



Appeal Decision

Site visit made on 7 October 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/H0928/W/19/3233165

Land adjacent to Meadow Beck, Greystoke Gill, Penrith, Cumbria CA11 0UQ

- 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 Miss Anne Sealby against the decision of Eden District Council.
 - The application Ref 18/0876, dated 18 October 2018, was refused by notice dated 17 January 2019.
 - The development proposed is the erection of a dwelling (local occupancy).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the appeal form as this appears to be a more accurate reflection of the site's location.
3. 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 any party as they have had the opportunity to comment during the appeal proceedings.

Main Issues

4. The main issues are:
 - Whether the site is a suitable location for residential development, having regard to the local development strategy for the area, and;
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Suitability of the location

5. The appeal relates to an irregular parcel of land on the western edge of the small settlement of Greystoke Gill. The site is an agricultural field that adjoins the western boundary of Meadowbeck, a former barn that has been converted to residential use and the most westerly property within the settlement on the southern side of the road. The site wraps around Meadowbeck and extends south towards the River Petteril. The proposal is for a self-build two storey detached dwelling with three bedrooms and an internal floor area of 150sqm.

6. The Council's locational strategy for new development is outlined in Policy LS1 of the Eden Local Plan 2014-2032 (the ELP). It sets out a hierarchical approach to development and advises that within smaller villages and hamlets, such as Greystoke Gill, development will be restricted to: infill sites, which fill a modest gap between existing buildings within the settlement; rounding off, which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary, and; the reuse of traditional rural buildings and structures.
7. The proposal would extend the built form of the settlement beyond its current limits into the surrounding countryside. It would not therefore amount to infill development in the context of ELP Policy LS1.
8. In terms of 'rounding off', the Council consider that a logical defensible boundary 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. This approach appears to be supported by several recent appeal decisions¹ and, therefore, I see no reason to take an alternative view.
9. The site is enclosed to the west by a post and wire fence and is constrained to the south by a fall in topography and the River Petteril. To the east is Meadowbeck and to the north is a drystone wall alongside the public highway. While the addition of a single house on the edge of the settlement could be considered as a modest extension, I consider the site to be particularly large as it extends from the roadside to the river and partially extends across the southern boundary of Meadowbeck. Therefore, in my view, this does not amount to a modest extension to the settlement. Furthermore, I do not consider the post and wire fence to be a landscape feature that offers a logical or defensible boundary and thus the proposal would result in a somewhat stark intrusion into the open countryside. The presence of built development on the opposite side of the road to the appeal site does not provide a justification for the proposal as it does not address the lack of a defensible boundary to the west of the site. Consequently, the proposal would not round off the settlement.
10. It is proposed to reinforce the western boundary of the site with a hedge, the suggestion being that this would form a feature that could provide a defensible boundary. However, this would be a somewhat artificial boundary established out of necessity to justify the proposal rather than an existing landscape feature that would offer a more obvious and logical edge to the settlement. Furthermore, the introduction of such a feature, to justify the proposal, would undermine the very purpose of the test set out in Policy LS1.
11. It is common ground between the parties that the proposal would comply with some of the criteria set out in ELP Policy HS2, namely that the dwelling would have an internal floorspace of no more than 150sqm and that a local occupancy restriction could be applied. In this regard, I acknowledge that the appellant has a strong local connection with the area, having been brought up in the hamlet and with close relatives still residing there. I also note the appellant's desire to move closer to these relatives to assist with their care and that the proposal is a self-build project for herself and her fiancé who teaches locally. However, these matters do not outweigh the conflict with Policy LS1 or the first criterion of Policy HS2 which restricts development to infilling or rounding off.

¹ Appeal Ref. APP/H0928/W/18/3194233, APP/H0928/W/19/3229308 and APP/H0928/W/19/3224668

12. I therefore conclude that the development would not be a rounding off of the settlement and therefore the site cannot be considered a suitable location for residential development, having regard to the local development strategy for the area. As a consequence, the proposal is contrary to Policies LS1 and HS2 of the ELP which together set out the locational strategy for new development across the district and seek to ensure that new housing within smaller villages and hamlets is of an appropriate scale that reflects its local context.

Character and appearance

13. Greystoke Gill is a rural hamlet consisting of approximately 18 dwellings. Development appears to have grown up around three or four historical farmsteads, providing a strong rural character to the settlement which centres around the road bridge over the River Petteril. Built form is at intermittent and irregular intervals and broken up by undeveloped informal green spaces which provide the appearance of an informal but well-kempt village green. The open and spacious aspects of the fields which surround the hamlet provide a positive contribution to its overall character and form an important rural setting that frames the hamlet.
14. The proposed development would erode the contribution the appeal site makes to the rural setting of the hamlet and, in doing so, would amount to a harmful intrusion into the surrounding countryside. Having studied the proposed plans and drawings I consider the design of the dwelling, in itself, to be of an appropriate scale and to incorporate a sympathetic suite of materials including salvaged red sandstone and natural slate. However, its detached garage and large parking area positioned to the front of the property, along with its significant set back from the highway, provides a layout that is more akin to a suburban environment and would therefore be at odds with the surrounding rural character of the hamlet.
15. Furthermore, the positioning of the proposed dwelling set beyond the south-facing elevation of Meadowbeck, highlights its awkward relationship with the adjacent built form and accentuates its intrusion into the countryside. In this respect it would not relate well to its surroundings and would instead appear as a discordant addition to the settlement.
16. I appreciate that the timber cladding and areas of glazing have been positioned away from the roadside frontage and also note the appellant's intention to utilise an air source heat pump and other energy saving interventions that would reduce the occupant's carbon footprint. Nonetheless, these matters do not outweigh the harm I have found to the character and appearance of the surrounding area.
17. The appellant has suggested that the site would largely be screened by a line of mature trees on the approach into the hamlet from the west. These trees are some distance from the appeal site and would offer only limited screening for part of the year when they are in full leaf, as such they would not overcome the proposal's impact on the surrounding countryside.
18. The appellant has also suggested that the proposal would be less harmful than the existing bungalows opposite the site and which are clearly visible on the western approach into the settlement. I agree that these dwellings detract somewhat from the simple rural character of the settlement, yet this does not justify development that I have found to be harmful to the character and appearance of the surrounding area.

19. Consequently, I have found that the proposed development would have a harmful effect on the character and appearance of the surrounding area. This does not accord with Policy DEV5 of the ELP which requires new development to show a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area.

Other Matters

20. I have been referred to several other developments within the district which the appellant considers to provide a justification for allowing the appeal. However, I do not have the full details of these other cases before me and therefore I am not fully aware of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have considered the appeal proposal on its own merits and based on the evidence before me.
21. I appreciate that the appellant feels aggrieved over the expense of submitting the planning application and the professional fees associated with putting the application together, only to then receive a refusal. This disappointment was compounded by the fact that she had initially received positive pre-application planning advice from the Council. However, I am mindful that pre-application discussions are informal and not binding upon any formal determination the Council may subsequently make. I also note that at the time the advice was issued the Council had not yet adopted the ELP and the policy position was therefore yet to be confirmed.
22. The appellant raises concerns over the Council's handling of the planning application and the fact that an objector is related to a member of staff within the Council's Planning Team. These are not matters for my consideration and instead should be referred for resolution via the Council's complaints procedure, if the appellant so wishes.
23. I acknowledge that the proposed access arrangements were acceptable to the Highway Authority and that the Parish Council along with a local resident were supportive of the proposal. There would be no loss of privacy or overlooking of neighbouring residents and the property would incorporate ground floor bedrooms potentially making it attractive to elderly or disabled persons. However, these matters do not outweigh the harm I have found in this case and the resulting conflict with the development plan.
24. I am sympathetic to the appellant's desire to return to the hamlet where she grew up and can appreciate her frustration over rising house prices in the locality along with the presence of second homes. Accordingly, I take no pleasure in frustrating her efforts, but this does not justify a decision other than in accordance with the provisions of the development plan.

Conclusion

25. For the reasons I have set out, the appeal is dismissed.

J M Tweddle

INSPECTOR