
Appeal Decision

Site visit made on 7 June 2018

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 28 June 2018

Appeal Ref: APP/H0928/W/18/3197315

Croft House, Bradley on the C3009, Ousby, Penrith CA10 1QB

- 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 John Hunter against the decision of Eden District Council.
 - The application Ref 17/0728, dated 17 August 2017, was refused by notice dated 15 December 2017.
 - The development proposed is demolition of existing lean-to agricultural shed and erection of a single dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site, in principle, is a sustainable location for the proposed development.

Reasons

3. The appeal site comprises a plot of previously developed land adjacent to Croft House. The proposal would create a single new dwelling, following the demolition of the existing outbuilding.
4. The National Planning Policy Framework (NPPF) sets out, in paragraph 47, that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. In the event that an authority cannot demonstrate a five year supply, paragraph 49 of the NPPF states that the relevant housing policies should be considered out of date.
5. Where such policies are out of date, NPPF paragraph 14 provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The Council confirms that it is only able to demonstrate a 3.33 year housing supply. In view of this shortfall, the contribution of one dwelling, however modest, must be given weight.
6. Paragraph 55 of the NPPF states that local authorities should avoid new isolated homes in the countryside, unless special circumstances exist, none of which would apply to the appeal proposal. In this particular instance, the proposed new dwelling would be close to existing residences in the hamlet, and would therefore not be 'isolated' in the sense of being remote from other

- development. However, Policy CS1 of the Eden District Council Core Strategy Development Plan Document (2010, CS) seeks to ensure that development will minimise the need to travel, and encourage any journeys that remain necessary to be possible by a variety of sustainable transport modes.
7. CS Policy CS2 seeks to focus new development in key and local service centres. In smaller villages, hamlets and the open countryside, development will be limited to that meeting an identified local need. CS Policy CS7 provides that the needs of local people requiring housing outside of key service centres may be addressed by the imposition of local occupancy clauses, where all of the stated criteria are met. However, although the appellant states that the new house is primarily intended for his daughter and her family, he confirms that no occupancy restriction is proposed.
 8. Whilst CS Policies CS2 and CS7 are rendered out of date by the lack of a five year housing land supply, they are generally compliant with the aims of the NPPF in terms of placing housing in sustainable locations, taking need into account, and so they are to be given significant weight.
 9. The emerging Eden Local Plan (LP) has reached an advanced stage towards adoption, and so the emerging policies are to be given significant weight. LP Policy LS1 identifies Ousby as a smaller village/hamlet, where development of an appropriate scale on previously developed land will be permitted to support the development of diverse and sustainable communities. However, the appeal site is within a hamlet which the Council considers to be in the open countryside, as it is too small to fall within the definition of a defined smaller village or hamlet. From the evidence before me, I have no grounds on which to take a different view.
 10. The site lies approximately 0.96km from the village centre, whose facilities include a public house, a play area, and access to a bus service that runs four days a week. There is no access to public transport within the hamlet, and so it is necessary to consider the accessibility of the site by walking and cycling.
 11. A walk of 0.96km would fall within acceptable parameters. However, the distance in itself is only one factor to be considered. I observed on my visit that the road from the centre of Ousby to the appeal site is lightly trafficked, and that the land is generally level. However, it is a narrow road whose speed limit is 60mph, with little footpath provision or street lighting. These factors would be significant deterrents to anybody wishing to walk to the centre of Ousby on the main road on a regular basis, and would be unsuitable for the disabled, or parents with children. After dark, or in poor weather, this route would be prohibitively dangerous to pedestrians.
 12. A distance of 0.96km to the village is well within acceptable limits for journeys by bicycle, as would be the journey of around 4km to Langwathby railway station. However, given the road conditions outlined above, and the lack of a dedicated cycle lane to these locations, I am unconvinced that cycling would be an attractive option throughout the year, and in various weathers, for regular and sustained trips to access employment and other facilities.
 13. Drawing these factors together, I therefore consider that future occupiers would not regularly use sustainable modes of transport to access local facilities. Instead, it is highly likely that they would be reliant on the use of the private car to satisfy the majority of day-to-day needs. I therefore conclude that the

appeal site would not, in principle, represent a sustainable location for the proposed development. The proposal would therefore conflict with the aims of CS Policies CS1, CS2 & CS7, LP Policy LS1, and the aims of the NPPF.

14. The development would reuse a brownfield site, which is in its favour. The construction phase of the dwellings would also make a contribution, albeit limited, to local economic activity, future residents would potentially support the facilities referred to above, and the appellant also refers to revenue from Council Tax and the New Homes Bonus. The development would therefore provide some modest social and economic benefits.
15. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst the proposal would provide some benefits in terms of the economic and social dimensions of sustainable development, I have found that the appeal site would not be a sustainable location for development. Therefore, although the area has an undersupply of housing sites, I conclude, with regard to paragraph 14 of the NPPF, that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
16. The appellant contends that the same principles apply to an appeal decision¹ allowing up to five dwellings at land opposite Ivy House, Ousby. The full details of that case are not before me. However, that site is described as being centrally located within the village, and the Inspector indicates that there are services close by, including the public house and the play area. She refers to the bus service, which does not appear to be at a significant distance from the appeal site. These details alone lead me to conclude that the circumstances of that scheme are materially different in terms of access to services without the use of the car. As a result, I can afford limited weight to this decision in my consideration.

Other Matters

17. I note that the new dwelling would provide independent living for the appellant's family members within the context of a close family support network. However, this would be a private benefit that can be afforded little weight in planning terms.
18. The Council has raised no concerns in terms of the design of the new dwelling, or its impact on the setting of the adjacent Area of Outstanding Natural Beauty, and I agree with that position. The existing barn on the site appears to be of a traditional design, with later lean-to additions. Whilst the building and yard area are of a utilitarian appearance, they are not out of keeping within the rural surroundings. Therefore, I consider that the replacement of the barn would have a neutral effect, as would the proposed garden landscaping. The appellant contends that if the barn was to be demolished, the resultant gap would have an adverse visual effect. However, the vacant space would largely be hidden from view behind a high boundary wall, and I consider that this would also have a neutral visual effect. As a result, these considerations do not lend support to the appeal scheme.

¹¹ APP/H0928/W/17/3183181

19. I have had regard to the representations in support of the scheme, and I note that no objections have been received. I note also that there would be no adverse impact from the scheme in terms of drainage or flood risk. However, these factors have not led me to a different conclusion.
20. The appellant makes reference to the possibility of the imposition of a local occupancy condition, in the context of LP Policy LS1. However, as the site does not lie within a designated smaller village or hamlet, such a condition would not be appropriate.

Conclusion

21. For those reasons, I conclude that the proposal would conflict with the development plan as a whole, and so the appeal should be dismissed.

Elaine Gray

INSPECTOR