



Appeal Decision

Site visit made on 29 July 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

by A U Ghafoor BSc (Hons) MA RTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: App/G0908/W/19/3227993

Little Overend, Overend Road, Greysouthern, Cockermouth, CA13 0UA

- 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 Mrs L Greenwood against the decision of Allendale Borough Council.
 - The application Ref OUT/2019/0009, dated 8 February 2019¹, was refused by notice dated 16 April 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of this development in this location on the character of the area.

Reasons for Recommendation

4. The proposal was submitted in outline with all matters reserved for future approval. Although a proposed site plan and floor plans showing a two-storey dwelling were submitted with the application, as approval was not sought for matters of siting or scale, these have been treated as indicative only.
5. The site is located within a small cluster of randomly sited buildings originally associated with the farm building, called Overend Farm, located on the opposite side of the highway.
6. Policy S3 of the Allendale Local Plan (Part 1) (2014) (ALP) sets out a settlement hierarchy which seeks to direct most new development to those larger settlements that offer the best range of services and facilities. The settlement hierarchy identifies Greysouthern as a Limited Growth Village (LGV) where some small-scale development may be permitted. Outside of the settlements identified in the hierarchy, new development is limited to specific categories of development, none of which the proposal falls into. The area known as Little Overend is not mentioned in the settlement hierarchy.

¹ The appellant has confirmed that the application was made in February 2019.

7. The site lies outside of the village of Greysouthern and although it was promoted by the appellant for inclusion within the settlement boundary of the village during the consultation process of the emerging Local Plan in 2017 this did not occur. Given this, and from observations made during the site visit, it was apparent that whilst there were some developments located between the village of Greysouthern and the group of buildings surrounding the appeal site, this is sparse and by no means continuous. The two areas are very much separate from one another. It is clear from this that the site sits outside of the village of Greysouthern, and, therefore, the appeal proposal cannot be considered as development within a LGV, or infill, or rounding off, of village development as set out in Policy S3. Nor does it meet with any one of the exceptions listed in Policy S3 (a – j) that would allow this type of development in this location.
8. Notwithstanding this, the appellant argues that both Policy S3 and S5 of the ALP 2014 are out of date and should be given little weight in the determining of this appeal. They have referred to a previous appeal decision, APP/G0908/W17/3183948, where the Inspector accepted that the 1999 settlement limits, which pre date the National Planning Policy Framework (the Framework), were out of date. However, the Framework does not alter the statutory status of the development plan as the starting point for decision making. Whilst the 1999 settlement limits may be out of date in respect of housing land allocations, they are considered still relevant for the purposes of determining whether development would be appropriate in the open countryside for policy purposes. The settlement hierarchy in Policy S3 is consistent with the Framework insofar as it seeks to direct new development to settlements that are able to accommodate it and consequently still has substantial weight as do criteria a) to f) of Policy 5. As stated above, the appeal site forms part of a group of buildings which is physically separated from Greysouthern and whilst not considered isolated or remote, as defined in the Framework, it is clearly not part of Greysouthern, nor can it logically be considered an area of rounding off of the village.
9. The appeal site is part of the garden of a house that forms part of a loose cluster of buildings, surrounded by open fields. Due to the large gardens of the existing houses it has a spacious appearance and the presence of agricultural, or former agricultural, buildings give it a distinctly rural character. Inserting another building between the host property and the neighbouring property would result in a loss of this openness thus eroding the rural character of the area. In conclusion, I find the effect of this development would cause harm to the character of the area and would not result in appropriate development as a result of its location and there are no special circumstances that have been demonstrated to allow development to occur outside of the defined LGV. Accordingly, the proposal does not accord with the requirements of Policy S1, S2, S3 and S5 of the ALP.

Other Matters

10. The Council have more than a five-year housing supply. Whilst pre application advice can be a material consideration in the determination of a planning application it cannot pre-empt the outcome of the democratic decision-making process or a particular outcome. Having seen the advice provided by the Council in 2009 which was superseded by further advice given in 2015, it is

clear that advice is consistent with the requirements of the development plan policies in the APL 2014 and the principles contained in the Framework.

Conclusion and recommendation

11. The proposal would be located in an area outside a defined LGV within an area of open countryside and does not meet any of the exception criteria. Furthermore, the nature of the development would cause harm to the character of the rural countryside. Little weight is given to the housing supply argument, or to any small scale economic and social benefits that may arise from the development. On balance it is considered that the adverse impacts of the proposal as set out above, would significantly and demonstrably outweigh any benefits.
12. For the reasons given above and having had regard to all other matters raised, and third-party comments, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR