



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: 25 July 2019

Appeal Ref: APP/Z0923/W/19/3225839

Land at High Trees, Lamplugh, Workington CA14 4SH

- 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 Mark Fox against the decision of Copeland Borough Council.
 - The application ref 4/18/2477/001, dated 26 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is for a residential development.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The main issue is whether the proposal provides adequate access to services and facilities for future occupiers.

Reasons

3. The main parties dispute whether there is a 5YHLS. In their Officer Report the Council state that due to the lack of a 5YHLS the policies in the local plan were no longer up-to-date and carry less than full weight in decision-making. However, within their appeal statement the Council indicate that they have a five year housing land supply (5YHLS) and that Policy ST2 can be afforded full weight. The appellant has drawn my attention to a recent appeal reference APP/Z0923/W/18/3218762, which found that the Council does not have a 'deliverable' 5YHLS and concluded that Policy ST2 was only partially consistent with the Framework.

Access to services and facilities

4. The appeal site (the site) sits to the south of the village of Lamplugh which has a dispersed pattern of development consisting of groups of dwellings within a rural setting. The site sits between a road and a small group of existing dwellings, some of which are Grade II listed. The site is surrounded by hedges and mature trees along the periphery. The surrounding area comprises open countryside with small scattered groups of dwellings separated by fields. The Lake District National Park boundary is directly to the east of the site.
5. The site and the dwellings to its rear are accessed from an unnamed road which leads from the A5086. This road is well used by long distance cyclists being part of the CTC National Cycle Route. As observed during my site visit, the road is single track and narrow allowing two cars to pass one another with

- care at some points. There is no street lighting, no footpath and no evidence of public transport.
6. Policy ST1 of the Copeland Local Plan 2013-2028¹ (Local Plan) sets out the Council's strategic development principles. This policy refers to good access to services and facilities for everyone; encouraging development which minimises carbon emissions; directing development away from greenfield sites; minimising the need to travel and prioritising development in the main towns where there is previously developed land and infrastructure capacity.
 7. In 2017, the Council produced an Interim Housing Policy Supplementary Planning Document (IHP). Although this does not form part of the development plan, it sets out 13 criteria annotated as A-M, against which development will be assessed. The criteria require development to be: (A), of a scale appropriate to the settlement; (B), relate to the location of services and facilities; (C), have no adverse highway safety/capacity implications; (D), consider its implications on existing infrastructure; (E), provide access via a good range of transport modes; (F), preclusion of development from flood zones 3a or 3b; (G), cause no detriment to the Lake District National Park or its setting; (H), inclusion of affordable housing; (I), if including executive homes deliver demonstrable economic, social and environmental benefit; (J), be of high quality design reflecting local character; (K), not intrude into open countryside or cause settlements to merge; (L), not harm the landscape character of the district and (M), the requirement for a masterplan. Criteria F, H and M are not relevant to this appeal and I have not considered them further. I find no conflict with criteria A, C, D, F, G, H, J, K or L.
 8. Criteria B and E relate to provision of access to a range of services and facilities using a variety of transport means. These criteria accord with the Framework which, at paragraphs 102 and 108, together and amongst other matters, advise that opportunities to promote walking, cycling and public transport are identified and pursued. Additionally, that appropriate opportunities to promote sustainable transport modes have been taken up given the location of the development.
 9. Facilities in the general vicinity of the appeal site comprise a small shop at the nearby caravan park, a public house and a local church and hall: a new village hall is also under construction. No evidence has been provided regarding the shop opening hours or the range of produce available. I therefore have no certainty that the shop would be open year round or provide for more than the most basic provisions. The public house is around 1.8km away however, it is currently closed, and no evidence has been submitted to support the view that it will reopen as a facility available to the public. Other services and facilities are not within Lamplugh but spread over adjacent villages and settlements.
 10. The appeal site is positioned along an unlit, single track road with no footway. This, due to the distances involved and the lack of separation of pedestrians and vehicles, would make travel by foot difficult particularly discouraging less able pedestrians. Similarly, although the road is suitable for, and heavily used by, recreational cyclists, the distances involved to reach many services and facilities required by most households would discourage this mode of transport. The constraints on travel other than by car would be more acute during bad

¹ Copeland Local Plan 2013-2028. Core Strategy and Development Management Policies DPD. Adopted December 2013.

weather or after dark. Given the disparate spread of the services and facilities, travel by more sustainable methods would therefore in all probability be unlikely to offer a feasible alternative to private car.

11. I acknowledge that paragraph 103 of the Framework advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be considered in decision-making. However, rural areas differ from one another substantially in their levels of access to public transport or the availability of routes suitable for walking or cycling. As discussed, Lamplugh has limited services and facilities and the limited bus service which exists does not appear to pass the site. Conflict with criteria B and E therefore outweighs the proposals accordance with the other factors within the IHP and I afford this significant weight within my decision.
12. Regarding criterion I, Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the Strategic Housing Market Assessment (SHMA). With respect to executive housing, the supporting text for Policy SS3 acknowledges the need for housing of this type. It however, states a preference for executive housing to be mainly in Whitehaven and its fringes. It also requires justification of the development with respect to its economic, social and environmental benefit. The appellant describes the proposal's economic benefit as arising from the construction phase and subsequent occupation of the dwellings which would potentially attract high income residents. Although the short term construction phase could give some economic gain the longer term benefits of the scheme would be less certain. Irrespective of this, the social and environmental benefits have not been demonstrated. Therefore, although the proposal would address an acknowledged need, the appropriateness of this site to deliver this has not been demonstrated.
13. The Council believes the proposal conflicts with Paragraph 79 of the Framework which advises avoidance of isolated homes in the countryside. The main parties disagree on whether the proposed location is isolated or not. The word isolated is not defined within the Framework but according to the Court of Appeal² *"...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand"*. With regard to proximity to other housing, the site is not isolated as there are other dwellings in the vicinity. However, due to the dispersed nature of Lamplugh, the spread of services and facilities around many settlements and the limited opportunities for travel other than by car, the proposed dwellings would be isolated from services and facilities.
14. The parties disagree on whether a 5YHLS can be demonstrated and whether Policy ST2 should be afforded weight. It is not necessary for me to identify whether or not there is a shortfall in the 5YHLS and I acknowledge that this proposal would make a modest contribution to the delivery of additional homes within the area and I afford this significant weight.

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610.

Other Matters

15. The appellant draws my attention to approved application reference 4/17/2182 for 26-27 executive homes close to the appeal site. This application differed from the case before me. It was for a considerably greater number of dwellings, was supported by a Market Assessment Report and included provision of a new village hall which would represent a major factor which would weigh in the proposal's favour. Developments for 500 homes at Edge Hill Park and for five dwellings at Westlakes Hotel have also been cited. Each scheme must be considered within its own context and circumstances and I have no knowledge of the detail of these applications, the facilities nearby or the infra-structure which was included within the schemes and therefore I can give these examples little weight.
16. This appeal relates to outline planning permission with all matters reserved other than details of the access. An arboricultural opinion on the proposal was given by Capita. This report concludes that the impact of the proposed site access upon the existing trees and hedges could not be assessed without further arboricultural information. The proposed access, by virtue of its 5.8m width and visibility splay with 1m service strip of around 23m to the right and 25m to the left, would require removal of a large section of hedge. This would affect the visual impact of the development and therefore potentially the local area including the National Park. Additionally, as no arboricultural survey or impact assessment has been submitted, it is not clear if any trees would also be affected by the access proposals. Although the trees on site are not protected by a Tree Preservation Order, they do have high visual amenity value which was acknowledged by the National Park Authority. Although this issue is not determinative, it does add to the concern I have regarding the development.

Conclusion

17. The delivery of three additional dwellings within the Borough would not significantly and demonstrably outweigh the isolated nature of the proposed site with respect to services and facilities and its reliance on private car. The proposal would not therefore be a sustainable form of development as set out in paragraph 8 of the Framework and would conflict with Policies ST1 and SS3 of the Local Plan.
18. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR