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Yorkshire Dales National Park Authority

Planning Committee

10 March 2026

Applicant: Edward Lord and Clare Thompson

Parish: Firbank

Application No: S/06/10A

Site Address: Moss Foot, Firbank, Sedbergh, LA10 5EL

Proposal: Full planning permission for continued use of the site for short term holiday letting, together with associated landscaping; and siting of ground mounted solar panels, (retrospective)

Purpose of Report

1. That Members **refuse** planning permission for the above development in accordance with the recommendations below.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. The application site is located within the open countryside in a relative isolated location, approximately 3.3 km west of Sedbergh. The site is accessed via Shacklabank Lane, a single lane carriageway, and is located approximately 0.5km to the north of the A684. The site is located at an elevated position compared with the A684.

4. The application site comprises Moss Foot House itself, two stone outbuildings (Outbuilding 1 and 2 for the purpose of this planning application) which are former barns, and an existing stone barn used for storage which remains as existing.

5. The site includes a lawn area to the south, a gravel driveway with parking to the rear of Outbuilding 2, and ground-mounted solar panels located north of the parking area, all of which are currently unauthorised.

6. The site surroundings primarily consist of agricultural fields and dispersed farmsteads. As such, the surrounding landscape is largely agricultural in character.

Proposal

7. Full planning permission for continued use of the site for short term holiday letting, together with associated landscaping; and siting of ground mounted solar panels, (retrospective)

8. The supporting information submitted as part of the application states that the applicant's holiday letting business at Moss Foot provides self-catering holiday accommodation for a single group of up to 20 guests, accommodated in Moss Foot itself and an ancillary outbuilding. The site has been in use for short term holiday letting in this way since December 2023. This current planning application seeks permission for the continued use of the site for this purpose.

9. Alterations have taken place to existing buildings within the site to bring them into associated holiday let use. These are as follows:

Moss Foot House

10. The supporting information states that Moss Foot House is the primary holiday let accommodation and has 6-bedrooms providing for up to 17 guests (with an additional bedroom provided within Outbuilding 1, as set out below).

11. The majority of the building alteration and rebuilding works undertaken benefit from planning permission ref: S/06/10, which is detailed further in the Planning History section below. However, the following internal and external alterations have taken place which differ from the approved plans. These include:
    - the enlargement of an existing window on the south elevation,
    - three small ground floor windows on the east elevation,
    - a double door to the north elevation,
    - the removal of the roof mounted solar panels and the addition of 3 roof lights.
    - Creation of a stone patio/ seating area to the rear (north) of Moss Foot House

Outbuilding 1

12. Outbuilding no.1 (as identified on the submitted drawings) is a conversion of a former barn, located opposite the principal elevation of Moss Foot House, close to the site entrance. The supporting information states that it is used as ancillary accommodation to the main building, providing an additional bedroom for 3 guests together with ensuite bathroom, and a games room which is accessed separately from the bedroom.

13. The external alterations which have been undertaken to convert the building have mostly taken place on its north elevation, which includes the insertion of a glazed screen door for access to the games room and a single width timber door to access the bedroom. An oak framed timber sheltered has been constructed adjoining the west elevation to provide a covered outdoor amenity space.

Outbuilding 2

14. Outbuilding no.2 is located toward the west of the site, south of the parking area. The building contains a steam room and sauna for guests and is located on the footprint of the former stone barn in this location. The internal facilities are concentrated to the northern (rear) half of the building, which externally comprises stone walls and a natural slate roof. The southern (front) half of the building is made up of a low-level stone wall with attached oak frame timber beams creating a covered outdoor seating area.

Parking and Access

15. A gravel stone surface has been laid to create an access track and large parking area located to the rear of Outbuilding 2. The area provides parking and turning space to cater for the capacity of the site. Access to the site continues to be taken from Shacklabank Lane.

Associated Landscaping

16. Landscaping works have been undertaken with the creation of a terraced lawn which provides level outdoor space. The outdoor area associated with Moss Foot House is arranged into three tiers, bound by stone walls with black pole railing and stone paving. The lawn area consists of well-maintained lawn.

17. Yew hedge planting has been implemented along the full extent of the southern boundary of the lawn area. Additional native shrub planting is proposed to the south of the lawn area. This is not sought in retrospect and is being proposed as additional landscape planting for consideration as part of the current application The planting would be located on the slight banking between the lawn area and the southern site boundary, currently informal scrub. The proposed planting is shown as indicative at this stage, with further details on the precise species mix, number and height controllable by way of planning condition.

Solar Panels

18. Four rows of ground mounted solar panels, each measuring approximately 15 metres in length, have been sited within a field to the north west of Moss Foot House.

Relevant Planning History

19. The following application is relevant:

S/06/10 - Householder planning permission for rebuilding of portion of external walls that are unstable; recoating of existing render facades; insertion of new and altered windows and doors; internal layout alterations including conversion of attic space

into bedroom and basement into multi-purpose/games room; reroofing (including insulating) to match existing slate roofing, with minor modifications and relocation; and insertion of new conservation roof lights and solar panels (part retrospective). Approved 20/06/2022.

20. The property subject of this application formerly comprised a farmhouse and attached barn. At the time of the submission of the above application, ref: S/06/10, the original dwelling was still in situ, and the attached barn had been largely demolished. The only remaining section of the barn was the south/principal elevation, including the attached lean-to. Since the historic barn had been largely demolished, the proposed development amounted to the construction of a new extension to the farmhouse. The extension was constructed on the footprint of the former barn and the external walls finished with stone reclaimed from the building. Whilst the extension is larger than what would normally be acceptable for a traditional farmhouse, the scale and proportions were considered to be consistent with the remaining south elevation of the building, and the development largely amounted to re-building what previously existed.

Consultations

21. The comments of statutory and non-statutory consultees are summarized below:

Trees & Woodlands – More detail is required on the landscaping plans. This should include numbers of plants, species, protection and future management. It looks like a few trees have been lost as a result of the development.

Fire Officer – No response received

Head of Visitor Services – No response received

Highways – No response received

Firbank Parish Council – “The application has been circulated to parish residents in the vicinity of the property, and the general view is that the actions and stipulations within to ensure other neighbours are not disturbed by guests are welcome. There are no objections to this application.”

Environmental Helath – No comments.

Planning Ecologist - No objections to the proposed development, subject to conditions to ensure a Landscape and Ecological Management Plan (LEMP), a lighting plan and biodiversity enhancement measures are implemented and agreed by the Authority.

Given the scale and nature of the development which has already taken place, it is considered unlikely that the works would further negatively impact protected or priority

species or habitats and so, should not be seen as a potential constraint preventing approval of the application.

The landscape plans propose hedgerow and scrub planting. It is recommended that the yew hedge that has been planted has other native species introduced for diversity which helps provide vital resources for a range of animal species such as mammals, birds, and insects. It is recommended that these are a mix of yew, holly, hornbeam and beech. The area designated for scrub planting should also be of native mixed species and is recommended that the management, numbers and mix are secured by a Landscape and Ecological Management (LEMP) planning condition.

All developments have a duty to deliver measurable net gains for biodiversity and will need to clearly identify enhancement measures. Currently the proposal includes a soft landscaping planting scheme, however there are many other ways to also provide biodiversity enhancement measures.

In order to be in compliance with the current Policy W2 and CP9 of the emerging local plan, I recommend conditioning enhancement measures such as bird and bat boxes or integrated features, hibernaculum for mammals and reptiles, insect houses and log piles. The locations of these need to be submitted to the Authority, to ensure the enhancement measures are viable and can be submitted as part of the LEMP.

