operational system.

6.35 The capacity of the joint septic tank is not a matter for planning in the context of this planning application, because no additional volume is proposed and it would require only for the unit to be plumbed into the existing system. The capacity and condition of the septic tank, in this context, is a matter that would have to be resolved between the co-owners (co-users). In any event, usage as a result of the development would be comparable with potential usage prior to the development, and is not a matter that should influence the planning position, in this specific scenario.

7. Planning History

7.1 A current application ref. 21/0783, related to the property but within a nearby field/paddock, is currently under consideration. It relates to the erection of a storage shed, the application having been submitted in retrospect. At this time, although the application has not been amended, it is understood that the position of the shed may be changed.

7.2 In 1999, under ref. 99/0160, planning permission was granted for the extension of a hallway to be used as playroom.

7.3 In 1989, under ref. 89/0842, planning permission was granted for the conversion of an existing barn to a dwelling. This application superseded an earlier planning permission with the same description under ref. 89/0237.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

   1. the submitted planning application form;
   2. the Heritage and Planning Statement (Sam Fletcher Architect) received on 29 June 2021;
   3. drawing ref. 240-01 'Location and Block Plan', received on 24 June 2021;
   4. drawing ref. 240-02 'Ground Floor Plan as Existing', received on 24 June 2021;
   5. drawing ref. 240-03 'First Floor and Roof Plan as Existing', received

on 24 June 2021;

6. drawing ref. 240-04 'Elevations as Existing', received on 24 June 2021;

7. drawing ref. 240-05 'Ground Floor Plan as Proposed', received on 24 June 2021;

8. drawing ref. 240-06 'First Floor and Roof Plan as Proposed', received on 24 June 2021;

9. Drawing ref. 240-07 'Elevations as Proposed', received on 24 June 2021;

10. the Notice of Decision;

11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The unit of tourism accommodation as described in the planning permission shall be occupied only by bona fide holidaymakers, shall not be occupied for more than 4 successive weeks by any individual or group, and any such individual or group shall not occupy the unit as otherwise specified for more than 13 weeks in any calendar year.

Reason: To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

4. The development/use hereby permitted shall be restricted to self-catering tourist accommodation only and shall not be occupied as permanent residential accommodation either independently or in association with the planning unit within which it is situated.

Reason: To ensure that the development accords with Policy EC 10 of the Carlisle District Local Plan 2015-2030, which only offers support for bona fide tourism developments and not for permanent residential accommodation.

5. Prior to the first occupation of the unit of holiday accommodation hereby approved, a management plan relating to the operation of the holiday unit, focussing on minimisation of disruption to private amenity of neighbouring residents, shall be submitted to, and approved in writing by the local planning authority. The development shall at all times thereafter be operated in strict accordance with the principles and specific actions agreed within the management plan.

Reason: To preserve the private amenity of adjacent occupiers, and to

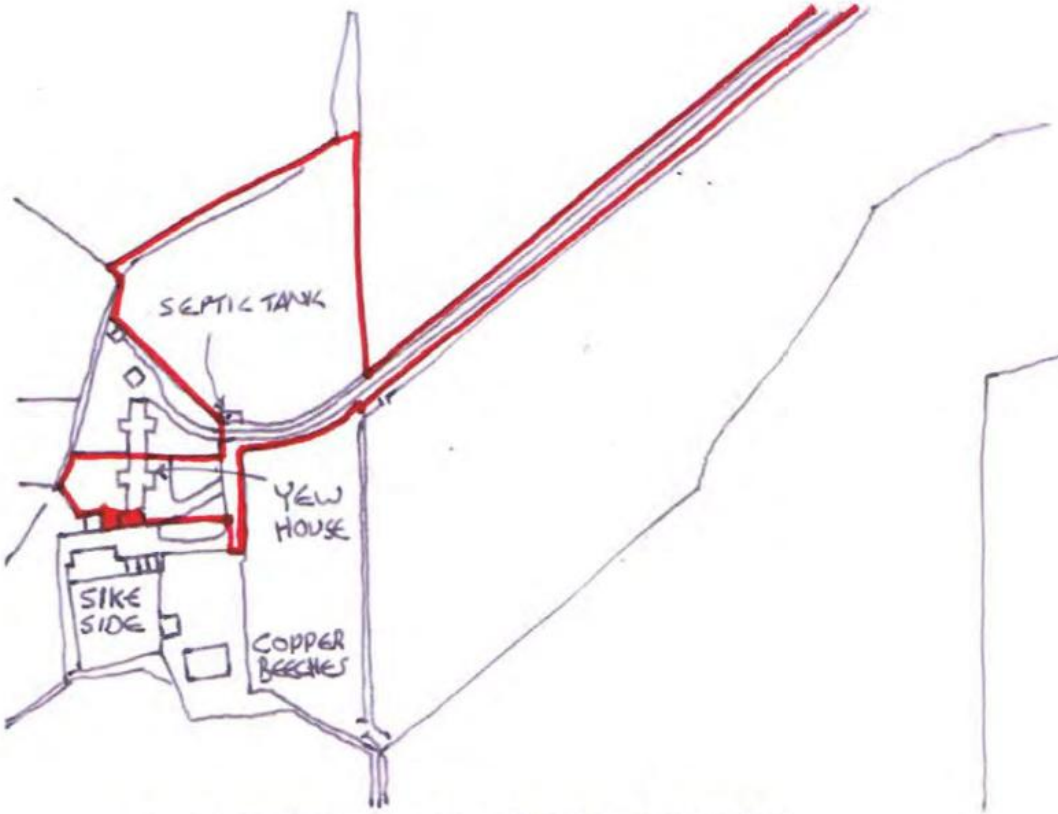
accord with Policies SP 6 and EC 11 of the Carlisle District Local Plan 2015-2030.

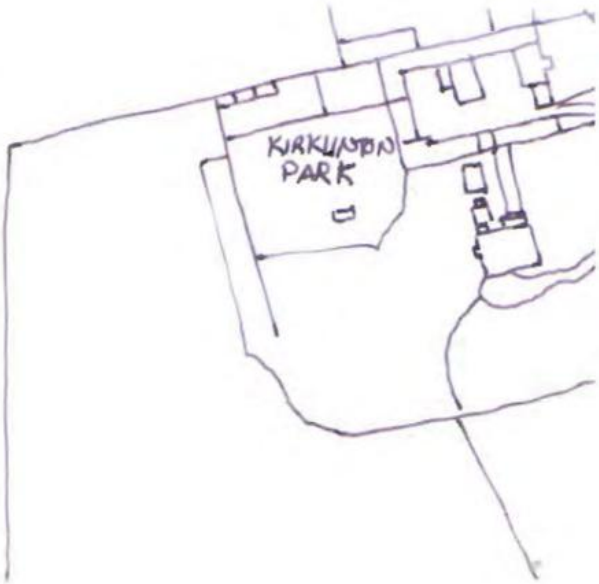
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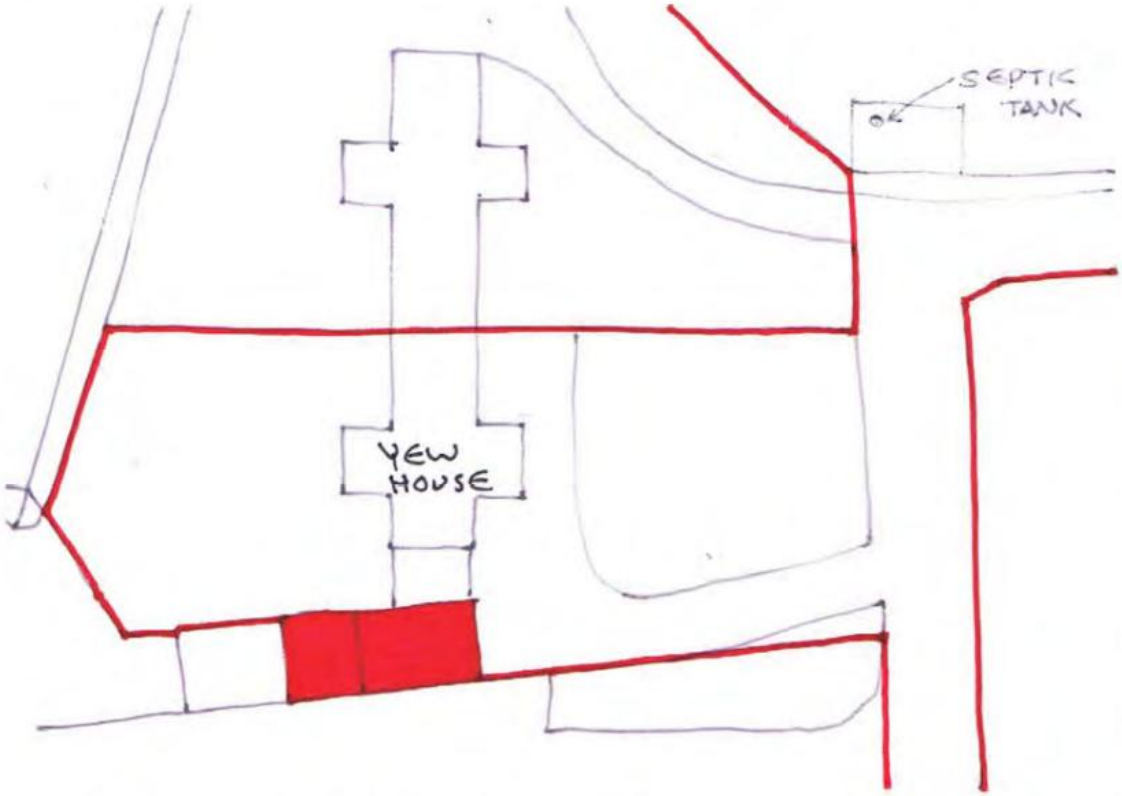




LOCATION PLAN. SCALE 1/2500

RED LINE: PROPOSED SITE

NORTH



BLOCK PLAN. SCALE 1/500

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Project:
Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:
Location and Block Plan

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1/2500 and 1/500	A4	06/2021

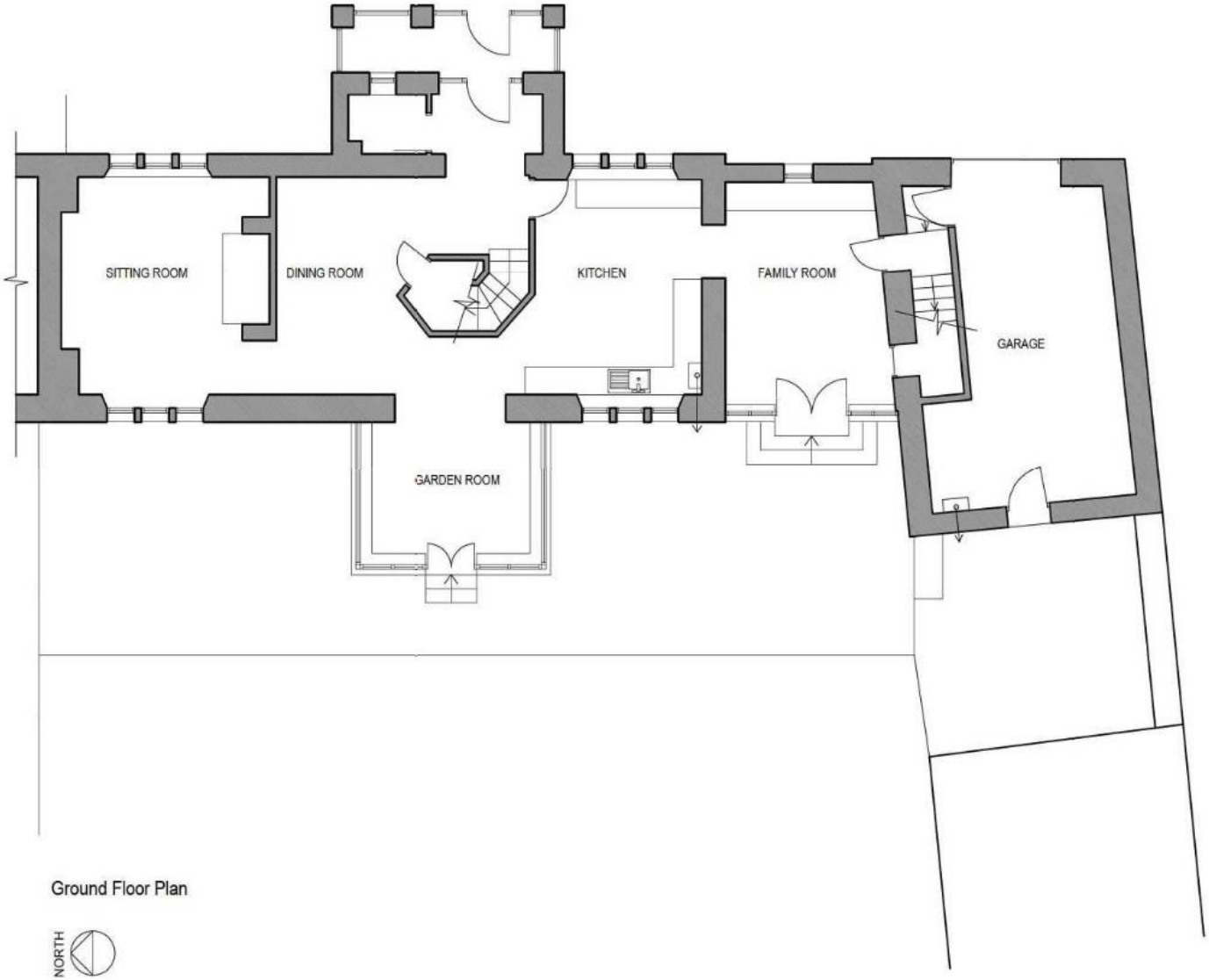
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Planning Application. June 2021



Ground Floor Plan

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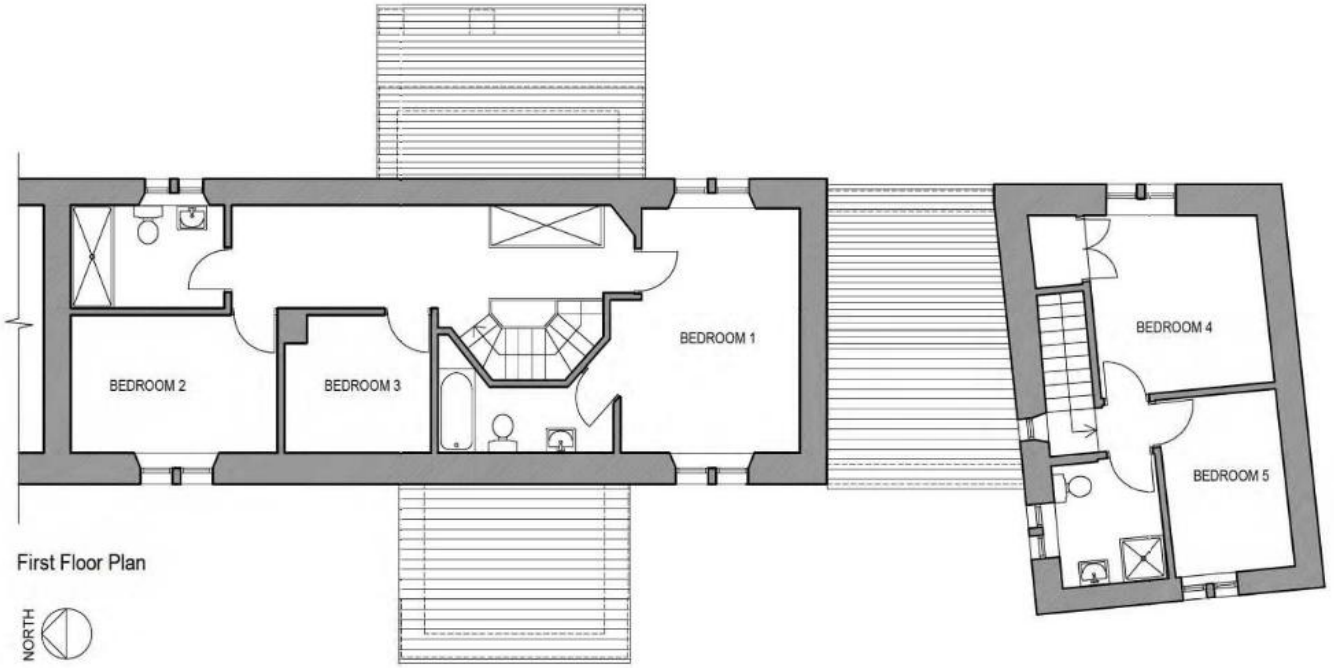
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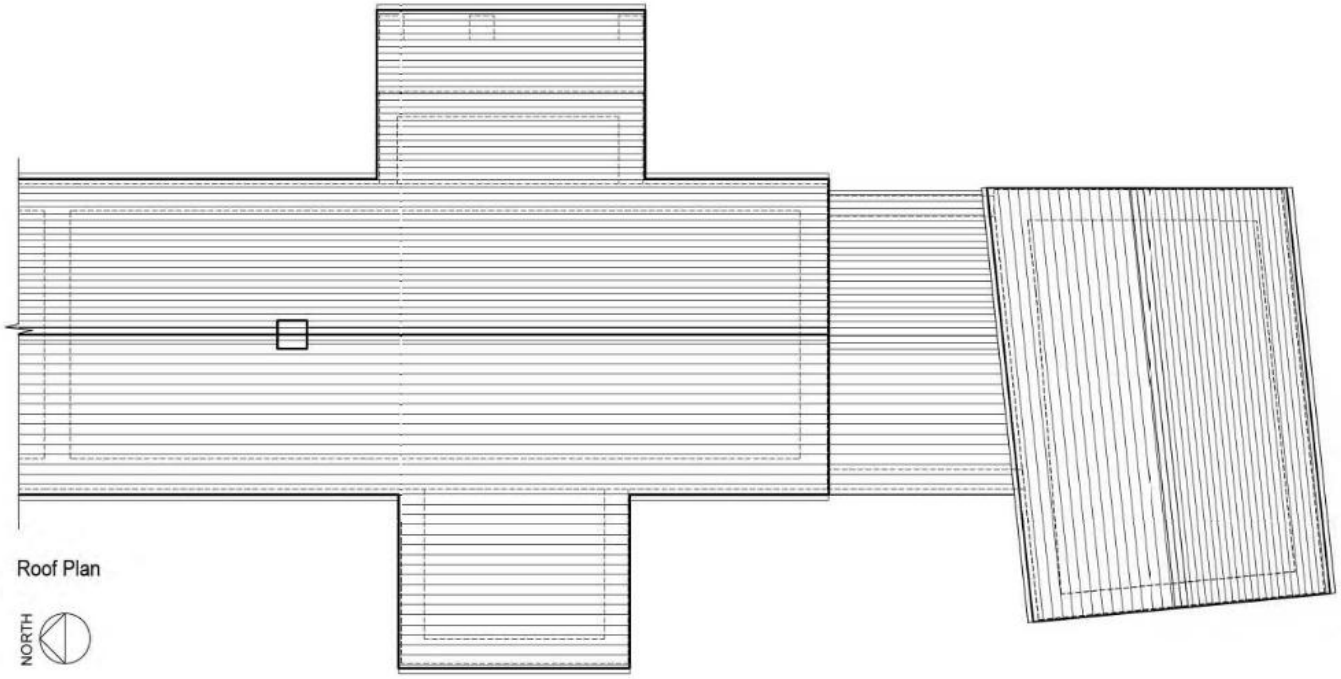
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First Floor Plan

NORTH



Roof Plan

NORTH

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Title:
First Floor and Roof Plan as Existing

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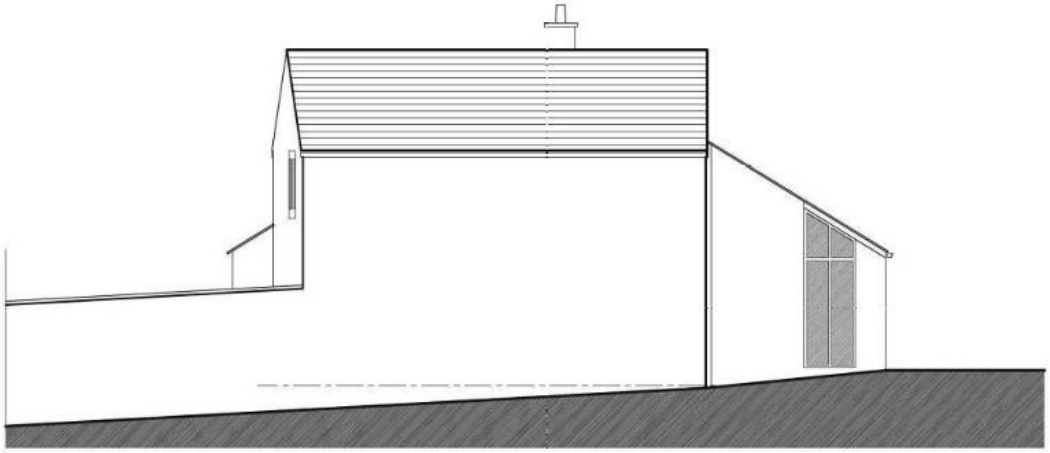
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East Elevation



West Elevation



South Elevation

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Project:
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Title:
Elevations as Existing

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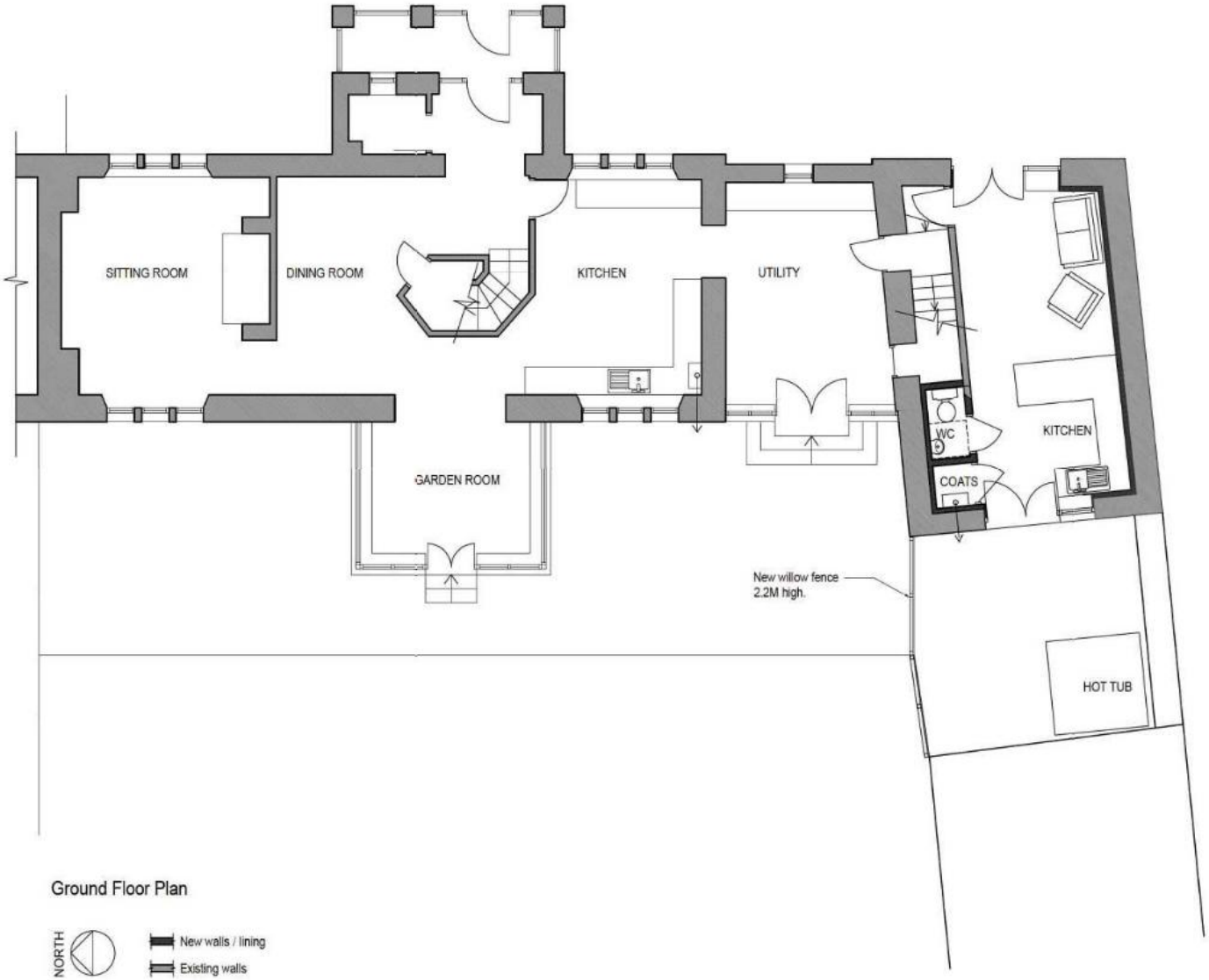
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Planning Application. June 2021



