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Planning Application no. SL/2020/0830

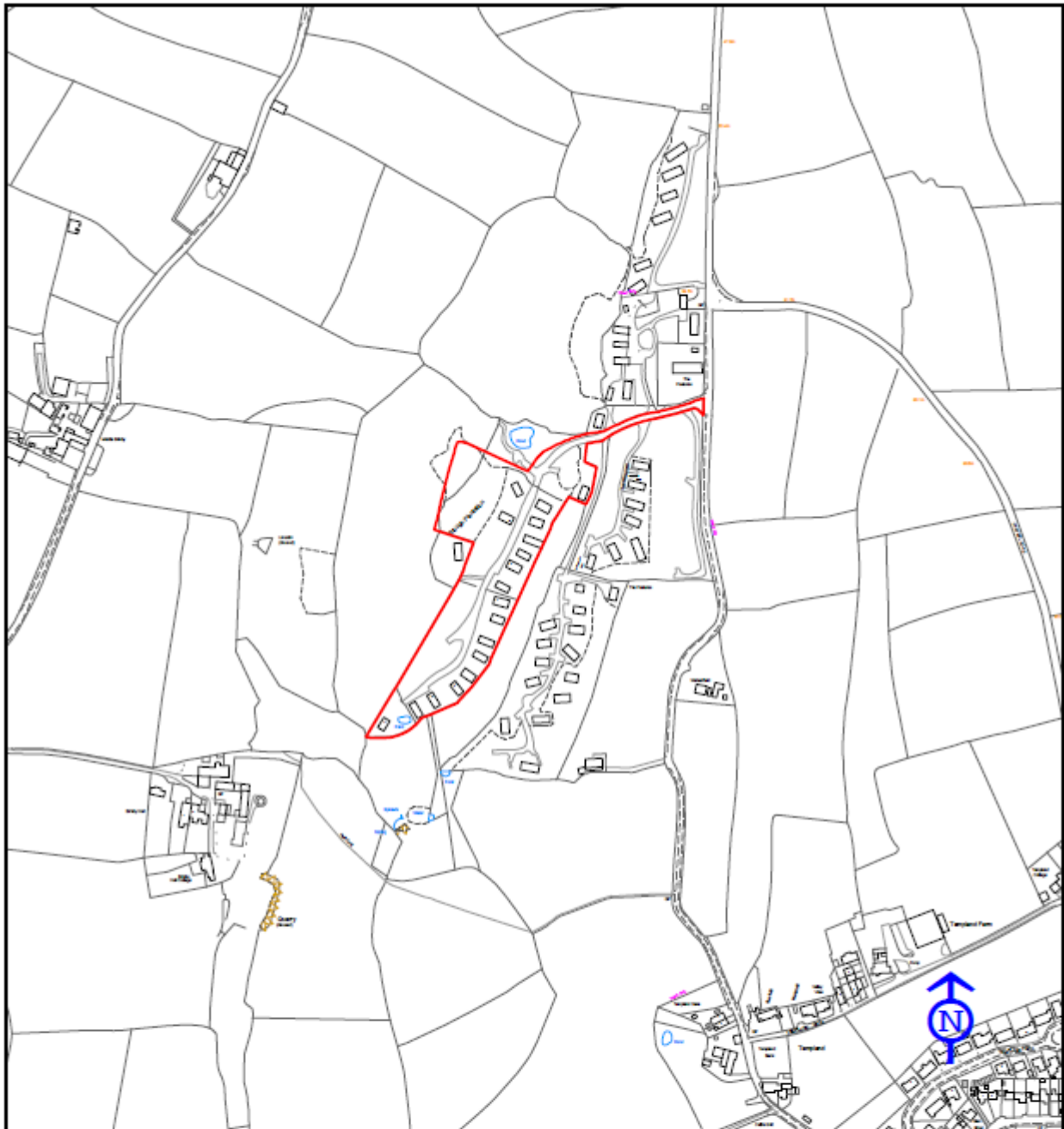
The Pastures Templand Lane  
Allithwaite, Grange-over-Sands

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**SL/2020/0830**

**The Pastures,  
Templand Lane  
Allithwaite  
LA11 7QY**

Scale: 1:5000

## Summary

SL/2020/0830

PARISH: Allithwaite and Cartmel

The Pastures Templand Lane, Allithwaite, Grange-over-Sands LA11 7QY.

