

Appeal Decision

Site visit made on 25 April 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Z0923/W/17/3167373

Westlakes Hotel, Gosforth, CA20 1HP

- 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 & Mrs G Armstrong against the decision of Copeland Borough Council.
 - The application Ref 4/16/2163/001, dated 20 April 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the use of land for the erection of five dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the use of land for the erection of five dwellings at Westlakes Hotel, Gosforth, CA20 1HP in accordance with the terms of the application dated 20 April 2016, subject to the conditions set out below.

Application for costs

2. An application for costs was made by Mr & Mrs G Armstrong against Copeland Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application is made in outline with all details reserved for later consideration.
4. In coming to my decision I have had regard to the recent judgment from the Supreme Court concerning the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14 of the Framework¹.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the countryside and ii) whether the development would have acceptable access to services.

¹ [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

Reasons

Background

6. Policy ST2 of the Copeland Local Plan 2013 (LP) is concerned with the Council's Spatial Development Strategy. It seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location. The appeal site is close to but outside the settlement boundary of Gosforth, albeit that this settlement lies outside the District Council area and within the Lake District National Park. I have not been provided with any evidence to suggest that the proposed development must be sited in this rural location. Accordingly it would be in conflict with Policy ST2.
7. However, whilst the Council has stated in its representations that it is taking various steps to ensure that it is able to provide a five year supply of deliverable housing land, it does not specifically dispute the appellants' point that at this time it cannot demonstrate this level of supply.
8. In such circumstances, paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up to date. Therefore notwithstanding the objectives of Policy ST2 of the LP, in accordance with the Framework, it is necessary for the proposal to be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
9. In terms of promoting sustainable development in rural areas, the Framework is clear that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. It is therefore necessary to consider whether the development would represent an isolated group of homes that would be harmful to the character and appearance of the countryside and would not benefit from acceptable access to services and facilities.

Character and Appearance

10. The Westlakes Hotel is a grand and imposing building, located in a prominent corner position at the junction of the A595 and B5344 roads. Despite its separation from the Gosforth village core by the A595, the scale of the building gives it a strong sense of presence. Combined with its proximity to other buildings around the edge of the village and the recreation ground opposite, the hotel does not give the impression of being physically or visually isolated from the settlement.
11. The appeal site comprises an extensive area of lawn immediately adjacent to the south-west of the hotel and its associated rear wing. The topography of the site undulates, sloping away from the existing buildings to form a central dip, before rising again towards the south-western boundary.
12. The appellant has provided an indicative site layout plan and elevation drawings to demonstrate that the proposed dwellings could be restricted to two storeys in height and sited at a lower ground level compared with the hotel and rear wing. Taking this supporting information into account and from my visit,

where the surrounding landform and extensive boundary planting in place was evident, I am satisfied that the development could be substantially screened in relation to both short and long range views from the south-west along B5344 road. Whilst from longer range the upper parts of some of the buildings would be evident, this would be in the context of the taller more imposing hotel towards which the eye would tend to be drawn in any event.

13. The site would also be well screened from the village recreation ground on the opposite side of the A595 road, due to the presence of the hotel itself and substantial mature planting within its grounds. To the north of the village and west of the A595 there is an east-west bridleway. It would be possible, from this elevated route to gain views of the site. However any views would tend to be limited to fleeting glimpses through field hedges, and even then would be at distance. The visibility of the site would therefore be limited and would be seen as a relatively minor incursion that would not encroach within the skyline or interrupt the quality of long distance views towards the prominent fell landscape to the south-east. I am also mindful that the Lake District National Park Authority consider that the development would not result in harm to the setting of the Park.
14. Drawing the above considerations together, the proposed relatively minor development of the appeal site would have limited visual impact, being contained by the form of the wider landscape and strong boundary planting. It would be in close proximity to the hotel, which as a group of buildings would appear physically well related to the village rather than isolated development in the open countryside.
15. I therefore conclude that the proposal would not result in harm to the character and appearance of the countryside. Accordingly I find that the development would not conflict with Policy ENV5 of the LP or with the Cumbrian Landscape Character Guidance and Toolkit which seek to protect landscapes from inappropriate change.

Access to Services

16. There is no dispute between the parties that Gosforth benefits from a range of day to day services including a village shop, a school and recreational facilities. From my visit it was evident that the appeal site would be within reasonable walking distance of the village, albeit that the route would be substantially unlit and not linked by a completed and formalised footway. It would also necessitate crossing the busy A595 road where there is currently no pedestrian crossing point in place. As such it would not be universally regarded as safe and convenient at all times and third parties have raised highway safety concerns. Notwithstanding this, I note that the Highway Authority has not suggested that a pedestrian crossing should be required or provided evidence that the location is an accident blackspot. The Council has raised no objection to the proposal in principle on highway safety grounds subject to the imposition of conditions.
17. I accept that the convenience of private car use will always be an attraction, especially in more remote rural areas such as this. However I consider that the appeal site is in a location where the nearby village could be accessed on foot with reasonable ease. Accordingly a realistic sustainable transport choice is available which would allow for access to a range of essential services without needing to be totally dependent on a private car therefore helping to reduce

the need for travel. I conclude that the development would have acceptable access to services.

Other considerations

18. The development would also result in some job related benefits and support to businesses associated with the construction of the dwellings; would increase, to a limited degree, the range and choice of housing on offer in the area and future occupiers of the houses would, in all likelihood, increase expenditure in the local economy, albeit that these benefits would be limited due to the small scale of development involved.
19. Irrespective of whether the appeal site should be regarded as falling within the classification of previously used land, I have found that the proposal would be consistent with wider sustainability objectives. Whilst recognising that the Council seeks to prioritise development in the main towns where there is previously developed land and infrastructure capacity, for the above reasons I do not find conflict with Policy ST1 of the LP which seeks to set out the Council's strategic development principles. The development would also conform with Policies SS1, SS2 and SS3 of the LP which seek to generate sustainable housing growth and the delivery of a range and choice of quality homes. As previously acknowledged, the development would conflict with policy ST2 of the LP. However in the absence of a demonstrable five year land supply and given the aforementioned considerations, the location of the site outside a defined settlement boundary would not significantly and demonstrably outweigh the benefits I have identified above.

Other Matters

20. Some concerns have been raised by third parties. I have not been provided with any information to suggest that the development would interfere with the route of a proposed cycleway. The site is not in agricultural use and would not therefore result in the loss of valuable agricultural land.
21. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.

Conditions

22. I have considered the conditions suggested by the Council. Conditions requiring submission of all reserved matters, time limits for commencement of the scheme, compliance with approved plans and details of finished levels are required to protect the character and appearance of the area and to secure a satisfactory form of development. A condition requiring drainage details is required to ensure the satisfactory drainage of the site.
23. Conditions controlling the details and completion of visibility splays; turning and parking arrangements and the carriageway and footways are required in the interests of highway safety.
24. I have made alterations to and amalgamated the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in Planning Practice Guidance.

Conclusion

25. For the above reasons I conclude that the proposal would amount to the sustainable development for which there is a presumption in favour as set out in the Framework.
26. Therefore, having had regard to all other matters raised, I conclude that the appeal should succeed and planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 16020-00; 16020-01.
- 5) No building hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) The carriageway and footways shall be designed and lit to a standard suitable for adoption in accordance with details to be previously agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development.
- 8) No development shall commence until visibility splays have been constructed in accordance with details to be previously agreed in writing by the local planning authority. The visibility splays shall be retained thereafter.
- 9) No dwelling shall be occupied until space has been laid out within the site for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear, in accordance with details to be previously agreed in writing with the local planning authority. That space shall thereafter be kept available at all times for those purposes.