Ground Floor Plan

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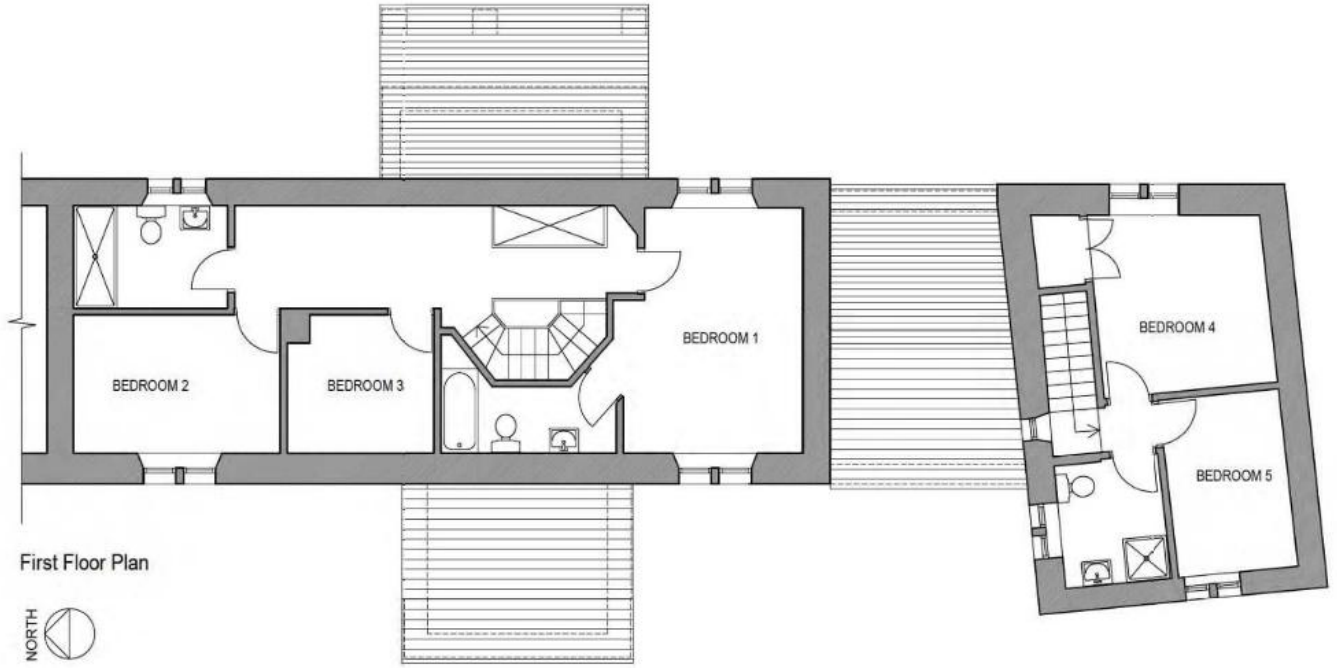
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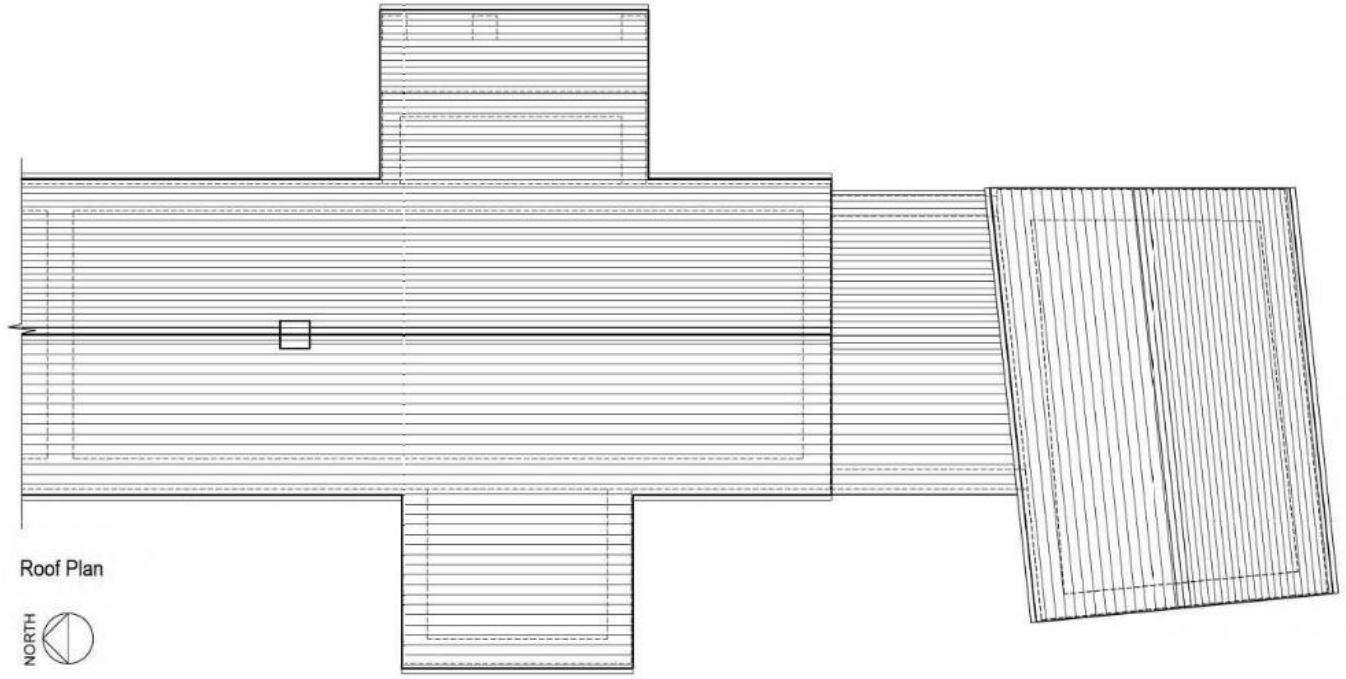
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First Floor Plan

NORTH



Roof Plan

NORTH

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REVISIONS

Planning Application. June 2021

SAM FLETCHER ARCHITECT

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Project:
Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:
First Floor and Roof Plan as Proposed

Scale:	Paper size:	Date:
1/100	A3	06/2021

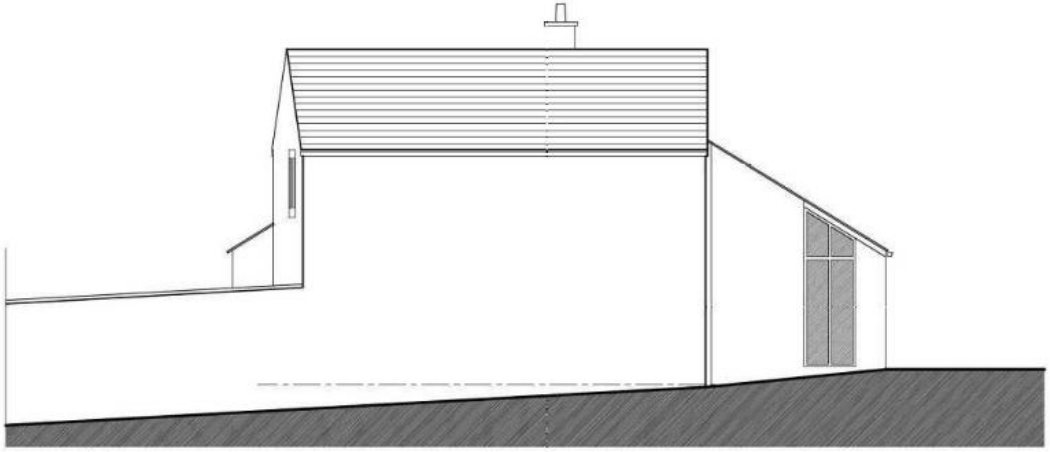
Project No:	Drawing No:	Revision:
242	**06**	**-**



East Elevation



West Elevation



South Elevation

NOTES AND AMENDMENTS

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

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Project:
Proposed alterations to form Holiday Let at Yew House, Kirlinton for Mr and Mrs Taylor Smith.

Title:
Elevations as Proposed

Scale:	Paper size:	Date:
1/100	A3	06/2021

Project No:	Drawing No:	Revision:
242	**07**	**-**