PROPOSAL: Variation of Condition 1 (opening season) attached to planning permission SL/2005/0771 (Extension to caravan park's open season -1 March - 14 January (relaxation of condition 2 on SL/2003/1624

APPLICANT: Cotter- Woodsett Ltd

Committee date: 25<sup>th</sup> March 2021

Case Officer: Nick Howard

The proposal originally related to lodge numbers 3,5,12,16,17 & 19, however the agent has clarified the proposal only now relates to numbers 3,5,12,16 & 17.

The proposal is to vary condition 1 relating to planning permission SL/2005/0771. The condition states the following:

This permission does not authorise occupation of the caravans except during the period 01 March to 14 January each year.

The applicant has suggested the following condition, which has been modified by officers and agreed by the applicant:

This permission does not authorise occupation of the lodges except during the period 01 March to 14 January each year, save for personal occupation only of the named applicants at no's 3,5,12,16 & 17. In the event the named applicants vacate their respective lodges, the occupation of the above mentioned lodges is not authorised except during the period 01 March to 14 January each year.

The agent has submitted medical evidence to support the proposal.

The application has been referred to committee, as Councillor Khan is a co-owner of the application site.

## Recommendation

The recommendation is to refuse the application for the reason set out at the foot of the report.

# 1.0 Description and proposal

## Site Description

- 1.1. The application site relates to five lodges within The Pastures Lodges site. The site is located in open countryside between the villages of Allithwaite and Cartmel.

## Proposal

- 1.2. The proposal seeks a variation of a planning condition relating to the opening season of five lodges located within the Park.
- 1.3. The affected lodges are no's 3,5,12,16 & 17. Currently the lodges can be resided throughout the year apart from a period between 14 January to 01 March each year, a period of six weeks where the lodges have to be vacated.
- 1.4. The applicant is proposing on medical grounds that the occupiers of the affected lodges live there throughout the year. Without prejudice, Officers have amended the suggested condition to ensure that once the named applicants of the affected lodges vacates them then the occupancy returns back to the original permission.

# 2.0 Consultations

## Allithwaite and Cartmel Parish Council

- 2.1. Allithwaite and Cartmel Parish Council object to the proposed application on the grounds this proposal and increasingly over recent years, reflects a major flaw in the way seasonal holiday lodges are becoming virtual permanent all year round dwellings. Most present day lodges are no different to timber framed homes with high levels of insulation and central heating etc. as well as being connected to some main services. Few if any end up paying Council tax, which is a loss to local revenues whilst only a fractional payment is made via Business Rates and the site fee to the exchequer.
- 2.2. Any builder who seeks planning consent to erect new dwellings must comply with a wide range of conditions embracing infrastructure, services, local needs as well as s.106 requirements and CIL (Community Infrastructure Levy) to name but a few. Permanent lodges slip under the radar and as such avoid these requirements, which is unacceptable.
- 2.3. Allithwaite and Cartmel Parish Council supports the tourist industry and seasonal holiday lodges but believes that any change from seasonal homes should be via a full planning application to permanent dwelling status and with it a postal address. It is on this basis we object to the proposal variation to a virtual year on year occupation.

## Neighbours/Others

- 2.4. No representations received from neighbours.

