The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/E0915/W/19/3240918
Land at Ghyll Road, Scotby, Carlisle

- 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 and Mrs Jackson against the decision of Carlisle City Council.
- The application Ref 19/0684, dated 13 August 2019, was refused by notice dated 28 October 2019.
- The development proposed is for the erection of a single dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling at land at Ghyll Road, Scotby, Carlisle in accordance with the terms of the application, Ref 19/0684, dated 13 August 2019 subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The application is submitted in outline with all matters reserved for later determination. I have dealt with the appeal on that basis and I have taken the illustrative plan that has been submitted into account, insofar as it is relevant to my consideration of the issue of the development on the appeal site.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is situated at the south eastern end of Ghyll Road, a cul-de-sac which is residential in character but situated on the edge of open farmland. The character of the surrounding farmland is one of open arable fields bordered with hedgerows.

5. The appeal site would be located adjacent to the Settle-Carlisle Conservation Area (CA). Given that layout, scale and appearance can be controlled on submission of a reserved matters application, the Council considered that the proposed development would have no detrimental impact on the CA. From my site visit and the evidence before me, I would agree with the Council's assessment, that a reserved matters application would ensure there would be no harm to the adjoining CA.

6. The proposed development site is within a narrow triangular shaped field which is well contained by existing landscape features. Mature dense hedgerows and

trees line the adjacent bridleway and the railway which border the site on two sides. These landscape features sharply taper down and away from the development site to form a natural termination point to the field.

7. The character of this site is not typical of the surrounding farmland, which tends to be open and arable in nature. This is a small, self-contained piece of land which is separated from its agricultural location by the bridleway and railway line. Therefore, development on this area would not be an unacceptable intrusion into the open countryside.

8. Additionally, there would be limited visibility into the site from the bridleway and surrounding farmland due to the dense and tall vegetation which surrounds the land. There are partial views into the site from Ghyll Road, which visibly connects and integrates this area with the village.

9. While the proposed property would be situated at the edge of the settlement, it would physically adjoin the garden of Number (No) 33 and be situated opposite a new residential property on the other side of the bridleway. The existing field gate, which is adjacent to No 33 would provide access to Ghyll Road via the track/bridleway. It would effectively round-off development in this part of the village and relate well with the character of the village, while providing a natural end point to the urban development.

10. The site is also large enough so that the proposed property could be set back from the bridleway, while remaining on the same building line and at a similar orientation to No 33. The site has an elevated position, with the land falling gently away from the railway line to the bridleway. The illustrative layout (drawing 03-Rev 03) and planning statement indicate that the property would be cut into the slope of the ground, so that it would be no higher than the existing neighbouring buildings. It would also be screened by existing and proposed new tree and hedge planting.

11. My site visit confirmed this would be possible and would enable the proposed dwelling to sit low into the landscape and blend in with its setting. Thereby reducing any visual impacts to the character and appearance of the area and retain the rural form of the bridleway. There is no reason to suggest that an appropriate appearance and layout could not be secured at the reserved matters stage.

12. The appeal site is situated within the north western part of the field. The entire field is shown within the plans as being within the ownership of the appellants. The appellants indicate a willingness to strengthen the southern boundary with tree planting to further contain and screen the site. This is outside the application site boundary and cannot be conditioned, therefore carries limited weight in this appeal case.

13. My attention has been drawn to historical planning applications (88/0707 and 04/0585) and an appeal in 2005 relating to this proposal site. However, all decisions were made prior to the current Carlisle District Local Plan 2015-2030, adopted 2016 (Local Plan). The current Local Plan no longer includes a settlement boundary for Scotby. It accepts development on the edge of rural villages providing it adheres with Policy HO 2. In addition, the circumstances of the site and the surrounding area have changed, therefore I have to reach a decision on the basis of the current situation and the merits of the present proposal.

14. It is also apparent that since these historical applications and the appeal, that a dwelling has been approved and built at the end of Ghyll Road in close proximity to the appeal site. This has considerably changed the character of this end of Ghyll Road, into one of a more residential nature. This new property integrates and connects this appeal site with Ghyll Road and the rest of the village.

15. I conclude, that the proposal would not harm the character and appearance of the area and is in accordance with criteria 3 of Policy HO 2 of the Local Plan. This requires that development is contained within existing landscape features, is physically connected and integrated with the settlement and does not lead to unacceptable intrusion into the open countryside. It also complies with paragraph 11, presumption in favour of sustainable development, of the National Planning Policy Framework (the Framework).

Conditions

16. The Council have suggested a number of conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity and to better reflect the relevant guidance.

17. As this is an outline planning permission, it is necessary to specify the reserved matters to be submitted for approval from the local planning authority, a timetable for their submission and to reference the location plan in the interest of certainty.

18. I have imposed a condition relating to boundary treatments, to ensure that the development protects the character and appearance of the surrounding area. In the interests of the living conditions of existing and future residents I have included a detailed surface water and foul drainage condition to promote sustainability and safeguard the site from flooding and pollution. In the interests of highway safety, a condition for adequate visibility splays at the proposed site access are necessary, while disturbance to nearby residents will be prevented by a condition to limit construction times.

19. I have amended the Council's condition relating to wildlife enhancement measures, as the biodiversity issues that were evident related to trees and hedgerows. Therefore, a tree protection plan including details of protective fencing is required, this condition will ensure that the trees and hedgerows on the site are safeguarded in the interest of character and appearance of the area and biodiversity.

20. Finally, I have included a condition to reduce risks from land contamination to protect future users of this site and the neighbouring land.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D Hilton-Brown

INSPECTOR

SCHEDULE OF CONDITIONS

1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan, Drawing No 05.

5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details, completed before the building is first occupied, and thereafter retained.

6) No development shall take place until details of surface and foul water drainage for the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

7) Before the access is first brought into use, a 2.4m x 2.4m emerging visibility splay shall be provided. This vision splay shall thereafter be retained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

8) Construction works shall take place only between 07:30 and 18:00 on Monday to Friday and 07:30 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

9) No site clearance, preparatory works or development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of tree and hedgerow protection measures. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.