

BPA Ref: 2018\_02

Copeland Borough Council  
The Copeland Centre,  
Catherine Street,  
Whitehaven,  
Cumbria,  
CA28 7SJ

6<sup>th</sup> July 2022

**Certificate of Lawful Use application to establish the lawful use of Dunningwell Hall for short stay self-catering accommodation at The Green, Millom, LA18 5JT.**

Dear Development Management,

Brodie Planning Associates (the agent) has been instructed by Daniel Shovelton, First Resorts (the applicant) to seek a certificate of lawful development to confirm the proposed use of holiday let accommodation is lawful at the application site.

This letter sets out the relevant information to demonstrate the proposed development is lawful in line with the Town and County Planning (Use Classes) Order 1987 (as amended) and as such should obtain a Certificate of Lawful Development in line with Section 192 of the Town and Country Planning Act 1990.

### **The Legal Framework**

Section 192 of the Town and Country Planning Act 1990 ('the Act') provides the legal framework for assessing whether a development is lawful. It clarifies that where applications provide information detailing the lawful use or operation in, on, over or under land, the local planning authority shall issue a certificate to that effect.

A certificate under this section shall:

- a) specify the land to which it relates;

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- b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under Section 55(2) (f), identified it by reference to that class);
- c) give the reasons for determining the use or operations to be lawful; and
- d) specify the date of the application for the certificate.

### Proposed Development

The proposed development comprises a change of use from large country house (C3) to 11-bed short stay self-catering holiday home (C3). No operational development is proposed. The house would be occupied on a short-stay self-catering holiday basis by single family units or groups.

Dunningwell Hall is a large, detached house which comfortably sits within extensive garden land and contains a number of trees, some of which are subject to tree preservation orders. The site lies outside the nearby Lake District National Park. The site can easily accommodate parking for at least 8 vehicles although this number is not envisaged. In terms of safeguarding neighbouring amenities, the site would remain residential in use and neighbouring properties such as High Dunningwell and properties at The Green, lie at a considerable distance.

Material to the consideration of this proposal is this site is owned and forms part of the First Resort holding at Dunningwell Hall which offers 33 Scandinavian-inspired, self-catering lodges for short stay holiday let. This proposal would support the sustainable growth and expansion of this rural business, conserve the character of the countryside and provide accommodation for those wishing to visit the nearby National Park thereby supporting the aims of rural tourism in this area without detriment to or the setting of the National Park.

Pre-application advice with Copeland District Council was undertaken in respect of this development and response received on the 13<sup>th</sup> of May 2022 (Appendix A). Given the house will be occupied as a single unit with no alterations proposed, the proposed development is considered lawful in use and as such does not require planning permission.



brodie  
planning  
associates

Planning ■ Design ■ Development

The Stables, Manor Farm Courtyard  
Southam Lane, Southam  
Cheltenham, Gloucestershire  
GL52 3PB

### Summary

I trust the above and enclosed provides you with sufficient information to demonstrate the location to which the application relates, the proposed use, the reasons for determining the use and the application date in line with Section 192 of the Town and Country Planning Act 1990.

As such, I request that a Certificate of Lawful Development for a proposed use or development be granted.

Yours sincerely,

**Sophie Lennon**  
Planner

### APPENDIX A:

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Brodie Planning Associates  
The Stables  
Manor Farm Courtyard  
Southam Lane  
Southam, Cheltenham  
Gloucestershire  
GL52 3PB  
FAO Wendy Hopkins

Please Contact: Christie M Burns  
Officer Tel No: 07799131879  
My Ref: PAA/22/0045  
Date: 13 May 2022

Dear Ms Hopkins,

**REQUEST FOR PRE-APPLICATION ADVICE**

**REFERENCE NUMBER: PAA/22/0045**

**RE: CHANGE OF USE FROM LARGE COUNTRY HOUSE TO FORM 11-BED SHORT STAY SELF-CATERING  
HOLIDAY HOME**

**AT: DUNNINGWELL HALL, THE GREEN, MILLOM**

Thank you for your pre-application request form which was received on the 13<sup>th</sup> April 2022.

I have now had the opportunity to review the site on the Council's GIS mapping system and the information submitted as part of the enquiry. Based on this review I would advise that providing the property is let as a whole and there are no alterations to the planning unit, planning permission will not be required to let this property as a holiday home. Should the property not be rented as a single unit I would advise that planning permission is likely to be required for these works and further advice should be sought from the Local Planning Authority.

	<b>Date:</b>
C. Burns Development Management – Planning Officer	13.05.2022
<b>Response checked by:</b>	<b>Date:</b>
N.J. Hayhurst Head of Planning & Place	17.05.2022

Please note that the advice in this letter is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.