### 3.0 Relevant planning history

- 3.1. SL/2003/1624: Planning permission granted for a static caravan site with Condition 2 stating this permission shall not authorise the use of the land as a site for caravans except during the period 1 March to 14 November each year. Furthermore, Condition 6 stated that not more than 20 caravans shall be stationed on the site at any one time. The five lodges, forming part of the current application are located within the scope of this permission.
- 3.2. SL/2005/0771: Extension to caravan park open season - 1 March-14 January (relaxation of condition 2 on SL/2003/1624) approved subject to condition 1, which stated this permission does not authorise occupation of the caravans except during the period 01 March to 14 January each year. The five lodges, forming part of the current application are located within the scope of this permission. The permission for this site is known as the 'original site' for the purposes of the rest of this report.
- 3.3. SL/2007/0934: Addition of 3 pitches for static caravans and foul water pumping station granted planning permission subject to condition 2, which stated this permission does not authorise occupation of the caravans except during the period 01 March to 14 January each year. Furthermore Condition 3 stated that the caravans shall not be occupied other than as holiday accommodation. In particular, they shall not be used at any time as sole and principal residences by any occupants. These additional three static caravans were located close to the entrance of the site.
- 3.4. SL/2008/0785: Addition of two holiday chalets approved subject to condition 4, which states this permission does not authorise occupation of the caravans except during the period 01 March to 14 January each year. Condition 5 states that the caravans shall not be occupied other than as holiday accommodation. In particular, they shall not be used at any time as sole and principal residences by any occupants. These two additional static caravans are located on the site frontage adjacent to Templand Lane.
- 3.5. SL/2009/0469 Siting of 9 caravans for holiday rental, one caravan for permanent warden's accommodation approved subject to Condition, which stated that this permission does not authorise occupation of the caravans on plots No 2 to No 10 except during the period 01 March to 14 January each year. Condition 5 stated the caravans on plots No 2 to No 10 shall not be occupied other than as holiday accommodation. In particular, they shall not be used at any time as sole and principle residences by any occupants. This approval related to a site to the west of the original caravan site.

- 3.6. SL/2010/0169:Variation or removal of planning condition 2 on ref SL/2007/0934. that being occupational period currently 1st March to 14th January each year be changed to 1st march to 14th February each year. Refused and dismissed on appeal. The five lodges, forming part of the current application are located within the scope of this appeal

## 4.0 Relevant planning policies

### National Planning Policy Framework

Chapter 2, Achieving sustainable development

### Local Development Policies

#### South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS1.2 The development strategy

#### South Lakeland Development Management Development Plan Document Policies (DM)

DM1 – General Requirements for all development

DM13- Housing Development in Small Villages and Hamlets outside the Arnside and Silverdale AONB

DM18 Tourist accommodation – caravans, chalets, log cabins, camping and new purpose built self-catering accommodation (outside the Arnside and Silverdale AONB).The policy states in relation to occupancy of holiday accommodation – such as caravans (or other year round stationed units) and new purpose built holiday accommodation, the Council will control occupancy to ensure that the proposed accommodation is only used as holiday accommodation and not as a primary or main residence

## 5.0 Assessment

- 5.1. The application seeks planning permission to vary the condition of occupancy. At present condition 1 of planning permission SL/2005/0771 refers to the period of open season, which states this permission, does not authorise occupation of the caravans except during the period 01 March to 14 January each year.
- 5.2. The affected lodges, the subject of this planning permission are within the original site, which consisted of 20 caravans. All the affected lodges are subject to this occupation restriction, however they are not subject to a holiday condition as the

later approvals for further lodges are. These are specified in the planning history.

- 5.3. The original site and the later additions were subject to an appeal in 2010 (reference SL/2010/0169) to vary the condition from the current six week closure to allow all of the caravans to be used for fifty weeks of the year (i.e. a two week closure). The appeal was dismissed. The main points of the inspector's decision were as follows.:
- 5.4. "Paragraph 5 of the decision notice stated that although the later planning permissions include conditions, which restrict the use of the additional caravans to holiday accommodation only, the original permission is not so specific. Nevertheless, I consider that a closed season of six weeks would normally be sufficient to deter the use of the chalets as principal residences. However, if the park closed for only two weeks, there would be a greater propensity for the chalets to be occupied permanently as it would be relatively easy for the occupants to reside on site, and take two weeks holiday elsewhere during the closed period
- 5.5. Paragraph 6 states in such circumstances the chalets would be tantamount to dwellings in the open countryside, in an unsustainable location, which would be contrary to the advice in Planning Policy Statement 1 – Delivering Sustainable Development, and the objectives of Policy H6 of the South Lakeland Local Plan (the Local Plan). The Good Practice Guide on Planning for Tourism, whilst promoting longer seasons, recognises that the demand for accommodation may occur in areas in which the provision of permanent housing would be contrary to national and local policies which seek to protect the countryside."
- 5.6. Although the Planning Policy Statement has been replaced by the National Planning Policy Framework and the South Lakeland Local Plan has been superseded, the essence is the same in that the proposal, which is now for all year occupation of the above mentioned lodges, would be tantamount to new dwellings in the countryside.
- 5.7. The applicant cites that special or exceptional circumstances' may prevail. He states the context is the Local Plan concept of 'open countryside' where new dwellings are not normally permitted (Core Strategy policy CS1.2). He also states the use of the caravan site is in effect an enclave of dwellings that authorised residential occupation, because no restriction to holiday use was approved in 2003 and varied in 2005. The applicant further considers that the Local Plan policies are not undermined and no precedent would be set.
- 5.8. The applicant states that the Local Plan and the Council's Sustainable Community Strategy needs to be considered too, because the latter specifies 'meeting the housing needs of older people and all sectors of the community'. Furthermore, the overarching Human Right of the applicants is for quiet enjoyment of their homes, in this case without upheaval twice annually and threat to their health and wellbeing. Also as a corporate Council issue, by the applicants staying in their lodge homes through the 'closed period' removes pressure upon their very



limited stock or upon other landlords to provide suitable temporary alternative accommodation in the District, if such is available to meet their needs.

- 5.9. The applicant has provided medical evidence from doctors notes for the residents of the affected lodges.
- 5.10. Occupier A: Husband cares for wife. Lady has struggled with her physical health and it has reached the point where vacating the premise from the period each year has become impossible for them due to her multiple conditions. She has chronic fatigue and struggles with mobility from an arthritic perspective. Her fatigue levels are high from CF. In addition to these she also suffers from Meniere's which brings on disabling attacks of dizziness and deafness. Please could you consider allowing them to remain resident in their home.
- 5.11. Occupier B. Man has lived at the Pastures for 14 years. He has significant long term health issues specifically Chronic Obstructive Pulmonary Disease, Cerebrovascular diseases and Atrial Fibrillation. These require ongoing medication and regular medical check ups for the rest of his life and I anticipate despite good care will deteriorate over time. The need to move out of his home between mid-January and March is becoming more difficult for him health wise and to access appropriate care when away and I would support a change that would allow him to stay all year round.
- 5.12. Occupier C: Husband and Wife are main carers for Man's mother who lives on The Pastures. The mother is elderly, registered blind and has hearing difficulties. As such, it is extremely problematic for them to have to vacate their residence for 6 weeks from January 15th to March 1st each year and makes the provision of this care more difficult. This will be even more pronounced this year due to covid pandemic and would potentially lead to an increased risk for both parties if the carers have to move out of their current residence. I would support a decision to allow them to live for 52 weeks of the year at their current residence and hope you take this in to account when considering this request.
- 5.13. Occupier D: Man and his wife live in a mobile home. I understand they are permitted to stay for 46 weeks of the year. I would like to request they be exempt from seeking alternative accommodation for the remaining weeks of the year due to his medical conditions, which will hinder his health and make the move extremely difficult. I fully support him in his application.
- 5.14. Occupier E: This lady has a number of complex medical conditions to which especially during covid, it would be unwise for her to be moving between properties. She struggles with her physical health and we would ask for your support in allowing her to have continuing residency at the lodge. Included in her conditions is vertigo that can be disabling and leave her unable to drive/move. She also has age related joint changes and is living alone following a bereavement.
- 5.15. Four of the lodge occupiers relate to health grounds and the fifth lodge occupier refers to carers of a lady who lives elsewhere on the site.

Dealing with this occupier first, the applicant has stated that the elderly lady who needs care lives elsewhere within The Pastures and is outside the scope of the original application site. However no further information is given as to the location of the lady's lodge and therefore it is difficult to check as to whether that lodge also has conditions relating to occupancy, including any holiday restriction. The need for carers to live on The Pastures is not considered as an exceptional circumstance as there is no certainty that the lady who is cared for is able to stay on The Pastures all year and no evidence has been presented to state why the carers cannot live in the local area for the six week closure.

- 5.16. Turning to the occupiers who have medical needs, it is noted that the medical information from the doctors notes for each occupier are relatively brief. One of the notes does not even say what medical problems the occupier has. The applicant has stated that on previous occasions when the lodges have been closed most of the occupiers went on holiday out of the country and some went to stay with family. Obviously, it has been difficult or impossible at times to make similar arrangements during Covid 19, however this proposal seeks permanent approval for all year round occupancy.
- 5.17. The information from the applicant does not clearly demonstrate why in the future the occupiers cannot have holidays either abroad or within this country or stay with families in the closed season. Given the lack of medical evidence and exploring alternative provision during the closed season, it is not considered that there is sufficient information to clearly demonstrate exceptional circumstances as to why the occupiers can live in the lodges throughout the year.
- 5.18. The applicant has also made reference to the residents of all 18 implemented static caravans (lodges) are aging and that in 2013 they sought to vary the occupancy condition again, but stated they would accept an over 50 years' of age restriction. That application was withdrawn, however it is clear that if these five lodges have their occupancy relaxed, then it is likely that the remaining lodges with a similar restriction, and without the holiday restriction condition will request a similar relaxation.
- 5.19. Overall, the proposal would, as the Parish Council comments set out, create five permanent dwellings in the countryside, which in time could be replaced by more substantial dwellings. Policy CS1.2 of the Council's Core Strategy states that exceptionally, new development will be permitted in the open countryside where it has an essential requirement for a rural location, is needed to sustain existing businesses, provides for exceptional needs for affordable housing, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building. None of these criteria are relevant to the proposal, in particular, the permanent dwellings would not be required in a rural location and therefore the proposal is contrary to Policy CS1.2.
- 5.20. Policy DM13 of the Councils Development Management Policies state that new small-scale housing development on sites within or on the edge

of small villages and hamlets (without development boundaries) will be acceptable subject to a number of criteria. However, the proposal is not located on the edge of a small village or hamlet and therefore the proposal is contrary to Policy DM13. Policy DM18 makes clear that occupancy restrictions to prevent use of caravans and lodges becoming permanent places of residence will be imposed where appropriate.

- 5.21. The applicant raised the issue of providing housing for the elderly, however Policy CS6.2 of the Councils Core Strategy states the provision of purpose-built and/or specialist accommodation for the elderly, in appropriate locations within selected settlements in accordance with CS1, and well served by public transport and local services, will be supported. The site is not located within a settlement, it is not well served by public transport and does not have local services. The site would not meet the criteria set out in the part of Policy CS6.2, which relates to housing for older people. The site is not considered to be a sustainable one in relation to the specifics of this proposal.
- 5.22. The applicant has made reference to the Human Rights Act. The Human Rights Act states that people are entitled to the peaceful enjoyment of their property. Quiet or peaceful enjoyment means that the tenant can live normally in the property without suffering any unnecessary interruptions from the landlord. In this case the landowner would enter into an agreement with the occupier. No information has been submitted with this application on this matter, however it is assumed that when the occupier commenced occupation they were aware of the closure period either through an agreement and/or the planning condition. Therefore, on the basis that the occupants already knew of the six week closure, their human rights have not been infringed by the recommendation to refuse the application.
- 5.23. The recommendation is therefore to refuse for the reason set out below.

## 6.0 Recommendation

Planning permission be refused for the following reasons:

- 6.1. The proposed development would be tantamount to the creation of five permanent dwellings in the open countryside. The proposal does not clearly demonstrate exceptional circumstances for the need for the dwellings in the countryside. The proposal does not demonstrate a need for a rural location and the site is not located adjacent to a small village or a hamlet. The proposed development is therefore contrary to Policy CS1.2 of the South Lakeland Core Strategy and Policies DM13 of the Councils Development Management Policies.

