
Appeal Decision

Site visit made on 6 September 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/H0928/W/18/3215922

Land opposite Barns Green, Great Salkeld, Penrith, Cumbria.

- 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 Myles Thompson against the decision of Eden District Council.
 - The application Ref 18/0266, dated 4 April 2018, was refused by notice dated 14 June 2018.
 - The development proposed is described as 'erection of three bungalows. The development is a single parcel of land and has a permanent definable boundary that runs adjacent to the northern end of Barnes Green development. The bungalows would be for local occupancy only.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application provided only easting and northing coordinates for the site location and so for clarity I have taken the site address from the appeal form.
3. The full description of development as stated on the application form is set out above. The Council's decision notice described the development as 'Outline application for 3 local occupancy dwellings with all matters reserved'. With the omission of the words 'Outline application for' and 'with all matters reserved', which do not constitute acts of development, I consider this to be a more accurate and succinct description of what is proposed and have proceeded with the appeal on this basis.
4. A plan has been provided which shows the layout of three units, however, as all matters are reserved for future approval, I have treated this as indicative and had regard to it only in so far as considering whether it would be possible, in principle, to develop the site for housing.
5. At the time the Council determined the planning application, the emerging Eden Local Plan 2014-2032 (the ELP) was at an advanced stage and therefore the Council ascribed 'significant weight' to the emerging policies and refused the appeal proposal against this emerging local policy framework. The ELP was subsequently adopted in October 2018. The appellant is of the view that the Council applied too much weight to emerging ELP policies and failed to consider the application in the context of the Council's inability to demonstrate a 5 year housing land supply at the time of determination. Notwithstanding these

divergent views, I am required to consider this appeal on the basis of the development plan and national policy which are in place at the time of my decision. I also note that, since adoption of the ELP, there is no dispute over the Council's ability to demonstrate a 5 year housing land supply. Therefore, I have given full weight to the policies of the ELP in my determination of this appeal.

6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 and this post-dates the Council's refusal notice. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced either party as they have had the opportunity to comment during the appeal proceedings.

Main Issues

7. The main issues are:

- i) Whether the appeal site is a suitable location for residential development, having regard to the local development strategy for the area; and
- ii) the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the location

8. The appeal site is an agricultural field on the western edge of the village of Great Salkeld in the Eden Valley. The site is a rectangular parcel of land extending westerly, out of the village, along the southern side of Green Lane and has been subdivided from a larger field by a post and wire fence.
9. Policy LS1 of the ELP provides the Council's locational strategy to guide new development across the district. It sets out a hierarchical approach to development, identifying Great Salkeld as a 'smaller village and hamlet', towards the lower end of the settlement hierarchy. At such locations the policy permits development of an appropriate scale that would reflect the existing built form of the settlement and subject to specific criteria. Where proposals would deliver new housing on greenfield sites this would be subject to a local occupancy restriction. The policy goes on to state that development must be of a high quality design and will be restricted to infill sites or rounding off development.
10. ELP Policy LS1 describes infill sites as sites '*which fill a modest gap between existing buildings within the settlement*' and rounding off as providing '*a modest extension beyond the limit of the settlement to a logical, defensible boundary*' (my emphasis). The distinction being that infill takes place within the settlement and rounding off takes place beyond the current limits of the settlement. It follows, therefore, that the proposal cannot claim to be both infill and rounding off development.
11. The appeal proposal would extend the settlement into the adjacent open countryside beyond its current limits, therefore, it would not fill a gap between existing buildings within the settlement. The location of a slurry lagoon and farmstead to the west of the site is acknowledged, however, given the intervening undeveloped countryside, this does not form part of the settlement.

As such, the proposal cannot reasonably be considered as an infill site in the context of ELP Policy LS1.

12. The ELP does not offer a conclusive definition of what is meant by rounding off to a 'logical, defensible boundary'. The Council suggest that this would be a landscape feature such as a road, wood, river, railway line or a significant rise or fall in topography, which would prevent further extension of development. I have been referred to two separate appeal decisions¹ where the respective Inspectors agreed with this approach, therefore, I see no reason to deviate from this stance.
13. The appeal site has been carved out of a larger field by subdividing the land with a post and wire fence to a depth that would be comparable with the adjacent dwellings to the east and extends westerly to match up with the extent of the Barns Green development opposite. This results in a somewhat arbitrary boundary that does not reflect the historical and well-defined stone walled boundaries present in the locality. It does not provide a strong physical boundary and the site is absent of any landscape features that could provide a defensible boundary to contain the development and prevent any further encroachment into the surrounding countryside.
14. A legal agreement has been suggested to prohibit any development on the land to the west of the site, in order to create a defensible boundary. However, in the absence of a physical landscape feature, that would offer a more visually obvious and logical boundary to the settlement, I am not convinced that this would provide a suitable alternative that would meet the policy expectation. Furthermore, I do not have a legal agreement before me and thus I am unable to give this any meaningful weight in my deliberations of the appeal.
15. Against this background, I find that the appeal proposal is neither an infill site nor a rounding off of the settlement and, therefore, notwithstanding that a local occupancy condition could be imposed, the site is not a suitable location for residential development. As a consequence, it would conflict with Policy LS1 of the ELP, which sets out the locational strategy for the district and seeks to ensure that new development is appropriate to its local context.

