



Appeal Decision

Site visit made on 7 October 2019

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/H0928/W/19/3234058

Land North East of East Lodge, Edenhall, Penrith CA11 8SX

- 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 Dr Anderson & Dr Parratt against the decision of Eden District Council.
 - The application Ref 18/0985, dated 10 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as 'erection of a dwelling with all matters reserved'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future consideration. I have therefore taken any indication of reserved matters shown on the submitted drawings to be illustrative only.
3. For clarity, I have taken the site address from the Council's decision notice which includes the postal town of Penrith and is, therefore, a more accurate reflection of the site's location.
4. 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

5. The main issues are:
 - i) Whether the 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 surrounding area.

Reasons

Suitability of the location

6. The suitability of the location for residential development, in this case, turns on whether the site can reasonably be considered to form part of the settlement of

Edenhall and, if so, whether it would amount to limited infill or rounding off as permitted by Policy LS1 of the Eden Local Plan 2014-2032 (the ELP).

7. The appeal site is an area of land located to the northeast of East Lodge, a detached residential property. The site is separated from East Lodge by a narrow lane known locally as Church Lane which provides access from the village of Edenhall to St Cuthbert's Church to the southeast. The site is understood to be a residential garden associated with East Lodge and comprises an orchard with well-kempt lawns and hedging. Beyond the gardens, the site is surrounded by agricultural pasture land to the north, east and south, with a stone barn located in the field to the northeast.
8. The appellants are of the view that the appeal site forms an integral part of the garden of East Lodge, which, in turn, they consider to form part of the settlement of Edenhall. To support their assertion, they have drawn my attention to a recent planning approval¹ for the erection of a dwelling within the southwest garden of East Lodge where they suggest the Council acknowledged that East Lodge could be construed as being within the settlement of Edenhall. I have been provided with a copy of the Council's Delegated Report pertaining to this previous approval and note that the Officer describes East Lodge and the site as being '*separated from the village of Edenhall by an agricultural field*'. The report goes on to state that:

'The applicant's property [East Lodge] does lie 70m distant of the nearest dwelling in the village of Edenhall and is separated from it by a field grazed by sheep. Notionally therefore it could be considered as being outside of the urban area and within open countryside. The experience of being on the ground at the site itself however gives one the impression of being part of the village, albeit separated by the narrow field... Whether or not the site is open countryside or part of the village is inconclusive, since persuasive arguments can be made either way' (my emphasis).

9. The assessment was not definitive in this regard and so it does not provide a firm conclusion as to whether that site or East Lodge can reasonably be considered to form part of the settlement of Edenhall. I also note that, at the time of this previous approval the Council was unable to demonstrate a five year housing land supply and therefore the presumption in favour of sustainable development applied. The assessment was, therefore, 'on balance' in favour of granting permission and in recognition of the Government's positive growth agenda. The decision was also prior to the adoption of the ELP in October 2018 and so the policy context was different. Consequently, I give little weight to this previous grant of planning permission and have determined the appeal on the basis of the evidence before me, in light of the current policy context and based on my own assessment of the site, its surrounding context and its relationship with the built up area of the village.
10. It is a matter of fact that East Lodge and its gardens, including the appeal site, are surrounded by undeveloped countryside, which physically separate it from the built up area of Edenhall. Indeed, East Lodge and the appeal site are situated some distance from Tea Rose Cottage and Lilac Cottage which form the last properties within the village on either side of Church Lane. Beyond this, two paddocks flank each side of the lane, providing a physical break in built development and thereby separate East Lodge and the appeal site from the

¹ Local Planning Authority Ref. 17/0486

settlement. Furthermore, the undeveloped and verdant character of the site is more closely related to the surrounding countryside than that of the settlement. Thus, notwithstanding the Councils previous decision in relation to the southwest garden of East Lodge, I find that both East Lodge and the appeal site cannot reasonably be considered to form part of the settlement. They are located within open countryside outside of the settlement of Edenhall. As such, there can be no question as to whether the development would be limited infill or rounding off development.

11. I acknowledge that the site, along with East Lodge, falls within the boundary of the Edenhall Conservation Area, is within approximately 200 metres of the core of the village and that it is closer to the settlement than both Edenhall Cross and St Cuthbert's Church. However, these factors do not define the extent of the settlement and do not, therefore, alter my findings on this main issue.
12. The location of the Old School House and the fact that Edenhall includes areas of unbuilt frontage does not change the fact that the appeal site is physically detached from the settlement. Nor does the site's historical association with the Edenhall Estate, the former line of 'Ladies Walk' or the historical maps of the area lead me to a different conclusion. In fact, the historical maps support my findings, in this regard, demonstrating that East Lodge and the appeal site have always been separated from the settlement by undeveloped land.
13. For all these reasons, I find that the appeal site is not a suitable location for residential development, having regard to the local development strategy for the area. It is contrary to Policy LS1 of the ELP which restricts development in other rural areas outside of key hubs and smaller villages and hamlets to the re-use of traditional buildings, the provision of affordable housing or where proposals would meet an exception set out elsewhere in the Local Plan.
14. Given that I have found the site to be located within the open countryside, Policy HS2 of the ELP is of no relevance to the proposal.

Character and appearance

15. Edenhall is largely a nucleated settlement with its historic core centred around a paddock which has the initial appearance of a village green but is enclosed by stone walls and grazed by sheep, a reflection of the village's historical association with the farming community. While this area is the focus of the village's historic centre, a further cluster of development exists to the southwest at St Cuthbert's Place. The open and spacious aspects of the fields and undeveloped countryside which surround the settlement, coupled with large areas of unbuilt frontage within the village, provide a positive contribution to the overall character of the area and form an important rural setting that frames the village.
16. The appeal site, while exhibiting some characteristics of a residential garden, is much less domesticated than the rest of the grounds associated with East Lodge. Its verdant undeveloped character is more closely related to the surrounding countryside and, therefore, makes a positive contribution to the intrinsic rural setting of the village and the surrounding landscape. Even though all matters are reserved for subsequent approval, a residential development at the site would stand out as being a discordant feature, particularly given its open countryside location and the lack of any built form to the east of the lane other than a simple agricultural barn in the neighbouring field.

17. The introduction of a dwelling into this rural landscape setting would erode its rural character and, in turn, would have a negative impact on the rural character and setting of the village. The development would be noticeably and visibly detached from East Lodge and set apart from the nearby settlement. It would, therefore, be an obvious and significant spatial encroachment towards the open countryside. As a result, the proposal does not demonstrate a clear understanding of the form and character of the surrounding built and natural environment and would disrupt the prevailing undeveloped rural character of its immediate surroundings.
18. I accept that the development is likely to be imperceptible in long distance views, yet this does not outweigh the harm I have found to the character and appearance of its immediate surroundings. While a degree of landscaping could reduce these harmful effects, the dwelling would still be visible from nearby views along Church Lane and the Public Right of Way to the southeast, appearing as a discordant form of development encroaching into the countryside. Furthermore, landscaping ought to be used to soften, enhance or complement the appearance of new development not to conceal inappropriate development that fails to contribute to, or is at odds with, its surroundings. The opportunity to enhance existing native hedgerows is of limited weight.
19. Consequently, the proposal would have a significant harmful effect on the character and appearance of the surrounding area. It follows, therefore, that the proposal would fail to comply with 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. In this regard, it would also conflict with the aims of Sections 12 and 15 of the Framework which require development to be sympathetic to local character and recognise the intrinsic character and beauty of the countryside.

Other matters

20. The site is located within the Edenhall Conservation Area (CA) and while the effect of the proposed development on the character and appearance of the CA is not in dispute, I am mindful of my statutory duty in this regard. The Council's Conservation Officer raised no objection to the proposal and, given that the site is located some distance from the historic core of the village, I see no reason to disagree with this assessment. As such, the proposal is likely to have a negligible effect on the CA and would, therefore, preserve its overall character and appearance.
21. I recognise that the Framework promotes the effective use of land including previously developed or brownfield land. However, even if I were to accept the appellant's claim that the site constitutes previously developed land, this does not amount to a presumption in favour of developing the appeal site and, as such, it would not outweigh the principle conflict I have found with the Council's locational strategy.
22. Despite assurances that the dwelling would be limited in scale to a single storey building and would utilise local materials, I am conscious that these are reserved matters. In any case, such assurances would not overcome my concerns in respect of the site's suitability for residential development nor the harm I have found to the character and appearance of the surrounding area.

23. In support of their case, the appellants have drawn my attention to an appeal decision for residential development at South Dykes². In that case the decision turned on whether the proposal would amount to a 'rounding off' of the settlement. However, in this case the appeal site lies within the open countryside, detached from any settlement. Therefore, this previous appeal decision is not comparable to the current appeal proposal and is of little weight.
24. I appreciate the appellants' longstanding connection with the area, their desire to build a property that would allow them to downsize and I recognise that they are very active in the local community, enabling access to St Cuthbert's Church and maintaining its security. The proposal would contribute an additional dwelling to the local housing stock and potentially free up a family home. I also acknowledge the letters of support from interested third parties and the lack of objection from the local Parish Council and other consultees. However, these considerations do not outweigh the harm I have found in this case and the resulting conflict with the development plan.

Conclusion

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

J M Tweddle

INSPECTOR

² APP/H0928/W/18/3194233