
Appeal Decision

Site visit made on 12 December 2017

by Katie McDonald MSc MRTPI

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

Decision date: 11 January 2018

Appeal Ref: APP/Z0923/W/17/3181546

Land adjacent, Music Farm Lodge, Grange Brow Farm, Grange CA22 2PG

- 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 Tom Tyson against the decision of Copeland Borough Council.
 - The application Ref 4/16/2429/0F1, dated 28 November 2016, was refused by notice dated 20 February 2017.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposed dwelling would be in a suitable location having regard to local policies concerned with housing in rural areas and, if harm arises, whether this is outweighed by other material considerations.

Reasons

3. The proposal is for a 3 bedroom bungalow with attached garage that would be located within a very small collection of dwellings outside of any settlement. It would be accessed from a rural lane that, based on observations from my site visit, features no pavements, bus stops or street lights. The surrounding area is intrinsically rural with an open landscape, interspersed with farms and sporadic dwellings.
4. Policy ST2 of the Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies DPD (December 2013) (DPD) sets out that it will restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location. The erection of a dwelling does not fall within the exceptions set out for housing.
5. There are 4 other dwellings in close proximity to the site. However, the site is located some distance away from any identified settlement, bus route or roads with pavements. Therefore, owing to the fundamentally rural location, on a day to day basis, I do not consider that it would be readily accessible by any other means than a private vehicle.
6. Thus the proposal would be in conflict with Policy ST2 of the DPD, which seeks to concentrate development in the most sustainable locations, being the Borough's settlements. I have also had some regard to the Council's Interim

Housing Policy as a material consideration, although I note that this is of limited weight as it appears to have not been through any formal consultation.

7. Therefore, when judged against the development plan policies, the proposal would not be in a suitable location. Permitting it would be harmful in that the strategy for the distribution of housing would be undermined and as car borne travel would be encouraged.

Other considerations

8. The Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances paragraph 49 of the National Planning Policy Framework (the Framework) establishes that relevant policies for the supply of housing should not be considered up-to-date. In turn, the test in the fourth bullet point of paragraph 14 of the Framework applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. There would be a conflict with the relevant development plan policies. Additionally, the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework. The Framework also seeks to make the fullest possible use of public transport, walking and cycling.
10. It is asserted by the appellant that the site is not isolated. However, whilst the site is located near to other dwellings and may well 'round off' development, this collection of dwellings does not form a settlement or village. Furthermore, the proposal would be a private market dwelling and would not support services in a nearby village. Thus, I consider the location is isolated for the purposes of paragraph 55 of the Framework, which indicates that new isolated homes in the countryside should be avoided.
11. It is contended that the proposal would enable the appellant's to re-locate from their current house to the rear of the site. The current house is attached to a music studio and small manufacturing business run by the appellant. Should the business be sold in the future, the appellant would need to re-locate as the dwelling and business appear to be physically linked. However, based on the evidence before me, the business is not up for sale. Moreover, the business, which appears to be well established employing full and part time staff is owned by the appellant; and its sale would be a matter in control of the appellant. Furthermore, should the business be sold, I have been presented with little substantive evidence why it would be necessary for the appellant to live in this specific location, or that there is no alternative accommodation nearby. Therefore, I attach this matter little weight.
12. The appellant also details that planning permission for a small warehouse was granted on the appeal site, but has not been constructed due to ill health. I have no specific details of the warehouse but the appellant claims it would have a greater visual impact than the proposal and would result in more traffic. However, at the current time, the warehouse has not been constructed and there is little physical development at the site. Furthermore, the warehouse was considered necessary in order to allow for the continued viability of the existing business. This proposal is for a market dwelling that I have concluded would be in an unsuitable location having regard to development plan policies. Consequently, I find there are significant differences between the

developments and I can only attach very limited weight to the warehouse permission as a fall back.

13. I have very limited information about other developments in Wilton, and each proposal must be considered upon its own merits.

Conclusions

14. Even taking account of the national objective of boosting significantly the supply of housing and the Council's housing land supply position, there is direct conflict between the proposal and Policy ST2. The aims of Policy ST2 accord with the Framework in that it seeks to direct development to the most sustainable locations and thus should be given significant weight in this appeal.
15. Furthermore, set against the harm identified to the environmental dimension of sustainability, there would be very limited social and economic benefits associated with the proposal. An additional dwelling would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant. I also attach little weight to the material considerations outlined by the appellant.
16. Consequently the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the modest benefits. As a result the proposal would not be sustainable development.
17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Katie McDonald

INSPECTOR