Character and appearance

16. Great Salkeld is a largely nucleated settlement with buildings clustered around a triangular core with St Cuthbert's church at its centre. Beyond this, development predominantly stretches out along the main highway and comprises small historical farmsteads and traditional Cumbrian longhouses, with limited examples of modern infill development. The exception being two small residential developments along the northern side of Green Lane which result in a more modern and looser arrangement that detracts somewhat from the well-defined and compact historical form of the settlement. The village is framed by a patchwork of agricultural fields bound by traditional stone walls which provide an attractive open and largely undeveloped rural setting.
17. The appeal site is a small field that has been subdivided, by a post and wire fence, from a larger field and is located adjacent to the last house in the village along the southern side of Green Lane. Along with the land to its west, the site provides a physical break in development between Great Salkeld and the

¹ APP/H0928/W/18/3214337 and APP/H0928/W/18/3194233,

smaller settlement of South Dykes to the west. As such, its undeveloped rural characteristics make a significant contribution to the pleasant rural landscape setting of the village of Great Salkeld. The dissection of the site from its larger host creates an arbitrary boundary that is unrelated to the historical field boundaries and patterns of enclosure found in the locality and which are more commonly delineated by stone walls, a defining characteristic of the local landscape.

18. The proposed extension of the settlement into the adjacent open countryside would be harmful, both to the character of the village and its surrounding landscape setting, by disrupting the existing pattern of distinct agricultural fields which frame the settlement. This would be at odds with the compact and well-defined form of the settlement and would result in a degree of urbanisation and encroachment into the countryside that would harmfully erode its landscape character.
19. It is suggested that a stone boundary wall could be erected to the rear and side of the site to form a stronger and more defensible boundary that would complement its surroundings. However, this would not overcome the harm to the local landscape and would emphasise the arbitrary nature of the site which bears no relation to historic field patterns, an important element of rural landscape character.
20. The appellant argues that the proposed housing would be appropriately located to mirror the extent of the Barns Green development along the northern side of the road and be seen as a continuation of the linear form of development adjacent to the immediate east of the site. However, mirroring the building line set by the Barns Green development and continuing the current form of development into the open countryside only accentuates the harm I have found to the landscape setting of the village and, without a defensible boundary, harmfully distorts the well-defined and compact character of the settlement.
21. To conclude on this main issue, I find that the proposed development would be harmful to the character and appearance of the area. This would be contrary to Policies DEV5 and ENV2 of the ELP which together require new development to show a clear understanding of the form and character of the district's built and natural environment and to conserve and enhance distinctive elements of landscape character.

Other Matters

22. The appellant has drawn my attention to two historical planning approvals² for housing development within Great Salkeld, suggesting that neither of these sites involved a defensible boundary, were in an open field not a linear development and lying fully within a conservation area. I can see that these applications were approved by the Council in August 2017 and January 2018 respectively. These approvals predate the adoption of the ELP and therefore the policy context has changed. As such, they are not directly comparable to the appeal proposal which has been considered on its own merits and against the provisions of the current development plan.
23. I have also been referred to a more recent approval for residential development within the village³ and to an appeal decision at Brougham⁴.

² Local Planning Authority Ref. 17/0211 and 17/0894

³ Local Planning Authority Ref. 19/0243

However, I do not have the full details of these schemes before me and therefore cannot be sure that they offer a direct comparison to the appeal proposal.

24. The appellant cites positive pre-application discussions with Officers at the Council, although, I am mindful that such discussions are informal and not binding upon any formal determination the Council may make.
25. While I acknowledge that the development would be within the 30mph zone of the village, this does not delineate the spatial extent of the village nor does it provide a settlement boundary for development. It does not therefore provide a justification for the appeal proposal.
26. I note that the site would be in close proximity to a range of services and facilities on offer within the village, and in nearby settlements. Furthermore, the proposal would make a limited contribution to local housing supply and provide a small housing site for which the local Parish Council is supportive. However, these matters do not outweigh the harm I have found and the resulting conflict with the development plan.

Conclusion

27. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should not succeed.

J M Tweddle

INSPECTOR

⁴ APP/H0928/W18/3216684