



Appeal Decision

Site visit made on 28 January 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2019

Appeal Ref: APP/H0928/W/18/3211150

Land at Townhead, Lamonby, Penrith

- 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 Robert Brown against the decision of Eden District Council.
 - The application Ref 18/0542, dated 29 June 2018, was refused by notice dated 23 August 2018.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Brown against Eden District Council. This application is the subject of a separate decision.

Procedural Matters

3. The proposal is in outline form with means of access to be considered and matters relating to appearance, landscaping, layout and scale all reserved for subsequent consideration. I have therefore considered the layouts shown on the site plan and block plan submitted, which show the footprint of the proposed dwelling, as indicative only other than the proposed access point.
4. At the time the Council determined the planning application, the emerging Eden District Council Local Development Plan 2014-2032 (LDP) was at an advanced stage and its policies would therefore have attracted considerable weight given the stage in the plan process. The LDP was subsequently fully adopted in October 2018.
5. In February 2019, after all evidence from the main parties had been received, the latest version of the National Planning Policy Framework (the Framework) was introduced and the Government also published its Housing Delivery Test (HDT) results. The parties have been contacted drawing this to their attention and inviting any comments in light of this that they consider are of relevance to the appeal. No further comments were received.

Main Issue

6. The main issue is whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy.

Reasons

7. The site is located in the open countryside and is accessed by an existing field gate off a hard surfaced single track road with no pavement or street lights. The road serves as access to the surrounding fields and a small number of dwellings which sit in close proximity to the site. These neighbouring properties are located to the south of and away from the main cluster of buildings within the nearby hamlet of Lamonby. The proposal is for a detached open market dwelling.
8. The development plan for the area, the LDP, was adopted in October 2018 and therefore has been found to be sound against the National Planning Policy Framework (the Framework). The Council has confirmed it can demonstrate a 6.8 year housing land supply. I have no contrary evidence before me to suggest this is not the case. The policies in the LDP can therefore be considered up to date and carry full weight for the purposes of assessing the appeal. I also note from the HDT results that the Council has exceeded its housing targets over the last three years by a considerable amount with a HDT measurement of 194% when the number of homes required is compared with the number delivered over that period.
9. Policy LS1 of the LPD confirms how new development will be distributed in the District, setting out a settlement hierarchy. The site is detached from the settlement of Lamonby, defined as a 'Smaller Village and Hamlet' in the LPD, by approximately 1 km and this point is not disputed by the parties. The site is therefore within 'Other Rural Areas' which sits at the bottom of the settlement hierarchy in terms of the focus for new development in the District. My attention has been drawn to the Braintree BC v SSCLG judgement of 28th March 2018 and I accept that in the terms of the meaning within the Framework, the site is not isolated. Even so, Policy HS1 of the LDP restricts new housing in such locations to affordable housing and even in those cases would require evidence as to why a scheme's benefits to the locality would be such that it would justify an exception. The appeal proposal is not for affordable housing and it is no part of the appellant's case that the scheme accords with the exception. I therefore find that the proposal would not meet the policy exceptions for new housing in this location.
10. The site is located away from Lamonby which is a settlement that contains minimal, if any, shops or services. Residents therefore need to travel to other larger settlements to meet their day to day needs. The nearest such settlements are not within a reasonable walking distance and there is no public transport near the site. Given the remote location and proximity to services; cycling is unlikely to be undertaken, particularly in inclement weather and during shorter days in the winter months. For these reasons, facilities to meet day to day needs for potential occupiers are realistically only accessible by private motor vehicle, and I note that this reflects the conclusions of a previous appeal on this site (Ref. APP/H0928/W/18/3196181). This location does not therefore have attributes which make it sustainable for development for market housing.
11. To conclude, the proposed development would not provide a suitable location for housing having regard to the sustainability aims of Policies LS1 and HS1 of the LDP which set out the settlement hierarchy for the District and restrict new housing outside the defined settlements in 'other rural areas' to affordable

'rural exception' homes. The proposal would be in conflict with the key principles relating to sustainability and Paragraph 12 of the Framework which states that the development plan is the starting point for decision making and where a proposal conflicts with an up-to-date development plan it should not usually be granted.

Other Matters

12. My attention has been drawn to a previous appeal for a dwelling on the site which was dismissed. It is an established principle though that each application is assessed on its merits. The Inspector exercised their judgement in the cited appeal based upon the evidence before them, as shall I in relation to the evidence before me in relation to this appeal. For the reasons that I have given, reference to this appeal decision has not altered my findings in relation to the current appeal.
13. The proposal would make a limited contribution to meeting the District Council's housing requirements and would generate a minor economic benefit through the development of the site. However, the Council is able to demonstrate a 6.8 year housing land supply and has an up to date development plan with a settlement hierarchy in place to deliver new development in a sustainable way.

Conclusion

14. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. The conflict with the development plan and the Framework is a significant and overriding factor. Consequently, the material considerations in this case, including the limited contribution to housing supply and associated economic benefit identified, do not indicate that the appeal should be determined otherwise than in accordance with the development plan. For the reasons given, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR