



Appeal Decision

Site visit made on 21 February 2018

by D R Cullingford BA MPhil MRTPI

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

Decision date: 17 April 2018

Appeal Ref: APP/M0933/W/17/3187536

Box Tree Barn, Cinderbarrow, Levens, Kendal, Cumbria, LA8 8NZ

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mrs Julie Marsh against the decision of the South Lakeland District Council.
 - The application (ref: SL/2017/0306 and dated 4 April 2017) was refused by notice dated 2 June 2017.
 - The development is described as an outline application for the 'construction of a new single dwelling'.
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Decision

1. I dismiss this appeal.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposal would constitute 'infilling' or 'rounding off' within the hamlet of Cotes under policy CS1.2 of the adopted Core Strategy or be warranted to meet a requirement envisaged as an exception to the severe restraints normally applicable on development within the open countryside under policies CS1.2 and CS6.4.

Reasons

3. Box Tree Barn is an attractive stone cottage with a small gravel courtyard sheltering behind roadside walls. It stands amongst the straggling collection of cottages and farmsteads that form the hamlet of Cotes, itself roughly 300m north of the development boundary around the village of Levens. And, like many other dwellings here, the appeal property stands above the banks at the edge of the Lyth Valley extending across the flat fields to the west. The proposal envisages a substantial dwelling straddling those sloping banks and positioned behind the existing roadside cottages, gardens and sheds well to the north of Box Tree Barn. A driveway is indicated along the top of the bank and immediately behind the roadside gardens emerging beside the flank wall of the appeal property on to a new access created through the roadside stone walls.
 4. The statutory policies cited above impose simple tests in relation to this scheme. The proposal would not constitute 'infilling' because it would not fill a small gap (or vacant plot) in an otherwise built-up frontage. On the contrary, the site lies behind, rather than within, the frontage that exists here and, although a similar distance from the rural road to some of the
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dwelling at Cinderbarrow Farm (to the north), the pattern of development there is quite different having evolved from an original farm complex. Nor could this scheme be described accurately as 'rounding off' development. On the contrary, it would intrude into the countryside beyond the evident natural edge to the hamlet here and, in cascading down these sloping banks, serve as a particularly incongruous example of such intrusive development. The awkward access arrangements would accentuate those harmful effects, the proximity and configuration of the driveway impinging on the amenities at Box Tree Barn and the destruction of the stone roadside wall detracting from the street scene. Moreover, the proposed dwelling would not be associated with any activity or business requiring a rural location nor would it meet an exceptional need for affordable housing. The scheme would thus contravene policies CS1.2 and CS6.4 of the adopted Core Strategy and, as a consequence, fail to constitute sustainable development under policy CS1.1 or the Framework (NPPF).

5. I have considered all the other matters raised. I am afraid that I consider that the planning permissions cited fail to serve as precedents for the appeal scheme. They either relate to plots that more clearly entail 'infill' or 'rounding off' proposals, or they involve development on an allocated site actually within the village of Levens, or they are associated with the provision of a village hall, also on an allocated site. The distinction is plain. Hence, I find neither those, nor any other matter raised, sufficiently compelling to alter my conclusion that this appeal should be dismissed.

David Cullingford
INSPECTOR