

Appeal Decision

Site visit made on 20 May 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2016

Appeal Ref: APP/M0933/W/16/3142996
Wellwood, Bardsea, Cumbria LA12 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Mackenzie against the decision of South Lakeland District Council.
 - The application Ref SL/2015/0823, dated 8 September 2015, was refused by notice dated 26 November 2015.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council altered the description of the development from 'erection of disability needs dwelling' to 'dwelling.' This is an accurate description of the development and has been agreed and adopted by both main parties. I have determined the appeal on this basis.

Main Issue

3. The main issue in this case is whether the proposal would be appropriate in principle in such a location and its effect on the character and appearance of the area.

Reasons

4. The appeal site lies within the grounds of Wellwood and on the edge of the hamlet of Well House. It adjoins the access road to Wellwood and is positioned on rising ground with views over Morecambe Bay. Well House nestles into the hillside beneath it. The site is presently occupied by a stable block and enclosed by ranch style fencing.
 5. The hamlet of Well House comprises a cluster of traditional vernacular properties which nestle into a hollow in the hillside. The hamlet is almost entirely surrounded by mature trees and as a consequence is barely visible from the Coast Road. This discrete location and nuclear form give Well House its distinctive character. In contrast the appeal site has a much more prominent and open aspect, and is clearly visible on both the approach to Wellwood and from the Coast Road. Furthermore, it is separated from the hamlet by a distinct stone wall with planting, and although a gated track
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provides through access to the Well House, the site is both visually and functionally distinct from it.

6. Policy CS1.1 of the South Lakeland Local Development Framework Core Strategy, 2010 (CS) sets out the Council's sustainable development principles whilst Policy CS1.2 sets out the District's Development Strategy. The Strategy directs development primarily to Service Centres, but also makes provision for new housing and employment within smaller villages and hamlets where it takes the form of small scale infilling or rounding off.
7. There is no dispute between the main parties that the appeal site would not constitute infilling. Although the site adjoins Well House, for the reasons given above, it is not viewed in the context of the hamlet and is visually distinct from it. There is only development to east of the site and I do not consider the appeal proposal to be rounding off. I have taken into consideration the appellant's housing needs, however no substantive evidence has been provided to demonstrate why it is essential for the dwelling to be located in this specific rural location. Furthermore, the appeal proposal is not for any of the other exceptions set out in Policy CS1.2 which makes provision for certain forms of development to be permitted in open countryside.
8. There is some dispute between the main parties about whether or not the appeal site is previously developed land. Whether or not this is the case the existence of a building on the site is a material consideration in my determination of the effect the proposed development would have on the character and appearance of the area. The existing small stable block, with its simple form and timber construction, sits comfortably within the rural landscape. In contrast, the proposed bungalow would be a substantially larger building and would also introduce a car parking area and residential garden which would further domesticate the appearance of the site. It is clear to me that the introduction of a new dwelling on this site would have a significantly greater visual prominence and harmful impact on the rural qualities of the landscape than the existing stable block. Furthermore, it would result in an encroachment of residential development into open countryside and detract from the distinct settlement character and form of Well House.
9. I conclude that the appeal proposal would not be appropriate in principle in this location and would have a significant harmful effect on the character and appearance of the area. I therefore find conflict with Policies CS1.1 and CS1.2 of the CS, the aims of which are set out above, and also conflict with Policy CS8.2 of the CS which seeks to ensure that development proposals, amongst other things, protect, conserve and where possible enhance, the special qualities and local distinctiveness of the area and distinctive settlement character.

Other Matters

10. There is some dispute between the main parties as to whether or not the Council are able to demonstrate a deliverable five year housing land supply. I do not have enough evidence available to me to determine whether or not this is the case. I accept that Policy CS1.2 is a policy for the supply of housing, and therefore the extent to which it can be considered to be up to date or not will be dependant on whether or not it can be demonstrated that a five year housing land supply exists. Nevertheless, even if a five year housing land supply could not be demonstrated, the adverse impacts of the proposal set out

above, significantly and demonstrably outweigh the limited social and economic benefits that would flow from the provision of one new dwelling, when assessed against the Framework as a whole.

11. I understand that the appellant has some concerns over the Council's pre-application advice and their consistency; however this is not a matter for me and does not therefore alter my decision.

Conclusion

12. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR