
Appeal Decision

Site visit made on 18 January 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 8th February 2017

Appeal Ref: APP/E0915/W/16/3160477

Site to North of Red Cat House, Newbiggin Road, Durdar, Carlisle, Cumbria CA2 4UL

- 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 and Mrs Sid and Eileen Nicholson against the decision of Carlisle City Council.
 - The application Ref 16/0301, dated 4 April 2016, was refused by notice dated 8 July 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with the matter of access to be determined. Matters of appearance, landscaping, layout and scale are reserved for future consideration. Nevertheless, the application form indicates that the proposal would comprise 9 dwellings. I have determined the appeal on that basis.
3. Additional plans have been submitted by the appellant. They are a 1:10,000 scale site plan and a 1:1250 plan showing surrounding buildings and woodland. I am content that no party would be prejudiced by my consideration of the plans. I have therefore determined the appeal on that basis.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Since the decision was issued and this appeal submitted, the Council has adopted the Carlisle District Local Plan 2015-2030, November 2016. I have therefore considered the appeal against the relevant development policies contained therein.

Main Issues

5. The main issues are:
 - Whether the appeal site would be suitable for housing having regard to development plan policies in relation to the location of new housing, and having regard to the principles of sustainable development.
 - Whether the proposal would unacceptably prejudice the Carlisle District Local Plan 2015-2030 in respect of its provisions for housing development in Carlisle South.
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Reasons

Whether the appeal site would be suitable for housing

6. Paragraph 14 of the National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development. For decision taking this means 'approving proposals which accord with the development plan without delay' and 'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.'
7. Paragraph 12 of the Framework nevertheless makes clear that the statutory status of the development plan as the starting point for decision making has not changed. Development that accords with an up-to-date Local Plan should be approved and development that conflicts should be refused unless material considerations indicate otherwise.
8. The development plan comprises the Carlisle District Local Plan 2015-2030, November 2016 (CDLP). CDLP Policy HO2 indicates that new housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area, provided that the development will not prejudice the spatial strategy of the CDLP and subject to compliance with certain criteria.
9. Although the appeal site lies within the Carlisle South Broad Location for Growth under CDLP Policy SP3, this does not mean that it lies within the urban area of Carlisle. Rather it simply expresses that it is within an area identified as a broad location for growth. Indeed, whilst it is close to houses, a large farm and woodland, the appeal site is located some distance from Durdar and a considerable distance from the urban area of Carlisle. Thus, the appeal site does not lie either within or on the edge of a defined settlement, including villages in the rural area. As a result, the proposal would not accord with CDLP Policy HO2.
10. CDLP Policy HO6 states that new housing will be allowed in the countryside in specific special circumstances. The proposal would not accord with any of the circumstances and would, therefore, conflict with Policy HO6.
11. Nevertheless, the Framework is an important consideration and Paragraph 6 of the Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 is clear that these roles are mutually dependent.
12. The appeal proposal would make a modest but, nevertheless, important contribution towards housing delivery within the City. Although the Council indicates it can demonstrate a five-year supply of housing land, the Framework nevertheless makes clear its intention to boost significantly the supply of housing. Moreover, the scheme would also provide opportunity for local employment through construction and would support the local economy through increased spending from future residents. Thus there would be some economic and social benefits.

13. However, whilst the appellant indicates that the proposal would make a contribution towards delivering affordable housing, there is no mechanism before which demonstrates how such a contribution would be secured. I am, therefore, unable to offer the social benefits of any proposed affordable housing provision more than little weight.
14. The Council has raised concerns that the proposal would have little social cohesion with existing communities. However, there is no substantive evidence before me which indicates that there would be tangible difficulties in absorbing the residents of the proposed development within the local community.
15. Nevertheless, the site is some distance from Durdar which contains the closest services and facilities. The appellant indicates that there are bus stops around 250m from the site, however, there is no indication as to where such stops are located. It was apparent from my site visit nonetheless that there are bus stops located on Durdar Road, albeit in excess of 250m away.
16. Whilst these stops offer access to the wide range of services and facilities on offer in Carlisle, in order to reach the bus stops, and indeed Durdar itself, occupiers of the appeal site would be required to walk along Newbiggin Road which is distinctly rural in character for the majority of its duration. The road is largely unlit and without a regular footpath until one reaches the built up area of Durdar. The distance of this route, and the risks associated with walking it during dark evenings or inclement weather, mean it is unlikely that occupiers of the new dwelling would be receptive to doing so. Indeed, I consider it an unreasonable expectation. A lack of convenient access to public transport provision is a deterrent to its use. As a result, I consider future residents would be reliant on private car to access the essential services and facilities required for day-to-day living. Thus, the appeal site would not be a suitable location for housing having regard to reliance on private car.
17. The appeal site is identified as falling within Landscape Character Type 5b: Low Farmland within the Cumbria Landscape Character Guidance and Toolkit (March 2011). The landscape is characterised by a varied pattern of somewhat nucleated settlements, which are mixed with farmsteads dispersed throughout a predominately rural area.
18. The appeal site is largely occupied by an area of hardstanding to the rear of Red Cat House containing sheds, containers, building materials and vehicles. Although a brownfield site, it is located behind the ribbon of housing on Newbiggin Road and adjacent to the large expanse of woodland and fields to the north, giving it an agricultural character. Beyond the appeal site, the surrounding area is distinctly open and rural with an established pattern of broadly flat agricultural fields, bordered by hedgerows and punctuated by farm buildings and woodland. Although a small cluster of buildings are located nearby, the appeal site is notably detached from the main part of Durdar.
19. The appeal site is set back from Newbiggin Road and development on the land would be partially screened by existing trees and landscaping. Nevertheless, the proposal would result in a significant change in the character of the site and would result in a substantial increase in built form in this location. Such built form would be more readily apparent within the area and would appear in stark contrast to the prevailing landscape character. As a consequence, the proposal would have a harmful effect on the character and appearance of the area.

20. The appeal site is situated in Flood Zone 1 and there are no particular concerns in respect of flooding or drainage. I also note that the appellant would seek to protect the adjacent woodland and that the proposal would not have any harmful effects on highway safety. However, such matters are neutral factors in the balance, rather than benefits.
21. Consequently, whilst the proposal would fulfil some of the economic and social dimensions of sustainable development, the proposal would not fulfil the environmental dimension of sustainable development. Such harms relevant to the environmental role do weigh negatively in the balance of the decision and are sufficiently weighty to significantly and demonstrably outweigh the benefits of the scheme.
22. I conclude, therefore, that the appeal site would not be suitable for housing having regard to development plan policies in relation to the location of new housing and having regard to the principles of sustainable development. The proposal would conflict with Policy HO2 and HO6 of the CDLP and would not constitute sustainable development for which there is a presumption in favour for as set out in the Framework.

Whether the proposal would unacceptably prejudice the delivery of Carlisle South

23. Policy SP2 of the CDLP states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 at a rate of 478 net new homes per annum between 2013 and 2020, and 626 net new homes between 2020 and 2030. The Policy goes on to state that specific sites have been identified within the CDLP, alongside an allowance for windfall developments, to accommodate the majority of growth required.
24. The appellant argues that the Inspector's Report on the CDLP dated July 2015 confirms there was a shortfall in the supply of housing between 2013 and 2015 of 1,131 units which needs to be addressed over the remaining plan period. However, the Inspector concluded that the overall housing requirement figure set out in Policy SP2 would meet the objectively assessed housing needs of the area over the plan period. Furthermore, whilst the housing targets are expressed as a minimum, it is clear from the evidence that there is no shortfall in housing supply.
25. The appeal site lies within the Carlisle South Broad Location for Growth as identified on the Key Diagram. Policy SP3 of the CDLP sets out that Carlisle South is identified as a broad location for growth with a focus on housing. It is indicated that the release and phasing of development will be informed by a masterplan to be contained within a future development plan document (Carlisle South DPD). It goes on to state that piecemeal or unplanned development proposals within the area which are likely to prejudice its delivery will not be permitted.
26. CDLP Policy HO1 states that planning permission will be granted for housing proposals that will deliver the allocations set out within the CDLP and that any unallocated sites that come forward which prejudice the delivery of the strategy will be resisted. The appeal site is not allocated as a site for housing development under Policy HO1.
27. The Council argues that the emerging Carlisle South DPD will highlight the need for individual planning applications to demonstrate how they align with the

future masterplan and how they will contribute towards the delivery of infrastructure. However, the evidence before me suggests that the DPD is at a very early stage of preparation and I am therefore unable to afford it more than limited weight.

28. I note that the delivery of individual housing sites in advance of the master planning process would risk resulting in a series of unrelated housing developments which lack an integrated approach. However, there is no evidence before me that the proposal would not contribute to an identified need to local or wider infrastructure, or indeed that it would represent a constraint on infrastructure or result in additional costs to the Council.
29. Moreover, in line with the advice set out in the Planning Practice Guidance (PPG)¹, there is nothing to suggest that a development of 9 dwellings when considered in the context of the overall housing target set out in Policy SP2 would be so substantial or indeed that its cumulative effect would be so significant, that it would undermine the master planning process for Carlisle South. Whilst there is no shortfall in housing supply, the Framework makes clear its intention to boost significantly the supply of housing and the Council accepts that the figures in Policy SP2 are expressed as a minimum.
30. Consequently, I am satisfied that the proposal would be unlikely to prejudice the delivery of housing development within the Carlisle South Broad Location for Growth. The proposal would not, therefore, conflict with CDLP Policies SP2, SP3 or HO1.

Other Matters

31. The appellant has made reference to two recent approvals by the Council for residential development on two sites within the area. However, I have been provided with limited detail of those cases and cannot, therefore, be sure they are reasonable comparisons to the appeal proposal nor do I have full details of the policy context in which they were determined. In any event, I have determined this appeal on its own merits.

Conclusions

32. I have found that the proposal would not prejudice the delivery of the Carlisle South Broad Location for Growth set out in the CDLP. However, it would nevertheless fail to accord with Policy HO2 of the CDLP in respect of its provisions for windfall housing development, would fail to accord with Policy HO6 in respect of its provisions for housing in the countryside and would not be consistent with the principles of sustainable development as set out in the Framework. Consequently, the proposal would conflict with the development plan when taken as a whole and would not constitute sustainable development in accordance with the Framework.
33. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

¹ Planning Practice Guidance: Paragraph: 014 Reference ID: 21b-014-20140306