



Appeal Decision

Hearing Held on 25 April 2018

Site visit made on 25 April 2018

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal Ref: APP/E0915/W/17/3181412

Land north of Hurley Road and east of Little Corby Road, Little Corby, Carlisle, Cumbria CA4 8QY

- 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 Bond Dickinson (Trust Corporation) Ltd, R Hutchinson, D J Nelson (c/o JS North Lewis) and North Associates against the decision of Carlisle City Council.
 - The application Ref: 16/0318, dated 8 April 2016, was refused by notice dated 10 February 2017.
 - The development proposed is outline planning permission for residential development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is for outline planning permission with matters of access for consideration now; with scale, appearance, landscaping and layout being reserved for later approval. To the extent that any of the submitted plans touch upon any of the reserved matters, they shall be treated as providing illustrative detail only.

Main Issues

3. The main issues are:
 - i) whether the proposed site is suitable for development, in the light of Local Plan policies;
 - ii) whether the proposal would be appropriate in regard to the scale, form, function and character of the Hurley Road settlement; and
 - iii) whether the proposal would prejudice the deliverability of Site R18 – Land to the south of Corby Hill/Heads Nook Road as allocated within the Carlisle District Local Plan.

Reasons

Suitability for development

4. Approximately 1.55 hectares of the appeal site is allocated for housing within the Carlisle District Local Plan 2015-2030 (the Local Plan). The allocated site,

- referred to as R17 – Warwick Bridge/Little Corby (R17) has an indicative yield of 45 dwellings. The appeal site would extend to approximately 5.62 hectares and would have a maximum yield of 89 dwellings.
5. Following examination, the Local Plan was adopted in November 2016. As part of the examination process proposed housing sites were assessed following a Strategic Housing Land Availability process, alongside an assessment of alternative sites and in regard to Sustainability Appraisal principles. It is noted that no additional housing allocation sites were included by the Inspector conducting the Local Plan examination.
 6. The proposed appeal site would almost double the number of dwellings in comparison to allocated site R17. Given the location of the additional dwellings outside of site R17, the two sections of the proposed site are defined as windfall development. Furthermore, the two sections of the appeal site outside of R17 are also located within open countryside.
 7. In order to meet housing demand, the Council are keen to encourage new developers into Carlisle. However, taking into account commitments and allocations, the Council can demonstrate a supply of specific deliverable sites sufficient to provide a five year housing land supply. Confirmation by the Council was provided during the Hearing that should site R17 not progress, a five year housing land supply would still be achievable.
 8. The appellant asserts that the justification for the larger site relates to the fact that, in isolation, site R17 is currently undeliverable due to two main factors. Firstly, that the proposed access onto Little Corby Road does not have provision for a footway. As such, pedestrians would be required to walk on the carriageway. Secondly, that pedestrian access onto Little Corby Road from Hurley Road would involve the use of a section of footway passing the existing substation. The ownership of this parcel of land is not within the control of the appellant. Furthermore, the ownership of this parcel of land cannot be confirmed despite a number of attempts to ascertain the information.
 9. It is contended by the appellant that the appeal site and in particular the proposed vehicular and pedestrian access from the A69 and the additional pedestrian and cycle access provision onto Hurley Road, as depicted on the submitted Feasibility Layout plan¹, would overcome this issue.
 10. From evidence contained within the transportation and highways report commissioned by the Council², the limitation of access onto Little Corby Road is acknowledged. Nevertheless the findings conclude that, along with the formalisation of the pedestrian route between Little Corby Road to Hurley Road, it would be feasible for up to 45 dwellings to be served from an access onto Little Corby Road.
 11. From observations made during both the site visits, I accept that Little Corby Road is narrow in places and currently does not have suitable provision for pedestrians. However, no substantive evidence has been submitted which leads me to doubt the validity of the findings of the Council's transportation and highways report. I therefore consider that site R17 is currently deliverable, subject to the required highway improvements.

¹ Drawing Number: SK-02

² Modal Group Ltd Report date 12 October 2016

12. From the submitted evidence, there are clearly sites allocated within Little Corby and the surrounding areas in accordance with the Local Plan strategy. Furthermore, there is insufficient information before me to demonstrate a special need for the 89 dwellings in this location.
13. To diverge from the Local Plan strategy without adequate justification would be to undermine its aims. Although new housing may be desirable, there is no evidence in the appeal of any shortage of housing or other particular circumstances justifying such a departure from the set development limits.
14. As no significant material considerations have been advanced of a sufficient weight to justify a departure from Local Plan policy, the proposal fails to comply with Policy with SP2 of the Local Plan. I take into account Policy SP2, which states that alongside the identification of specific housing sites, an allowance for windfall development is necessary to accommodate the levels of growth required within Carlisle. However, development within the open countryside will be assessed against the need to be in the location specified and I find no compelling evidence in this regard.

Hurley Road settlement

15. Policy HO2 of the Local Plan confirms that new housing development on sites other than those already allocated will be acceptable within certain locations. However, such development must not prejudice the delivery of the spatial strategy of the Local Plan. In addition, development must be of an appropriate scale, enhance or maintain the vitality of the community and should not lead to an unacceptable intrusion into the open countryside.
16. The proposal would not be developed beyond the existing hedge line which runs in a north-south direction. Accordingly, the proposal would appear visually contained and would not represent a significant intrusion into the surrounding open countryside.
17. The existing Hurley Road settlement, which would be adjacent to the proposed site, consists of approximately 120 dwellings. It is acknowledged that when combined the wider settlements of Warwick Bridge, Little Corby and Corby Hill have a significantly larger number of dwellings than the Hurley Road settlement.
18. Nevertheless, given the location of the proposed site, it would be seen in context with the Hurley Road settlement. As such, an additional 89 dwellings would represent almost a 75% increase in dwellings when compared to the Hurley Road settlement. Policy HO2 of the Local Plan does not stipulate that windfall sites cannot be located next to allocated housing sites. Nor is Policy HO2 explicit on the scale of windfall development. Nevertheless, the proposed scale of the development would be a significantly large addition in terms of dwelling numbers.
19. From both the submitted evidence and discussions undertaken during the course of the Hearing, the proposed access onto the A69 is considered appropriate. There is no substantive evidence before me which leads me to doubt the operational safety and appropriateness of the proposed access.
20. However, it is noted that only one access into the Hurley Road settlement is proposed. This access would be located between plots 87 and 88 and would provide pedestrian and bicycle access only. Consequently whilst adjacent to

the Hurley Road settlement, the proposal would appear as a physically separate entity, with limited opportunities for integration with the existing settlement.

21. The provision of an additional 89 dwellings would result in future occupiers utilising existing services and facilities. As such, I accept that the proposal would assist in maintaining the vitality of the existing settlements by helping to sustain, and potentially develop, local services and facilities.
22. Despite this the majority of dwellings in proximity to the proposed site are located to the north of the A69; with most services and facilities being sited to the south. Accordingly, and as observed during both the site visits, a clear physical division would exist between the location of dwellings and services and facilities required for daily living.
23. Consequently, the introduction of an additional 89 dwellings located to the north of the A69 would not only represent a disproportionate addition in terms of dwelling numbers but due to its scale, location and lack of integration with the existing built fabric would also act to further imbalance the village of Little Corby, detracting from its established character of the settlement. It therefore follows that the proposal is contrary to Policy HO2 of the Local Plan.

Deliverability of Site R18

24. Site R18 is allocated within the Local Plan for housing development and is located on land to the south of Corby Hill/Heads Nook Road. This site is approximately 1 hectare and has an indicative yield of 30 dwellings. In comparison to the proposed appeal site, R18 lies to the south of the A69. R18 is therefore considered of strategic importance in terms of the re-balancing of the village of Little Corby.
25. Concern has been raised by the Council that, in combination with a relatively slow build out rate within the locality, the proposed appeal site would prejudice the ability of R18 to come forward in a timely fashion. The failure of site R18 would significantly impact on the deliverability of the housing strategy within the recently adopted Local Plan.
26. Given the proposed scale of R18, and the significant overheads faced by national, large scale developers, it acknowledged that R18 is likely to be a viable or attractive option to smaller, independently owned developers.
27. In addition, due to the difference in the proposed numbers of dwellings, both sites are likely to offer different products, with varying pricing structures. Accordingly, it is considered that site R18 would be seen as complementary to the larger development at R17.
28. Whilst the concerns of the Council are noted, no substantive evidence has been provided confirming how the delivery of the larger site at R17 would result in R18 appearing as an unattractive option. It is not therefore considered that the delivery of site R17 would result in a significant delay, or even failure, of site R18 to come forward in a timely fashion. Thus it follows that the proposal does not conflict with Policies HO1 and HO2 of the Local Plan. When taken together these policies seek, amongst other things, to ensure that new housing development does not prejudice the delivery of housing targets contained within the Local Plan spatial strategy.

Other Matters

29. Both parties agree that the site lies within the setting of Little Corby Hall which is an early 18th Century Grade II listed building. It is noted that the Council considered that the proposed SUDs pond would not be inappropriate in this location in principle, and would not harm the setting of Little Corby Hall, subject to details at reserved matters stage. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 outlines the statutory duty in relation to the preservation of listed buildings which includes preservation of its setting. However, as the appeal is failing on other grounds it is not considered necessary to examine this matter in any further detail in this instance.

Conclusion

30. The appeal proposal would not prejudice the deliverability of allocated site R18. However, the proposal would result in the introduction of up to 89 dwellings with associated infrastructure, with approximately 44 of the dwellings being outside allocated housing site R17. This would be in a location that the Local Plan recognises as open countryside with no special need identified. The proposal would also clearly conflict with the Local Plan and would undermine its spatial strategy. In the absence of any convincing evidence to justify a departure from policy it therefore follows that the appeal should fail.
31. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

Helen Cassini

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dave Miller WYG

FOR THE LOCAL PLANNING AUTHORITY:

Garry Legg Carlisle City Council

Richard Wood Carlisle City Council

Fiona Kenmare Carlisle City Council

Stephen Daniel Carlisle City Council

INTERESTED PERSONS:

Robert Smith Local Resident

George Little Local Resident

Raymond Tinnion Carlisle City Council Councillor