22. A site notice was displayed on 17 December 2025 and expired on 07 January 2026.
    Public responses received at the time of writing: 0

Assessment

Key Issues:

- Planning Policy
- Principle of the Development
- Landscape and Visual Impact
- Impact on Residential Amenity
- Highway Issues
- Ecological Impact
- Biodiversity
- Parish Council comments

Planning Policy

South Lakeland Local Plan (2006):
Policy S2 – South Lakeland Design Code
Policy C30 – Solar Power

South Lakeland Core Strategy (2010):
Policy CS8.10 – Design

Policy CS8.4 – Biodiversity and geodiversity
Policy CS8.7 – Sustainable Construction, energy efficiency and renewable energy

23. The Authority is in the process of preparing a new Local Plan (2025 – 2040) for the whole National Park which will replace the largely out of date South Lakeland plans. The Local Plan has reached an advanced stage and significant weight is given to the plan in decisions on planning applications.

    Relevant Policies of the emerging Local Plan are:

    CP6 – Design. Design proposals must accord with the principles of sustainability (Policy CP1) and not conflict with the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park (Policy CP2)

    CP7 – Energy Requirements. The Authority will support renewable and low carbon energy proposals where they provide permanently for the needs of communities, businesses and households inside the National Park.

    CP8 – Landscape Character. New development proposals need to conserve and enhance the natural beauty of the landscape of the National Park.

    CP9 – Biodiversity Net Gain. Development proposals will be required to contribute towards nature recovery and enhance wildlife.

    L6 – Dark Night Skies. Development will only be permitted where they maintain or enhance the special quality of the Yorkshire Dales Dark Skies Reserve.

    Principle of the Development

24. Permission is sought for the use of the property as a holiday let, which has been operating as for some time without the benefit of planning permission. Whilst a 'holiday let' is normally considered to fall within planning use class C3 (use as a dwellinghouse for occupation by a single household), a holiday let ceases to be a C3 use and becomes sui generis when a material change of use has occurred, which may be triggered by high-frequency letting, excessive guest numbers, or significant disruption to neighbours. A property accommodating large groups, makes it more akin to a commercial holiday let than a single family home, giving it a use class of its own (sui generis).

25. Advice on what constitutes a material change of use can be taken from case law. *Moore v SSCLG (2012)* involved a case where an eight bedroom property was rented out entirely to large groups of guests. Suffolk Coastal District Council issued an enforcement notice alleging a breach of planning control. This breach was stated to be a change of use without planning permission from a C3 dwellinghouse to commercial leisure accommodation, which was considered to be 'sui generis'. Moore

appealed the enforcement notice, and the case was eventually heard at the Court of Appeal.

26. The Court of Appeal established that a material change of use depends on the character of the use, ie. who is staying at the property, and how they are using the property. The issues put forward included:
    - Patterns of arrivals and departures, with associated traffic movements
    - The unlikelihood of occupation by family or household groups
    - The numbers of people constituting the visiting groups on many occasions;
    - Frequency of “party type activities”: if parties are occurring on a more frequent basis than might be expected at a residential property, this may constitute a material change of use
    - Potential lack of consideration for neighbours

27. In this instance, the property features 7 bedrooms and can accommodate up to 20 guests. The property is not occupied as a residential dwelling, and rather clearly operates as a business with a frequent turnover of guests. The website for the use of the property as a holiday let advises that large groups, stag do’s and hen do’s are allowed, and that events can be arranged at the property. Therefore, it is considered that the use of the property as part of the applicants holiday letting business results in a use of the property that is quite different in character to that of a private family home. Therefore, the acceptability of the change of use of a residential dwelling to a commercial holiday/event use, which in this instance is a sui generis use, in this location needs to be considered.

28. The change of use of the property has resulted in an a highly intensive use of the property through the frequent turnover of a large number of guests and associated vehicles movements and noise. The creation of numerous formal outdoor amenity/seating areas, through the installation of a timber covered area, the patio area to the rear, and seating area with hot tubs to the front encourages the use of the outdoor spaces by guests, particularly in summer months, and introduces the potential for noise disturbance within a tranquil environment. Furthermore, the property can be hired to host events, including weddings, with space at the southern part of the outdoor garden for a small marquee to be sited. This undoubtedly changes the character of this former agricultural site.

29. The use of the property as a commercial holiday let accommodating up to 20 guests is not considered to be appropriate in this tranquil rural location, and has had a significant detrimental impact upon the character of the site and surrounding area. The principle of the change of use of the property is therefore considered to conflict with provisions of Policy CP1 of the draft Yorkshire Dales Local Plan.

Landscape and Visual Impact

30. Policy CP8 of the draft Yorkshire Dales Local Plan requires new development to conserve and enhance the natural beauty and the special character of the landscape of the National Park. In assessing proposals regard must be had to the design,

layout and scale of proposals and their fit with the distinctive physical and natural character of the landscape in which they would be located.

31. There have been a number of unauthorised works carried out at the property, which will be discussed in turn below:

Moss Foot House

32. The alterations which have been carried out to Moss Foot House itself are the enlargement of an existing window on the south elevation, installation of three small ground floor windows on the east elevation, a double door to the north elevation, the addition of 3 roof lights, and the creation of a stone patio/ seating area to the rear (north) of Moss Foot House.

33. The creation of a raised patio/seating area to the rear of the property has resulted in significant engineering operations and alterations to the landform, involving the steps leading up to the seating area, and enclosure with a stone wall and railings. This, combined with the installation of double doors to access this seating area, the installation of three windows to the east elevation and the insertion of rooflights, without justification, has resulted in harm to the character of this traditional building.

Outbuilding 1

34. The conversion of this outbuilding to form a games room and additional bedroom which includes the insertion of a glazed screen door and a single width timber door without the benefit of planning permission is unfortunate as a detailed assessment of the impact of the works on the original character of the building cannot be carried out. However, the construction of an oak timber shelter to the west elevation of the building adversely affects the traditional character of this building.

Outbuilding 2

35. Outbuilding no.2 is located toward the west of the site, and has been constructed without the benefit of planning permission on the footprint of a now demolished stone barn to house a steam room and sauna. No details have been provided of the former barn which has now been demolished. However, photo's taken of the site in 2021 show the former building to be substantial and in an adequate state of repair, and as such the removal of this traditional building without justification conflicts with National Park purposes.

36. Irrespective of the previous existence of a building on the site, there is no justification for the construction of an amenity building, which lies outside of the residential curtilage of Moss Foot House, and constitutes agricultural land. This outbuilding, with its timber framed beams to the southern elevation to create an

additional seating area, appears as a domestic and alien feature, which is harmful to the established agricultural character of the site and the surrounding area.

Parking and Access

37. A gravel stone surface has been laid to create an access track and large parking area of a scale to provide sufficient parking for up to 20 guests. The submitted plans indicated that up to 9 vehicles could be accommodated within this parking area. The parking area has resulted in significant encroachment into the open countryside. The introduction of parked vehicles in the newly created gravel yard area has added further prominence to the intensified business holiday let use of the site in this rural location.

Associated Landscaping

38. Landscaping works have been undertaken with the creation of a terraced lawn which provides level outdoor space. The outdoor area associated with Moss Foot House is arranged into three tiers, bound by stone walls with black pole railing and stone paving, and a newly created track which leads to the bottom of the lawned area. It is understood that this is to facilitate vehicles which deliver marquees and other such equipment.

39. The insensitive alterations to the landform have resulted in the site appearing manicured and domestic in nature, as would be expected with a formal garden. The introduction of hard landscaping and the associated unauthorised change of use of this land from agricultural land to domestic use has significantly changed the relationship the former farm house and associated agricultural buildings had with the farmed landscape. The introduction of a designed and engineered feature into the landscape, which seemingly does not relate to any nearby development, has caused significant harm to the agricultural character of the site and the surrounding area.

40. Furthermore, the external works and the use of extensive grounds in association with this property has resulted in harm to the setting of the farmstead group, which constitutes a non-designated heritage asset.

41. Extensive outdoor lighting has been installed to the outdoor seating areas and hot tub area, within the car parking area, and has been exacerbated by the additional and unnecessary unauthorised openings created within Moss Foot House itself. Whilst Dark Sky compliant lighting may be available, the visual impact of even low-level lighting in this elevated location, would be harmful to the dark and tranquil nature of this setting.

42. The Applicant contends that existing hedge planting marks a clear boundary of the visitor accommodation site, and provides an element of screening and protection from the surroundings. Additional native shrub planting is proposed as part of the application to the south of the lawn area. The planting would be located on the slight banking between the lawn area and the southern site boundary, currently informal scrub. However, it is not considered that the existing and proposed planting would mitigate the significant harm to the landscape caused by the change of use of the agricultural land, the extensive changes to the landform and creation of hard landscaped areas, the external lighting which has been installed, and the alterations to the existing buildings at the site.

Solar Panels

43. The supporting information advises that the solar panels, which consist of 4 rows of ground mounted panels which each measure approximately 15 metres in length, would generate approximately 18,000kW per annum. Whilst Policy CS8.7 of the South Lakeland Core Strategy and Policy CP7 of the draft Local Plan support renewable and low carbon energy proposals where they provide permanently for the needs of communities, businesses and households inside the National Park, this far exceeds the energy requirements of a normal residential dwelling. It is clear that only a proportion of the panels are necessary to serve the operations of a residential dwelling, and there is no evidence that the remaining power would support local communities or businesses.

44. The ground mounted solar panels are located in an elevated position,and are visually detached from Moss Foot House. Whilst they may be screened from some view points by the existing development on site, the solar panels would be visible within the landscape when viewed from the south and west. The scale of the solar array, which is not considered to be justified in this instance, when combined with the high landscape position would be harmful to the character and appearance of the area, appearing as an alien feature within the landscape. Whilst the relevant policies would support the provision of renewable energy sources, this is only where there would be no adverse impact upon the National Park's special qualities. In this instance, the benefits of the provision of renewable energy would not outweigh the harm caused to the landscape as a result of the siting of the solar panels.

45. In conclusion, the associated parking and access area proposed would change the pastoral setting of the building group, (this being Moss Foot House, Outbuildings 1 and 2, and the additional stone barn which used for storage). The terraced garden area and access track, parking and access area (and cars parked within it) sit in the foreground of the buildings in wide views and appear as prominent and discordant features, particularly when viewed from the south and west.

46. It is therefore considered that the cumulative impact of alterations to the buildings within the site, the siting of ground mounted solar panels, and the creation of a large

parking area and change of use of agricultural land to form a terraced garden area and associated outdoor lighting would fail to conserve the landscape setting of Moss Foot farmstead and the wider landscape character, contrary to the aims of Policy S2 of the South Lakeland Local Plan, Policy CS8.10 of the South Lakeland Core Strategy, Policies CP1, CP6, CP8 and L6 of the draft Yorkshire Dales Local Plan, and the provisions of the NPPF, to the determinant of both the immediate or wider landscape setting of the building.

Impact on Residential Amenity

47. The nearest residential property is located approximately 200 metres to the south of the application site. Despite the separation distance, due to the nature of the large scale holiday let use of the site, which can involve events being held and the use of the outdoor area, as well as the number of guests which can be accommodated at the site, there is the potential for noise disturbance in this otherwise tranquil environment.

48. The supporting information submitted by the Applicant acknowledges that guests will make use of the outdoor amenities during their stay, particularly in the summer months, which may generate some noise. However, the Applicant contends that this is effectively managed through the Applicant's visitor management strategy, detailed in the supporting Planning Statement. The strategy strictly prohibits outdoor music and requires guests to keep noise to a minimum in consideration of the countryside setting. Guests must sign this agreement prior to their stay, and alert the Applicant if noise levels increase, enabling prompt communication with guests to remind them of the site rules. However, it has not been clarified how this would be enforced, and what steps would be taken if there was loud music being played at the site, or simply excessive noise being made by guests at the property and in the event that any warnings to guests went ignored.

49. Therefore, significant concerns remain with regards to the potential for noise disturbance to the surrounding area as a result of the use of the site and number of guests which can be accommodated at the site. It is not considered that this could be adequately mitigated or controlled by the applicant's visitor management strategy.

Impact on Highway Safety

50. The access to the site has not been altered, and there is sufficient parking within the site for the size of the property. Whilst there are concerns with the impact upon this parking area upon the landscape and also the impact of the number of the frequent vehicular movements upon the character of the site, the proposals are considered acceptable in terms of impact on highway safety.

Biodiversity

51. As of the 2nd April 2024, under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain to make sure that habitats for wildlife are left in a measurably better state than they were before the development. As the proposal is retrospective, the proposal is exempt from the statutory Biodiversity Net Gain requirements.

52. However, in accordance with Policy W2 of the Local Plan and CP9 of the emerging Local Plan, all developments have a duty to deliver measurable net gains for biodiversity and will need to clearly identify enhancement measures. Currently the proposal includes a soft landscaping planting scheme, however there are many other ways to also provide biodiversity enhancement measures.

53. Therefore, the Planning Ecologist has advised that in order to comply with Policy CS8.4 of the South Lakeland Core Strategy and Policy CP9 of the draft Yorkshire Dales Local Plan, a condition should be attached to any grant of permission to secure enhancement measures such as bird and bat boxes or integrated features, hibernaculum for mammals and reptiles, insect houses and log piles. The locations of these would need to be submitted to the Authority, to ensure the enhancement measures are viable and can be submitted as part of the LEMP.

Parish Council Comments

54. Firbank Parish Council has raised no objection to the proposals.

Equality Act

55. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

56. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

57. It is considered that the change of use of the residential dwelling to form a large commercial holiday let has had a significant adverse impact upon the agricultural nature of the site and surrounding area and is not appropriate in this tranquil rural setting. The cumulative impact of alterations to the buildings within the site, the siting of ground mounted solar panels, and the creation of a large parking area and change of use of agricultural land to form a terraced garden area and associated

outdoor lighting would fail to conserve the setting of the landscape setting of the Moss Foot farmstead and the wider landscape character, contrary to the aims of Policy S2 of the South Lakeland Local Plan, Policy CS8.10 of the South Lakeland Core Strategy, Policies CP1, CP6, CP8 and L6 of the draft Yorkshire Dales Local Plan, and the provisions of the NPPF, to the detriment of both the immediate and wider landscape setting of Moss Foot.

Recommendation

58. It is recommended that permission be refused based on the following:

In the opinion of the Local Planning Authority the development by reason of its isolated location within an agricultural landscape, the change in character of the site from a modest residential dwelling and associated farmstead, to a commercial holiday and event use involving the change of use of agricultural land to garden/outdoor space, the creation of large areas of hard and soft landscaping, the creation of a large parking area, installation of substantial outdoor lighting and a large ground mounted solar array; and the activity associated with the creation of such a use, has resulted in a significant harmful effect on the scenic beauty and on the pastoral, tranquil, and dark sky qualities of the intrinsic character of the landscape. As such the proposal is not sustainable development and is contrary to policies CS8.7 and CS8.10 of the South Lakeland Local Plan, Policies CP1, CP6, CP7, CP8 and L6 of the draft Yorkshire Dales Local Plan (2025 - 2040), and the statutory purposes of the National Park (Section 5 of the National Parks and Access to the Countryside Act 1949) and guidance within the National Planning Policy Framework (2024) [para. 189]

Report Author: Joanne Wood