

Appeal Decision

Site visit made on 12 September 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/G0908/W/16/3150074

Land at Belle Vue, Papcastle, Cockermouth, Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D and Mr W Robinson against the decision of Allerdale Borough Council.
 - The application Ref 2/2104/0805, dated 4 November 2014, was refused by notice dated 11 November 2015.
 - The development proposed is residential development comprising of 4 no. dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D and Mr W Robinson against Allerdale Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline with access only to be determined at this stage. I have dealt with the appeal on this basis treating the plan which shows the site layout, elevation and floor plans as indicative, other than with regard to the position of the site access.

Main Issues

4. The main issues in the appeal are:
 - whether the proposed development represents a sustainable pattern of development; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

5. Policy S3 of the *Allerdale Local Plan (Part 1) (adopted July 2014)* (ALP) sets out the framework for development across the area. In order to achieve sustainable growth it seeks to direct the majority of new growth to Workington, as the principal centre, together with other key and local service centres. Beyond this a limited amount of growth is expected to take place in a number of identified villages. Policy S5 sets out the development principles for proposals within settlements in the hierarchy.
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6. In villages and hamlets such as Belle Vue, that are not mentioned in the settlement hierarchy, new housing is limited to that which is needed for essential rural workers, to that which follows the rural exceptions policy, or if it represents the optimal viable use of a heritage asset, the replacement of an existing dwelling, or the conversion or reuse of a suitable existing building. Even though it has been suggested that part of the scheme would be used by the appellants to provide accommodation in their retirement, the scheme would be open market housing. As such the proposed development would not meet any of the criteria for development outside of defined settlements, and so would be contrary to this policy.
7. Whilst it is disputed between the parties whether the proposal would “round off” Belle Vue, the policy does not indicate that such development is appropriate for villages and hamlets outside the settlement hierarchy. The nearby village of Papcastle is classified as one of the “Infill/Rounding Off Villages” where very small scale development that responds to local needs and contributes to the vitality of rural communities may be appropriate. However, Belle Vue is a hamlet, clearly separated from this village by open fields. As such any development here cannot be considered to be “rounding off” Papcastle.
8. The appellants’s Design and Access Statement indicates that the Council cannot demonstrate a 5 year housing land supply but this is on the basis of data in the Annual Monitoring Report from 2010-11. Given the date of this document, I consider that the position with regard to this matter may well have changed. I have not been supplied with any further evidence from either party in this regard, and the appellants have not pursued this any further in their appeal submissions. Consequently, in the absence of any more recent information to the contrary, I am not persuaded that it has been demonstrated that the Council do not have a 5 year housing land supply. As such, policies for the supply of housing can be considered up to date.
9. In the light of this, I consider that the proposed development would be contrary to the development strategy for the area as set out in Policy S3 of the ALP, and so would not represent a sustainable pattern of development.

Character and appearance

10. The hamlet of Belle Vue consists of a small number of houses clustered around what I understand is a historic coaching inn. The properties are mainly terraced houses that vary in size, but generally front the highway. Beyond the houses lies agricultural land that provides the hamlet with a pleasant rural setting, and ensures a clear delineation between Belle Vue and Papcastle. Whilst there is a greater range of dwelling types in Papcastle, the buildings here also predominantly front the highway.
11. The site is currently open grazing land and forms part of a field between the hamlet and the A595. The land slopes steeply down from the adjacent road, and contains a number of trees that are subject to a Tree Preservation Order. The illustrative layout shows that 3 of the dwellings would be set on lower land than the adjacent highways. As such views of the houses would often be restricted by the hedge along the roadside and other houses in the hamlet, although, the house proposed on plot 1 would be readily visible from Dovers Lane. In addition, the location of 3 houses at the rear of the site, without a

direct street frontage and accessed by a long drive, would be out of character with the pattern of development in vicinity.

12. The development of this open land would result in the encroachment of the built form into the open countryside, even if the A595 may prevent any further development in this direction. It has been suggested that the land has little agricultural value due to its limited size, and the constraints that result from its topography and the protected trees. Be that as it may, although not covered by any statutory or local landscape designations, and notwithstanding the fact that the protected trees would be retained, and enhanced by additional planting, the open nature of the site would be lost, and its character and appearance would be fundamentally altered. This would be detrimental to the role it plays in providing a rural setting to the hamlet.
13. Consequently, I consider that the proposed development would have an adverse impact on the character and appearance of the area. Accordingly, it would be contrary to Policies S1 and S2 of the ALP which promote sustainable development. It would also conflict with the *National Planning Policy Framework* (the Framework) in relation to recognising the intrinsic character and beauty of the countryside, and protecting the natural and built environment.

Other Matters

14. The construction of new houses would provide some temporary work for local contractors, and spending by new residents would also be beneficial to the local economy. Whilst there is a public house in Belle Vue, there are few services in Papcastle, and so residents would have to travel to Cockermouth or beyond for virtually all their day to day needs. The very limited range of local services means that the impact on the vibrancy and vitality of the immediate community would be minimal. Moreover, there is no firm evidence to suggest that local services such as the public house, would be under threat without new housing.
15. It has been argued that the scheme would contribute to the provision of a mix of housing types by creating 4 houses suitable for families, and in particular, by providing new housing in an area that has seen few new houses built in recent years. Nevertheless, I have not been provided with any evidence to show that there is a lack of family dwellings in the locality. Moreover, the limited amount of new housing in the vicinity does not justify the appeal scheme in an area where development is restricted.
16. The site is within walking distance of a bus stop which provides a reasonable level of service, during the daytime, to the major service centres in the area, but there is no service in the evenings or on a Sunday. Whilst I understand that most services in Cockermouth are within a 30 minute walking distance, as the return journey would be up a steep hill, it is probable that most people would be more likely to drive than to walk.
17. I note that the appellants have a long association with the area and wish to retire in the vicinity. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way that suitable accommodation in the vicinity can be found. In any event personal

circumstances will seldom outweigh more general planning considerations, and it is likely that the dwellings to be used for this purpose would remain long after the current personal circumstances cease to be material.

18. My attention has been drawn to another proposal for 4 dwellings that was approved on land close, but outside the settlement limits of Waverton. The Council have highlighted that it was approved when there was no 5 year housing land supply, and before the adoption of the current development plan. As such, the circumstances are not directly comparable with those that apply in this appeal. I have, in any case, reached my own conclusion on the appeal scheme, on the basis of the evidence before me.
19. It is acknowledged by both main parties that the proposal would not be harmful to the nearby Scheduled Ancient Monument, and would have no other archaeological issues. In addition, it is agreed that it would not be detrimental to the living conditions of nearby residents, and there is no objection to the scheme from the Highways Authority. However, an absence of harm in these respects is, at best, a neutral factor.

Conclusion

20. Bringing these points together, in the scheme's favour it would provide new houses, in a location that is not solely reliant on the private car, and would have some limited economic benefits. However, these benefits would be common with developments that took place within the settlement hierarchy. Furthermore, it would create an unsustainable pattern of development, and would result in harmful encroachment into the countryside. Whilst I have given weight to the benefits of the scheme in my decision, I conclude that in this instance they would be outweighed by the adverse impacts. Consequently the proposal would not represent sustainable development.
21. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR