
Appeal Decision

Site visit made on 3 July 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 27th July 2017

Appeal Ref: APP/M0933/W/17/3173135
Frosthwaite Farm, Sizergh, Kendal LA8 8DY

- 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 N Mitchell-Hunter against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0920, dated 23 September 2016, was refused by notice dated 12 January 2017.
 - The development proposed is residential development (2 dwellings).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs N Mitchell-Hunter against South Lakeland District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis treating the plan which shows a site layout and access as indicative.
4. The appellant has raised concerns regarding the Council's handling of the case, including the lack of opportunity to discuss matters and delays in determining the application. These are matters that would need to be pursued with the Council in the first instance, and have been referred to in the claim for costs. In determining the appeal I have only had regard to the planning merits of the case.

Main Issue

5. The main issue in the appeal is whether or not the proposed development would harm the settlement pattern for the area in the light of development plan policy.

Reasons

6. The appeal site forms part of an agricultural field associated with Frosthwaite Farm. The field lies to the west of the farmhouse, and abuts the road running through the settlement. Sizergh is a relatively dispersed settlement with houses situated along the road, separated by areas of agricultural land. In

the immediate vicinity of the site there are 4 roadside cottages to the north of the site, and a further 3 to the south, located on the triangular plot of land formed by the forked junction with the road to Levens. Adjacent to the farmhouse, 7 dwellings have been formed from former agricultural barns.

7. In order to deliver sustainable development and communities Policy CS1.2 of the *South Lakeland Core Strategy (adopted October 2010)* (SLCS) seeks to direct the majority of development to Principal, Key and Local Service Centres. However, it recognises that approximately 11% of new housing and employment development will be in the network of smaller villages and hamlets. The policy indicates that development boundaries will not be identified for these smaller villages and hamlets, but that development should take the form of infilling and rounding off development.
8. What constitutes a 'smaller village' or a 'hamlet' is not defined in the SLCS, and it is disputed by the parties whether Sizergh is a hamlet or not. The appellant considers that the number of houses together with the nearby hotel and garden centre mean that it is a hamlet. In support of this they highlight that Sizergh was called a hamlet in the Levens Parish Plan (2008), and also by the Council when granting permission for a replacement building at the farm in 2014.
9. The Council have stated that they consider a hamlet would generally have at least 10 dwellings in contiguous clusters, without significant open land between them, and that it would also have a community hub such as a church, village hall, green, shop or public house. They also highlight that Sizergh is not identified as being a small village or hamlet on Figure 6 (page 20) on the SLCS. As such they consider that Sizergh is not a hamlet and so the site lies within the open countryside.
10. However, even if the appellant's argument that Sizergh is a hamlet were accepted, to accord with Policy CS1.2 of the SLCS the development should either be 'infilling' or 'rounding off'. Both of these are defined in the SLCS, with infilling stated to be "building taking place on a vacant plot in an otherwise built up street frontage", and rounding off being "the completion of an incomplete group of buildings on land that is already partially developed, in such a way that will either complete the local road pattern or finally define and complete the boundaries of the group." It then goes on to highlight various criteria that 'rounding off' should not do.
11. The appeal site fronts onto the road. To one side lies the long rear gardens of No 6 and 7 Dove Cottages, which front onto the former farmyard area of the farm, rather than the road. To the other side of the site would remain part of the field which contains a small copse which includes an attractive semi-mature beech tree. Beyond the copse lies a row of 4 cottages. Therefore, given that the site lies between a copse and the rear gardens of properties that do not front the road, I consider that the site does not form part of an otherwise built up street frontage.
12. Moreover, in contrast to the road frontages of other houses in the area which were generally quite limited, the site has a very long road frontage. As such its development for 2 houses would create plots with uncharacteristically long road frontages. As the land was obviously used for the grazing of animals, it

would not appear to be vacant either. These conclusions add to my view that the site does not represent a vacant plot within an otherwise built-up street frontage. As such, I consider that the site does not represent infilling.

13. In terms of 'rounding off', the site is not land that is already partially developed, nor would its development represent the completion of an incomplete group of buildings. In addition, the development would leave a plot of land between it and Gaydon Cottage, which might be considered to be an infill plot, particularly as the evidence does not indicate that any of the trees on it at present are protected. Therefore the development would leave undeveloped areas where pressure for future development is likely to occur, which would be contrary to one of the criteria of what 'rounding off' should not achieve given in the SLCS definition. Therefore, the proposal would not represent 'rounding off'.
14. Therefore, even if Sizergh were a hamlet, as the proposed development would be neither infilling or rounding off, it would not accord with requirements for new development within such settlements.
15. Policy CS6.4 of the SLCS indicates development that does not constitute infilling or rounding off in smaller villages and hamlets may be allowed if provides 100% affordable housing. However, it is not part of the appellants' case that this would be the situation here. Nor has it been argued that it would meet any other criteria set out in Policy CS1.2, or in paragraph 55 of the National Planning Policy Framework, which allow new development in the open countryside in special circumstances.
16. Consequently, I consider that the proposed development would not accord with the settlement pattern for the area, and so would conflict with Policies CS1.2 and CS6.4 of the SLCS outlined above.

Conclusion

17. For the reasons set above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR