

Appeal Decision

Site visit made on 20 February 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/M0933/W/16/3164582

Land at Corner of Arnside Lane, Hale, Cumbria LA7 7BL

- 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 Mrs Jeanette Coates against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0412, dated 29 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all detailed matters reserved for future approval. I have dealt with the appeal on that basis with reference to the site plan and supplementary evidence provided.

Main Issues

3. The main issues of this appeal are:
 - whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas, and;
 - the effect on the character and appearance of the site and the surrounding area, with particular regard to Arnside and Silverdale Area of Outstanding Natural Beauty (AONB).

Reasons

Location and supply of housing in rural areas

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
 5. Policy CS1.1 of the South Lakeland Local Development Framework Core Strategy (CS), adopted October 2010, sets out sustainable development principles, which amongst other things include, protecting the countryside for its intrinsic beauty, directing most development to existing service centres where there is adequate service and infrastructure capacity to accommodate the required levels of development, and minimising the need to travel. The
-

policy also sets out a sequential approach to development, which following the subsequent publication of the National Planning Policy Framework (the Framework) is not consistent with national policy. Nevertheless, the remainder of the policy has similar objectives to the Framework and as a whole, the policy can therefore be attributed significant weight.

6. Policy CS1.2 of the CS consists of the development strategy and includes a settlement hierarchy which seeks to direct new development first to Principal Service Centres, then to Key Service Centres, followed by Local Service Centres and finally smaller villages, hamlets and open countryside. The appeal site lies adjacent to, but outside of the built up area of Hale, which is a small village. Policy CS1.2, amongst other things, seeks to direct approximately 11% of new housing to the network of small villages and hamlets as part of the apportionment of development in South Lakeland, to be derived from the 8,800 dwellings to be built between 2003 and 2025 as set out in the housing requirement within Policy CS6.1. No apportionment is made to sites within the open countryside.
7. Having regard to the above, Policy CS1.2 indicates that no development boundaries will be identified for the smaller villages and hamlets, and that new-small scale infilling and rounding off development will be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets across the District. In addition, Policy CS1.2 states that exceptionally, new development will be permitted in open countryside, with relevant criteria to the proposal before me being where it has an essential requirement for a rural location, is needed to sustain existing businesses or provides for exceptional needs for affordable housing.
8. Policy CS5 of the CS provides the spatial strategy for the east of South Lakeland and makes no specific reference to Hale under the identified settlements, which include smaller villages and hamlets. The policy seeks, amongst other things, to ensure that new development safeguards and enhances the natural environment with notable reference to the Arnside and Silverdale AONB.
9. The policies set out above are broadly consistent with the Framework which seeks to significantly boost the supply of housing in paragraph 47. The Council's strategy, including the approach of Policies CS1.2 and CS5 of the CS, also seeks to meet the objectives of national policy in terms of protection of the countryside. This is reflected in paragraph 17 of the Framework where an overarching principle is recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. In this regard, paragraph 55 of the Framework seeks that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
10. The Framework makes clear that relevant policies for the supply of housing should not be considered up-to-date if local planning authorities cannot demonstrate a five-year supply of deliverable housing sites¹. The appellant has not sought to challenge the Council's view that it can demonstrate a five-year supply of deliverable housing sites, but has emphasised the extent of under-delivery since 2003 as identified in extracts from the South Lakeland Housing Land Position Report at 31 March 2016 (published August 2016).

¹ Paragraph 49

11. With regard to the above, there is no evidence before me that the calculated five-year supply of deliverable housing sites does not include the necessary 20% buffer required by the Framework² to reflect persistent under delivery or that the planned supply up to 2025 could not be met through the approach of Policies CS1.1, CS1.2 and CS5 of the CS. Furthermore, there is no substantiated evidence that the aim of the South Lakeland Housing Strategy 2016 to 2025 to complete 500 new self-build homes during that period could not be met in accordance with the CS or that windfall projections would not be achievable. In such circumstances based on the evidence available to me, paragraph 49 of the Framework and the related criteria in paragraph 14 applicable when a development plan is absent, silent or out of date, are not engaged.
12. The site is located on the opposite side of the road to ribbon development along the northern side of Arnside Lane and is also separated from dwellings to the south and west by the adjacent access road. The adjoining roads serve as a clear boundary to the existing residential development in Hale, providing distinct visual and physical separation to the more rural character of the site and adjoining open land to the north east, east and south east. Consequently, the site relates visually to the open countryside rather than an evident part of the physical confines of Hale. It, therefore, follows that the proposal does not constitute small scale infilling and rounding off development for the purposes of Policy CS1.2 of the CS. The proposal would also not fall within the forms of residential development in the open countryside that are acceptable in principle as listed under Policy CS1.2, as there is no evidence before me that it is needed to sustain an existing business in the rural location or would provide for affordable housing.
13. Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless special circumstances exist. The site lies outside of the village envelope of Hale, but is not isolated from surrounding dwellings. Nevertheless, the lack services and facilities in Hale would require that future occupiers of the dwellings travel further afield for everyday needs such as a convenience store, a post office, schools, a place of worship, childcare, medical facilities and other community services in the nearest key service centre of Milnthorpe, local service centre of Holme, the neighbouring small village of Beetham or alternatively at Carnforth in a neighbouring district which also has a railway station.
14. There is a very limited bus service during the daytime to and from Beetham, Milnthorpe and Carnforth respectively via a 755 bus which stops at the nearby Kings Arms public house. However, the limited service does not run in the early morning or beyond the late afternoon and, therefore, would be impractical to meet everyday needs for services and facilities. An additional 555 bus service which the appellant has drawn to my attention offers a more regular service to Milnthorpe and Carnforth respectively from stops in Holme and runs earlier in mornings and until later in evenings. However, an absence of street lighting and a continuous footpath linking the appeal site to Holme suggests that it is highly unlikely that occupiers of the proposed dwelling would regularly travel to Holme on foot or via bicycle, particularly at night or in inclement weather.

² Paragraph 47

15. In such circumstances, I find it is likely that the proposed development would encourage dependency on private car use. Whilst greater dependency on car use is inevitable in rural locations, the site is less sustainable in transport terms than alternative settlements identified for housing in South Lakeland within the CS. The proposal would not, of itself, generate a large number of traffic movements. However, the cumulative effect of allowing development in locations which encourage dependency on private car use to access services and facilities required to meet daily needs would increase the amount of unsustainable journeys made. Consequently, there would be environmental harm arising from the proposal.
16. There are three dimensions to sustainable development in the Framework: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development. The proposal would offer potential benefits to the social dimension of sustainability in terms of increasing housing supply and choice. The development of the site for residential purposes would also have potential economic benefits to the local area, including the contribution of additional residents to the rural economy and sustaining services in Hale and neighbouring settlements. There would also be temporary economic benefits relating to the construction works associated with the development. However, the extent of these benefits is limited for a development comprising a single dwelling. Consequently, these factors do not outweigh the shortcomings of the development with respect to the site being an unsustainable location in transport terms.
17. In reaching the above findings, I have taken account of a Council decision made in 2014 that the appellant has drawn to my attention whereby planning permission was granted for an infill development in Lunesdale for 2 semi-detached dwellings between a group of dwellings in the open countryside. There are some parallels in terms of the limited services available in that case compared to the proposal before me. However, the location and circumstances of the respective sites are different. In any case, I have determined this appeal on its own merits relative to the evidence before me.
18. Having taken all of the above into account, I conclude that the development would not be consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas. The proposal would, therefore, conflict with Policies CS1.1, CS1.2 and CS5 of the CS and the Framework in that respect.

Character and appearance, including Arnside and Silverdale AONB

19. The site is a plot of land at the corner of Arnside Lane and to the north of an access road which serves a number of properties that are located on its southern side on higher ground. The site gently slopes downward in a north east direction with open countryside / pasture to the northeast and southeast, including small stables in the adjoining field. A ribbon development of houses is located opposite on the north western side of Arnside Lane up to its junction with the A6. The ribbon development also extends up the hillside to the southwest beyond the site along Arnside Lane and also to the north along Back Lane as it leads up the hillside. Hale is characterised by its rural setting and has a range of architectural styles, including dwellings of a rural and suburban appearance of differing type, density, scale and materials. However, due to its

position, the site is viewed separately from the existing dwellings and as part of the open countryside.

