



Appeal Decision

Site visit made on 5 August 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/H0928/W/19/3229430

Land adjacent to Apple Dene, Wetheriggs, Clifton Dykes, Cumbria CA10 2DH

- 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 Nick Hill against the decision of Eden District Council.
 - The application Ref 18/0837, dated 10 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is outline application for residential development with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development as set out on the application form includes unnecessary commentary in terms of detailed elements of layout and scale when the appellant in fact has applied for outline planning permission with all matters reserved. Therefore, with agreement from both the appellant and the Council, I have used the description of development that is contained within the Council's refusal notice and the appellant's appeal form as it more accurately describes the appeal proposal.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. I have taken the Framework into account as part of the determination of this appeal.
4. A drawing has been submitted with the outline planning application which shows three dwellings on the site. I have treated this as indicative only given that the application is submitted in outline with all detailed matters reserved for a subsequent reserved matters application.

Main Issue

5. The main issue is whether or not the appeal site is a suitable location for residential development having regard to the character and appearance of the area including the hamlet of Clifton Dykes and the landscape.

Reasons

6. Policy LS1 of the Eden Local Plan (LP) sets out the locational strategy for new development within the district. Within this policy, Clifton Dykes is identified as a smaller village or hamlet whereby new development will be restricted to infilling, rounding off or the re-use of existing buildings, subject to high quality design.
7. Policy HS2 requires that new development within the settlements is subject to three criteria; that the development constitutes either infilling or rounding off, dwellings are limited to 150m² gross internal floorspace and new dwellings on greenfield land are restricted to local occupancy. The appeal proposal does not describe the dwellings as being for local occupancy however, I note that the appellant has suggested that local occupancy could be secured by way of an appropriately worded condition. Similarly, he says that whilst the matter of "scale" is reserved, it would be reasonable to restrict floorspace via a planning condition. I do not disagree that it would be possible to control these matters and to this extent the proposal would not conflict with the requirements of Policy HS2 of the LP.
8. It is clear that because the site is positioned close to a cluster of existing buildings and not on the edge of the built form that the proposal is not rounding off. This is not disputed by the main parties. However, there is dispute regarding whether the proposal meets the policy requirements in relation to infilling. Policy LS1 requires infill development to fill a modest gap between existing buildings within the settlement. The development plan does not define the settlement limit of Clifton Dykes, but the appeal site sits within a cluster of dwellings and is central to the built form and therefore I am satisfied that it is within the settlement.
9. During my site visit, I noted that there are a number of single residential units, farms and agricultural buildings which intermittently line both sides of the C3647. In this area, development is sparse and sporadic and is punctuated by open fields which provide spacious, green and undeveloped gaps between and surrounding the existing buildings. This adds positively and distinctively to the character and appearance of this area and landscape. The appeal site is one such open field sitting between a single detached dwelling and a row of five dwellings and beyond the immediate built form there are several more open fields.
10. The appeal site has a road frontage of approximately 60 metres which, in the context of the immediate built development it represents about 42%. Whilst Policy LS1 does not provide a numerical definition of what would constitute a "modest gap", the appeal site is proportionally very large when viewed in the context of the adjacent cluster of buildings. I acknowledge the appellant's assertion that there are larger gaps between buildings along the C3647. Nevertheless, I do not consider the site to be a modest gap and in this regard, I find conflict with Policy LS1.
11. Additionally, Policy LS1 requires that new development in smaller villages and hamlets is of an appropriate scale, which reflects amongst other things, the service function of the settlement. I noted during my site visit that there are no significant services or facilities within Clifton Dykes or within close proximity of the appeal site. The nearest school, shops and bus stops are located in, and on the periphery of the adjacent settlement of Clifton, some 2 miles away from

the site. Therefore, I conclude that the development of residential dwellings in this location would not be reflective of the service function of the small hamlet and consequently would conflict with the requirements of Policy LS1.

12. Policies DEV5 and ENV2 of the LP require new development to be of high quality design, that reflects local distinctiveness via compliance with a number of criteria which include amongst other things character and form of the area. This appeal relates only to the principle of residential development on the site: all detailed matters are reserved. In this case, the proposal would infill a large gap that exists between existing buildings departing unacceptably from the otherwise more sporadic form of development in the area surrounded by open breaks and agricultural fields. I conclude that the proposal would result in a continuous run of development that would cause significant harm to the character of this part of Clifton Dykes and the landscape at odds with the aforementioned policies.

Other Matters

13. The appellant references representations made by third parties in relation to the appeal proposal and previous decisions on the same site. I do not have full details of the previous cases before me in order to draw comparisons. In any event, I have determined this appeal on its individual planning merits.

Conclusions

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Julie Hunter

INSPECTOR