



Appeal Decision

Site visit made on 14 June 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/G0908/W/19/3226193

**Wood View, Access road to houses past Inn from A594, Dovenby CA13
OPN**

- 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 David Marrs against the decision of Allerdale Borough Council.
 - The application ref 2/2018/0435, dated 30 July 2018, was refused by notice dated 23 November 2018.
 - The development proposed is for construction of a garage to store tractor, mini digger and 2 trailers.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a garage to store tractor, mini digger and 2 trailers at Wood View, Access road to houses past Inn from A594, Dovenby CA13 OPN in accordance with the terms of application reference 2/2018/0435, 30 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan (submitted 31 August 2018); Site Location Plan 1:1250; and 1802/03A.
 - 3) Notwithstanding Condition 2, no development above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The development shall be carried out and thereafter retained in accordance with the approved details and samples.

Procedural Matters

2. The Council refers to the emerging Draft Allerdale Local Plan (Part 2). However as this is in the early stages of its adoption the policies bear no weight and has not been considered within this decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;

- living conditions of neighbours with respect to noise and disturbance; and
- the sustainability of the proposal.

Reasons

Character and appearance

4. The appeal property is within the village of Dovenby which consists of pockets of residential dwellings close to, or directly adjacent to, farms with associated farm buildings. The property sits at the top of a shallow hill and consists of a single storey bungalow set within a relatively large plot to the rear of Morningside. The property is reached by a long driveway which is accessed off an unnamed road leading from the A594. There is a farm with associated agricultural buildings a short distance along the road and a public house car park opposite the drive entrance.
5. The proposed garage would be 13.73 metres long and 6.17 metres wide. It would have a low stone-faced wall supporting slate grey coated steel walls and a shallow pitched grey fibre cement sheeting roof. There would be two entrances, one in the front gable wall and another to the side. It would replace the existing greenhouse and sit within the bankside which, due to the slope, would give a variable height from 4.83 metres downslope at the front and 3.83 metres at the back.
6. Policy DM6 of the Allerdale Local Plan (Part 1), Strategic Development Management Policies 2014 (Local Plan) relates specifically to agricultural buildings stating that new development should be closely related to the existing farm buildings or if this is not possible, should respect and enhance the rural setting, character and appearance with respect to location. Policy DM14 of the Local Plan seeks that proposals respect the existing development pattern ensuring that the building design, including height and width, would be appropriate to the characteristics of the site.
7. The Council consider that the scale, design and materials of the proposal would be unsympathetic to its residential setting. Although the small group of dwellings directly adjacent to the appeal property are residential, there is a farm close by at the end of the road. As such, the building would not be particularly out of character with other buildings along this road or the village in general. Additionally, Dovenby village is a rural village which consists of pockets of residential dwellings close to or directly adjacent to farm buildings. Therefore, the proportions which would be similar in scale to a residential outbuilding would reflect the setting and the design, with a simple pitched roof and would be appropriate. I note the Council's concerns regarding the agricultural appearance of the facing materials indicated on the submitted plan; however, precise details of facing materials could be controlled by a condition.
8. The property is bounded to its north by agricultural fields and a paddock. Due to the trees and hedges associated with the fields, views from the north are obscured and the proposed building would not be seen from this direction. From elsewhere on the A594, it would not be clearly seen due to the intervening bungalows. Other potential viewpoints are from the gardens of Ghyll Garth or Morningside. From the garden of Ghyll Garth, views of the proposal would be indirect due to the orientation of Ghyll Garth which sits gable wall on to the appeal site and due to the intervening hedge, which would

screen the proposal. Similarly, for Morningside, which sits at a lower level than the appeal site, the proposal would be screened from the property by mature vegetation. From the access road at the bottom of the drive the garage would be mostly screened by the canopies of the mature trees and shrubbery which sit to the left-hand side of the drive and would be in front of the building.

Although it would be more visible in winter when the trees lose their leaves, it would be relatively distant from the access road and still partially obscured by branches.

9. Public views of the proposal would be very limited, and the design and scale would be appropriate to the rural character of the village. As such, the proposal would not appear incongruous within this setting and a condition would allow the facing detail to be agreed. The proposal would therefore not conflict with Policies DM6 and DM14 of the Local Plan.

Living conditions

10. Policy S32 of the Local Plan seeks that development maintains and contributes to the quality of the environment with respect to highway infrastructure, the character of the area and living conditions of neighbouring occupiers.
11. The appellant's drive passes the gable end of Morningside and the gable wall of Ghyll Garth would be adjacent to the garage. There is concern that the proposal would increase noise and disturbance to neighbours due to increased numbers of traffic movements. Currently the appellant stores his farm equipment at a different location from his farm holding. When visiting his farm holding, this involves a return vehicle journey from and to the appeal site. Storage of the appellant's vehicles and equipment at his home address should not significantly change the frequency of vehicle movements required, only the vehicle involved. The property's access road appears relatively quiet and serves the nearby farm and the adjacent public house. Within this context, replacing the movements of a pickup with a tractor would not have a significant effect. Therefore, the potential disturbance to neighbours caused by this proposal would not be contrary to Policy S32 of the Local Plan.

Sustainability

12. Policy S2 of the Local Plan, amongst other matters, supports rural businesses and allocation of land to promote their sustainable development provided that the scale and location are appropriate. The Council express concern that the proposal would lead to increased traffic movements. However, the appellant currently makes several journeys in order to travel from home to an equipment store and then on to his farm holding. If equipment were to be stored at the appeal site, this would decrease the number of journeys required. This would have wider sustainability benefits due to reduced vehicle use and support the business through improved efficiency. As the scale and location of the proposal would be appropriate, and due to the improved business efficiency and decrease in vehicle movements, the proposal would not conflict with Policy S2 of the Local Plan.

Other Matters

13. During the course of the application the Highway Officer raised concern regarding the lack of an in-curtilage turning circle and potential conflict with other vehicles. The access road which leads to the drive is relatively quiet and

is currently used by the applicant each time a visit is made to his farm holding. I do not consider that this proposal would alter the current situation to a significant extent. Additionally, the Council have not included this within their reasons for refusal therefore on balance, I give this matter little weight.

Conditions

14. The conditions set out in this decision have been considered against the tests of the Framework and advice provided by the Planning Practice Guidance¹ (PPG) on conditions. Those included are found to be reasonable and necessary.
15. In addition to the standard condition regarding the time period for implementation, there is need for a condition specifying the plans to which the permission relates, in the interests of certainty and clarity. Condition 3 refers to the facing materials to ensure the building relates to the local character and appearance of the area.

Conclusion

16. For the reasons stated above the appeal is allowed.

E Symmons

INSPECTOR

¹ Ministry of Housing, Communities & Local Government. Published 6 March 2014, last updated 15 June 2018.