20. The site is bound by a dry stone wall and supplementary hedging, except for its access. At the time of my visit, the land had the appearance of a maintained garden and orchard due to the presence of mature trees, modest single storey buildings and other domestic paraphernalia. However, when taking account of a previous enforcement notice served by the Council to prevent residential use of the land, there is no evidence before me that planning permission has been subsequently granted to permit a change of use from agricultural to residential garden. In such circumstances, I can offer little weight to the presence of existing buildings or other structures on the land that are associated with a residential use that has not been confirmed as lawful.
21. The construction of a dwelling would result in built development on a greenfield site. The reserved matters would determine the specific details in terms of layout, scale and appearance of the dwelling. Nevertheless, it is reasonable that the footprint and resultant bulk, scale and massing of a dwelling, together with associated hardstanding and domestic paraphernalia would inevitably lead to a loss of the open character of the land. In this respect, the dwelling would have a significant impact upon the rural character of the site.
22. The loss of views of open countryside would be significantly greater than associated with the modest buildings and structures that exist within the site, irrespective of their status. The change to the character of the site arising from an outlying dwelling would be viewed prominently from Arnside Lane and the A6 at lower levels and also from Arnside Lane and Back Lane in elevated positions. The resultant loss of openness and detrimental impact on the rural character would alter existing views within the Arnside and Silverdale AONB. This would be particularly evident and harmful from northern and western perspectives looking to the south and east respectively, as from those vantage points the dwelling would not be viewed against the backdrop of existing dwellings. Consequently, from those perspectives, the dwelling would appear visually and physically detached from the existing dwellings in Hale.
23. The presence of existing trees and the potential for additional boundary screening or landscaping would not mitigate the detrimental impact on the rural character of the site given the difference in land levels to the northwest, west and southwest. Consequently, the development would appear prominent and out of place relative to the rural character of the site and surrounding fields which make a positive contribution to the setting of Hale and the Arnside and Silverdale AONB. The addition of a dwelling would, therefore, result in significant harm to the character and appearance of the site and its surroundings, including a localised impact on the landscape, scenic beauty and special qualities of the AONB.
24. I conclude that the development would result in significant harm to the character and appearance of the site and the surrounding area, including a localised impact on the landscape, scenic beauty and special qualities of the Arnside and Silverdale AONB. The proposal, therefore, would conflict with Policies CS1.1, CS5 and CS8.2 of the CS. When taken together the policies seek to ensure that development is of a high quality design which maintains landscape character, quality and local distinctiveness, with emphasis upon conserving the AONB. The policies are consistent with the Framework which

attaches great weight to conserving landscape and scenic beauty in AONBs, great importance to the design of the built environment and seeks to promote or reinforce local distinctiveness.

Other Matters

25. The dwelling could utilise an existing access which serves the land. As the access road is lightly trafficked, the existing vehicular access would be a safe and acceptable highway solution for the traffic movements which would arise from the development. I am, therefore, satisfied that appropriate access could be secured as part of the reserved matters. Furthermore, given the separation distance to surrounding dwellings, an appropriate relationship to surrounding dwellings in terms of outlook and privacy could also be achieved as part of the reserved matters of scale, layout, appearance and landscaping. However, the absence of concern in those respects is a neutral factor.
26. The appellant has indicated that the development would consist of a self-build dwelling. However, there is no evidence before me that the land would be appropriately secured by planning obligation to ensure that the dwelling would be constructed as self-build or secured for individuals or associations included on a self-build and custom housebuilding register. I, therefore, can give little weight to the prospect of the development comprising a self-build dwelling or any contribution it could make to any unmet need in that respect.

Conclusion

27. The Framework does not change the statutory status of the development plan as the starting point for decision making. The appeal proposal would be contrary to the development plan policies I have previously referred to when concluding against the main issues, and the resultant harm, including the great weight to be given to conserving landscape and scenic beauty of the Arnside and Silverdale AONB, is not outweighed by the benefits identified and other material considerations.
28. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR