
Appeal Decision

Site visit made on 10 March 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Q9495/W/19/3220744
Rusko, Field Broughton LA11 6HW

- 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 I Curwen against the decision of Lake District National Park Authority.
 - The application Ref 7/2018/5646, dated 18 October 2018, was refused by notice dated 8 January 2019.
 - The development proposed is one dwelling and provision of passing places on lane.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved for future consideration. Although the location plan shows site layout, the appellant has confirmed that this is indicative only. I shall determine the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would be in an appropriate location, with particular regard to protection of the countryside and the character and appearance of the locality.

Reasons

4. The distinctive settlement pattern of the cluster community of Field Broughton is characterised by the closely-knit grouping of stone and rendered buildings located tight to the narrow access roads and lanes, with a looser and less dense layout of detached dwellings to the south. The appeal site is on the southern fringe of the cluster, to the west of Rusko, and within a fenced area of grassland with mature trees along the western boundary. The effect of the proposal would be to introduce a new dwelling within the lower fenced area.
5. Although new development does not have to be within the settlement, it should relate well to the settlement's form and buildings. To my mind, the appeal site is not within Field Broughton as the western extent of the settlement is predominantly defined by the boundary between the appeal site and Rusko. The appeal site sits at a lower level than the dwelling at Rusko, and on approximately the same level as the adjacent agricultural land, to which it

more readily relates, notwithstanding the site's partly cultivated appearance. Furthermore, when viewed from the south and west, most of the buildings at Field Broughton are heavily screened by local topography and by mature landscaping belts; most of the properties that can be seen are only glimpsed.

6. Rosko is more prominent, and the siting of even one new dwelling in front of it would result in a significantly greater prominence of built forms on the rural fringe of the cluster community, regardless of siting within the appeal site. I give great weight to conserving and enhancing landscape and scenic beauty in the National Park and I find that the proposal would neither relate well to the form and building of the settlement nor adequately maintain its landscape setting. Although the Lake District National Park Core Strategy (2010)(CS) gives positive encouragement to development within settlements, such that rounding off and infill are supported in principle, the relationship of the appeal site to the settlement does not represent an appropriate opportunity for development. Whilst it is suggested that scale and appearance are matters of local distinctiveness that could be reserved for later consideration, this could not mitigate the harm found.
7. As I have found that, overall, the proposal fails to reinforce the distinctive settlement pattern of the area, the wording of policy CS02 of the CS does not require me to assess whether or not the appeal site is an efficient use of previously development land or garden ground. The suggested condition to secure the dwelling in perpetuity for local needs is already a requirement within this policy and, as such, would not in itself provide adequate mitigation.
8. In conclusion, the proposal would not be in an appropriate location, with particular regard to protection of the countryside and the character and appearance of the locality. Consequently, the proposed development would conflict with policies CS01, CS02, CS03 and CS11 (1 and 2) of the CS and with the broad overarching objectives of Section 2 of the National Planning Policy Framework. Together these policies require development to conserve and enhance the special qualities of the Lake District National Park and its local landscapes, and reinforce distinctive settlement patterns.

Other matters

9. In terms of local housing need, the appellant raises concern that a cap is being paced on permissions beyond completion targets. However, the reason for refusal does not refer to local housing need and the officer report concludes that there is both housing need and housing imbalance. Whilst there may be a need to address these issues within the Cartmell peninsula sub-market area, as well as depopulation of the World Heritage Site, provision of one local need dwelling towards housing supply does not outweigh the harm found to the special qualities and distinctive traditional pattern of the National Park.

Conclusion

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

Patrick Hanna

INSPECTOR