



Appeal Decision

Site visit made on 7 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/G0908/W/19/3238822

Low Wood, Belle Vue, Papcastle, Cockermouth CA13 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs J Bannard against the decision of Allerdale Borough Council.
 - The application Ref PIP/2019/0007, dated 7 June 2019, was refused by notice dated 8 July 2019.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Allerdale Borough Council against Mrs J Bannard. This application is the subject of a separate Decision.

Procedural Matters

3. As explained in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, which is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development. The appeal proposal is at the first stage and, therefore, I have considered the principle of the scheme.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a minimum/maximum of one dwelling on the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.
5. An indicative site layout was submitted as part of the application, Drawing No: 19.21.SITE. As this appeal is to consider the principle of the scheme, I have regarded all elements of this drawing as indicative.
6. I am aware that the Inspector's report for the Allerdale Local Plan Part 2 was received on 9 January 2020 after the Council's decision notice was issued. The report confirms that the Inspector has found the modified Allerdale Local Plan

Part 2 (emerging ALP2) sound, subject to the modifications previously published for consultation. Given its advanced stage, I consider that the emerging plan can be given significant weight. Both main parties have had the opportunity to comment on the implications of this for the appeal. I am satisfied that no interested party has been prejudiced by this approach.

7. The site address is stated in the application form as Low Wood, Bell View, Papcastle, Cockermouth CA13 0NT. However, it is stated in the delegated decision, appeal form and evidence submitted as part of the appeal as Low Wood, Belle Vue, Papcastle, Cockermouth CA13 0NT. I have therefore proceeded on the basis that the latter is the correct address and used it in the banner heading above.

Policy Background and Housing Land Supply

8. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan for the administrative area of Allerdale Borough Council comprises the Allerdale Local Plan Settlement Limits 1999 (ALPSL) and the Allerdale Local Plan Part 1 Strategic and Development Management Policies 2014 (ALP1).
9. Taking into account the date of the ALPSL and an appeal decision relating to a site within the Borough², the parties agree that settlement limits from the ALPSL, along with policies S3 and S5 of the ALP1 insofar as they refer to the 1999 settlement limits and the housing numbers for each settlement, are out of date. I consider that these are the most important policies for determining the planning application and consequently Paragraph 11d of the National Planning Policy Framework (Framework) is engaged.
10. That said, this does not mean that these policies carry no weight. Having regard to Paragraph 213 of the Framework the settlement hierarchy and list of exceptions within policy S3 of the ALP1 are generally consistent with Paragraph 79 of the Framework in seeking to avoid the development of isolated homes in the open countryside. Therefore, I consider that it can be afforded moderate weight. In addition, the development principles contained within Policy S5 of the ALP1 are broadly in line with the provisions in the Framework which aim to achieve well designed places, and protect and enhance the natural and built environments. Therefore, I consider that it can be afforded moderate weight.
11. As stated previously, given the stage of the preparation of the emerging ALP2, significant weight can be afforded to it. The Council has confirmed that the emerging ALP2 introduces site allocations and updates the settlement limits for the Principle, Key and Local Service Centres and Limited Growth Villages, to accommodate the broad distribution of housing and employment growth set out in the spatial strategy within Policy S3 of the ALP1. The emerging ALP2 does not alter the status of Belle Vue as a hamlet which is not identified within the settlement hierarchy outlined in Policy S3 of the ALP1. The Council also states that the emerging ALP2 confirms the removal of any settlement limit for the village of Papcastle, which is identified in Policy S3 of the ALP1 as an Infill/Rounding Off village only.

¹ S38(6) of Planning and Compulsory Purchase Act 2004.

² Appeal Ref: APP/G0908/W/17/318394.

12. Policies S1 and S2 of the ALP1 are consistent with the presumption in favour of sustainable development and the aim of achieving sustainable development as set out within the Framework. In addition, Policies S4, S32 and S33 of the ALP1 are aligned with the provisions in the Framework which seek to achieve well-designed places which are sympathetic to local character, including landscape setting, and with a high standard of amenity. Accordingly, these policies are up to date and can be afforded significant weight in the determination of the appeal.
13. The Council has confirmed that it has in excess of a five year housing land supply³. The appellant has not directly challenged this position but has highlighted the fragility of the situation. However, there is no substantial evidence before me which would cause me to question the validity of the Council's stated position.

Main Issues

14. The main issues are:

- Whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities; and
- The effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location for housing

15. The appeal site comprises part of the rear domestic garden of an end of terrace property, Low Wood, which has an existing access off Dovers Lane. To the north is open land and mature trees with the A595 positioned high above the land; to the east is the property of Low Wood and adjacent dwelling houses which, together, form the small hamlet of Belle Vue; and to the west and south is open grazing land.
16. Policy S3 of the ALP1 sets out the spatial strategy and growth framework for the area. In order to achieve sustainable growth it seeks to direct the majority of new growth to Workington, as the principal centre, together with other key and local service centres. Outside of these centres a number of limited growth villages and infill/rounding off villages are identified where a limited amount of growth is expected to take place.
17. The hamlet of Belle Vue is not referred to in the settlement hierarchy and, as such, is outside of defined settlement limits where development is limited to certain types which are listed a-j. The proposed development does not meet any of the exception criteria stated within the policy. These points are not disputed by the appellant. As such, the proposed development would not accord with Policy S3 of the ALP1.
18. It is suggested by the appellant that Belle Vue is viewed as part of the village of Papcastle, which lies to the south west, and that the appeal site adjoins the settlement edge. It is declared that, given the diversity of character of

³ Allerdale Borough Council. Five Year Housing Land Supply as of 31 March 2019.

Papcastle and the lack of clarity regarding the settlement's edge, the proposed development would be a 'rounding off' of the settlement.

19. I am aware that the emerging ALP2, confirms the removal of any settlement limit for the village of Papcastle. However, in line with the previous appeal decisions⁴ for housing development on sites near to the appeal site, it is apparent that Belle Vue is a hamlet which is markedly separated from Papcastle by open fields. As such, any development on the appeal site could not be considered to be 'rounding off' Papcastle.
20. With regard to accessibility to services and facilities, the dwellings in Belle Vue are concentrated around a public house. The hamlet has no other public services or facilities. Papcastle, from what I observed on my site visit, also has limited services and facilities. The town of Cockermouth lies to the south east of Belle Vue and provides a wide range of services and facilities. A bus stop lies within easy walking distance of Belle Vue on a bus route between Cockermouth, Wigton and Carlisle.
21. Taking into account the limited range of services and facilities within both Belle Vue and Papcastle, I consider that it would be highly probable that future occupiers of the proposed dwelling would need to travel to Cockermouth to service their day to day needs. The appellant asserts that the appeal site is very close and well connected to the town of Cockermouth by safe pedestrian footpaths and a local bus service. However, Cockermouth is approximately a 20-30 minute walk from Belle Vue and the route back is up a steep hill. This would discourage future occupiers of the proposed dwelling to obtain any services and facilities they require from Cockermouth by foot or bicycle. Combined with the moderate bus service, I consider that it would be highly likely that any permanent occupiers of the proposed dwelling would use a private car to service their day to day needs.
22. The appellant highlights that the proposed development accords with Paragraph 78 of the Framework as future occupiers would contribute to the vitality of a rural community and support services in a nearby village. However, the very limited range of local services available and the fact that the proposal is for a single dwelling would mean that the impact on the vibrancy and vitality of the immediate community would be minimal. Moreover, the proposed development could not accord with the Framework's example of development in one village supporting services in a village nearby, as it would not be in a village itself.
23. Accordingly, I conclude that the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities. This would be contrary to Policies S1, S2 and S3 of the ALP1. Taken together and amongst other things, these policies seek to achieve sustainable development, with high standards of design, that responds positively to the character of its location and integrates well with existing development. It would also not accord with the Framework concerning accessible services and promoting sustainable transport modes. This is a significant concern which weighs against allowing the appeal.

⁴ Appeal Ref: APP/G0908/W/16/3150074 and Appeal Ref: APP/G0908/W/16/3148769

Character and appearance of the area

24. The hamlet of Belle Vue is comprised of a small number of houses clustered around the focal building of a public house. The area is generally characterised by terraced, two storey properties which vary in size and design and front the highway. Surrounding the houses is pastoral land, which provides a green buffer and setting to the hamlet, and distinctly separates Belle Vue and Papcastle.
25. The appeal site is set well back from Dovers Lane and sits below the adjacent dwellings to the east and highways to the north and south. I acknowledge that it is part of the residential curtilage of Low Wood and I note that a garage and workshop were previously located on the site. However, the site's distance from Dovers Lane and separation from other houses, would mean that a new dwelling in this location would be fundamentally out of keeping with the prevailing characteristics and pattern of development within the area, and would not relate well to the existing built form. Furthermore, although the topography of the land and adjacent hedgerows would go some way to mitigate its prominence when viewed from public routes, in all probability, it would be unduly conspicuous when viewed from Dovers Lane and from some of the properties to the east, which would emphasise its discordance on the edge of the hamlet.
26. I have had regard to the permission in principle nature of the scheme and the fact that it is for a single dwelling. However, I consider that, regardless of the submission of technical details, the proposed development would be likely to introduce substantive built form into a relatively open area and where, together with other residential features, it would result in an incursion into the existing space and erode the visual and spatial transition from domestic gardens into the rural setting of Belle Vue.
27. To conclude on this issue, I consider that the proposed development would have a significantly harmful effect on the character and appearance of the area. Accordingly, it would be contrary to Policies S4, S5, S32 and S33 of the ALP1. Taken together and amongst other things, these policies seek to ensure that all developments demonstrate high standards of design and contribute positively to the site and surroundings in terms of visual amenity and functionality; maintain and improve the quality of the environment and amenity; and protect, maintain or enhance the local distinctiveness, character and landscape. It would also conflict with the provisions within the Framework which recognise the intrinsic character and beauty of the countryside and aim to protect and enhance the natural and built environment.

Other Considerations

28. The proposed development would provide one additional dwelling with some economic and social benefits derived from its construction and occupation. There would also be some benefits in terms of any occupiers supporting local services and facilities. These benefits are reduced by the limited amount of development that is proposed but nevertheless, carry moderate weight in its favour.
29. The appellant has highlighted that under permitted development rights up to 50% of the curtilage of Low Wood could be developed, and that the proposed development would be preferable to this as the detail could be controlled and

agreed at technical details stage. However, even if the appellant is correct in her assessment of the permitted development position, in the absence of any details of such a proposal, I cannot evaluate its effects in comparison to the appeal proposal before me. Moreover, there is no evidence that there is any greater than a theoretical possibility that such a development might take place or that it would be a realistic alternative to the appeal development. As such, I can only attach limited weight to this fallback position.

30. Taking into account the evidence submitted, the proposed development would not give rise to any issues or concerns relating to highway safety, environmental health, drainage, minerals or services. It would also be compatible with other land uses in the surrounding area and would have a neutral impact on the setting of the Papcastle Conservation Area and the setting of the Papcastle Roman forts Scheduled Ancient Monument. I also note that no objections were received from occupiers of neighbouring properties. These are, however, matters of neutral consequence in the overall balance.

Other Matters

31. The appellant has drawn my attention to other developments on the outskirts of Cockermouth that have been approved by the Council. However, I do not know the full details or particular circumstances of these developments. In any event, I have determined the appeal before me on its own planning merits and the specific context of the appeal site. This matter does not outweigh or alter my final conclusion below.

Planning Balance and Conclusion

32. I have found that the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area and accessibility to services and facilities, and that it would have a significantly harmful effect on the character and appearance of the area. In these regards, the proposal would be contrary to Policies S1, S2, S3, S4, S5, S32 and S33 of the ALP1. I have found these policies to be generally consistent with the relevant aims and requirements of the Framework and whilst they can restrict development, taken together, I attach significant weight to them and the harm that arises, in this case, from the conflict I have found with them.
33. As outlined above, the proposed development would provide some benefits which carry moderate weight in its favour. However, the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Furthermore, there would be conflict with the identified development plan policies. Consequently, the proposal would not represent a sustainable form of development.
34. Accordingly, and for the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR