
Appeal Decision

Site visit made on 5 July 2017

by B Bowker Mplan MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/M0933/W/16/3165777

The Copper Dog, Leece, Ulverston, Cumbria LA12 0QP

- 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 Alan Grove against the decision of South Lakeland District Council.
 - The application Ref SL/2015/1153, dated 7 December 2015, was refused by notice dated 22 June 2016.
 - The development proposed is re-submission of previous planning application SL/2104/0794 for demolition of the former pub and the erection of 5 detached houses, including one garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Alan Grove against South Lakeland District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Following the determination of a prior notification for demolition¹, the Council no longer seek to defend their reason for refusal relating to the loss of the public house. Furthermore the appellant has submitted additional highway information as part of the appeal. Based on the additional information, the Council no longer object to the proposal on highway safety grounds.
4. Based on all I have seen and read, I have no reason to disagree with the Council's acceptance of the above matters. Consequently my determination of the appeal focuses on the main issue below.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

6. The appeal site is located to the northeast edge of Leece and comprises a vacant public house with associated vehicular parking and outside drinking area (not permitted). The public house is sited on open land above Hillside and the

¹ Council Ref SL/2017/0205

building gradually reduces in height from west to east terminating at an attached conservatory. Hard Knotts Lane runs across the site frontage before gradually increasing in height and continuing in a northeast direction. The site is surrounded by open fields to the north, east and south.

7. For planning purposes the site is located in the open countryside as defined by the Council's Core Strategy Local Plan (CS). Of relevance, CS Policy CS1.2 allows for new small scale infilling and rounding off for settlements such as Leece which do not have a development boundary. With reference to the definition of 'previously developed land' in annexe 2 of the National Planning Policy Framework (the Framework) I agree with the appellant that the proposed dwellings would be sited on brownfield land.
8. As the public house would be demolished, I also agree with the Council that plot 1 cannot be regarded as infill development for the purposes of Policy CS1.2. In my view, it is the public house itself and not the adjoining open vehicular parking area that forms the clear distinction between the site and open countryside. Furthermore as the public house already completes the local road pattern and clearly defines the boundary of the site, I cannot agree that plot 5 is required to ensure compliance with the policy. Consequently, irrespective of being a brownfield site bounded by a fence, the proposal cannot be considered as rounding off as set out in section 2.24 of Policy CS1.2. Moreover, the Council's fundamental concern with the proposal relates to character and appearance.
9. Plots 4, 5 and the proposed garage would significantly extend the built form of the site further east and closer to the open countryside. In addition, despite being set back from the road and including gaps between each dwelling, owing to the similar height, roof shapes and the linear layout proposed, the combined mass of the five dwellings would have a significant and intrusive impact when viewed from the north east. Whilst not of high architectural merit, the existing simple and modest public house is rural in character and steps down in height towards the open countryside. In contrast, the proposal would be larger in scale and extend further east towards the countryside.
10. Despite the building footprints and materials proposed, the proposal would be prominent when viewed from the initial north east section of Hard Knotts Lane bounded by metal fencing and would be glimpsed above the remaining section bounded by hedgerow. Views from these vantage points would be particularly noticeable for drivers and cyclists when approaching Leece from the north. In this respect, the proposal would comprise an intrusive and elongated ribbon form of development uncharacteristic of the area.
11. In reaching this view I have taken into account that the proposal would be similar to two storey detached dwellings with front gardens within Leece. However, in contrast, the appeal site occupies a prominent and elevated edge of settlement location. In such circumstances additional landscaping would not fully mitigate the harm identified above. Nor does the Council's acceptance of the principle of redevelopment at the site prevent the harm identified above.
12. It is put to me that the appeal proposal would not cause back land development and would be a better design compared with a previous proposal² at the site. However, whilst no concern was raised regarding detailed design,

² Council Ref SL/2014/0794

the Council included character and appearance as a reason for refusal in determining the previous proposal. Furthermore, whilst there are some similarities in elevational details, both proposals are materially different in design. Moreover, the Council's approach to the previous proposal does not justify or reduce the harm I have identified above.

13. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to CS Policies CS1.2, CS8.2 and CS8.10. Insofar as they relate to this matter these policies seek to ensure that development protects the character of a settlement.

Other Matters

14. A number of benefits are associated with the proposal which includes its support to construction employment, local business, and revenue via Council Tax and the New Homes Bonus. The proposal would also provide market housing. Whilst no harm has been identified in relation to highway safety or protected species, an absence of harm can only be considered as neutral factors in the planning balance.
15. However, the moderate weight afforded to the combined noted benefits would be outweighed by the harm identified in relation to the character and appearance of the surrounding area.
16. The appellant challenges the Council's ability to demonstrate a five year supply of housing land. Based on the evidence before me, I have no reason to question the Council's ability to demonstrate a five year supply of housing land.
17. However, even if I were to conclude that there is a shortfall in 5 year supply as suggested by the appellant and that policies relevant for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission identified in the main issue above would significantly and demonstrably outweigh the moderate benefits arising from the proposal.

Conclusion

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR