
Appeal Decisions

Site visit made on 19 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal A - Ref: APP/H0928/W/20/3251997

Land North of Cornerstone Cottage, Great Strickland CA10 3DG

- 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 Mr P Hussey against the decision of Eden District Council.
 - The application Ref 20/0108, dated 13 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is the erection of two self-build/custom dwellings.
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Appeal B - Ref: APP/H0928/W/20/3251998

Land North of Cornerstone Cottage, Great Strickland CA10 3DG

- 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 Mr P Hussey against the decision of Eden District Council.
 - The application Ref 19/0719, dated 1 October 2019, was refused by notice dated 13 February 2020.
 - The development proposed is the erection of one local occupancy dwelling.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matter

3. The description of appeal B varies between the application form and the decision notice. The evidence indicates that while this proposal originally related to two dwellings, the scheme was reduced to one. I have determined the appeal on that basis.

Main Issue

4. The main issue in both appeals is whether the sites are suitable locations for residential development, having regard to the local development strategy for the area.

Reasons

5. Although Great Strickland generally has a linear settlement pattern, there are examples of backland development to the north and south of its main street. The appeal sites form part of an irregularly shaped parcel of land of pastoral character used for grazing. The field is wider at its southern end closest to the

main body of the village and tapers as it extends north-westward. Airygill Lane runs to the west of the northern section of the site at a lower level, separated by a hedgerow. Appeal B only relates to the southern section of the land and proposes one detached dwelling and garage, while appeal A includes an additional section of land to the north and relates to two detached dwellings and garages.

6. Policy LS1 of the Eden Local Plan 2014-2032 (ELP) sets out the Council's locational strategy for the distribution of development across the district. It sets out a hierarchical approach to development and advises that within smaller villages and hamlets, such as Great Strickland, 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. This approach is also set out by ELP Policy HS2 which in addition seeks to restrict the size of dwellings at these locations and, in the case of greenfield sites, requires a local occupancy restriction.
7. Both cases turn, in the main on whether they can be considered as 'infill sites' or as 'rounding off'. Policy LS1 indicates that whether proposals accord with the definitions will be determined on a case by case basis. SPD¹ guidance offers some advice as to the interpretation of the terms.

Infill sites

8. The SPD advises that in most cases infill development would fill a 'modest gap'. In most cases this would be considered to be development that would fill a gap in an otherwise continuous built frontage. However, the SPD also advises that infill development could relate to backland development for up to two dwellings where this already exists in the settlement.
9. Appeal B relates to one dwelling, the proposal is therefore limited in scale in the context of the village. However, Policy LS1 is clear that infill sites should fill a modest gap between existing buildings within the settlement. While School Farm/School Farm Cottage are within the main body of the settlement, the stables to the north east are clearly detached from the main body of the village, sitting within the countryside which closely surrounds Great Strickland on its northern side. Even allowing for the appellants interpretation of the policy, I do not consider the sites to which both appeals relate to be within the village.
10. For these reasons, plot 1 which is included under both appeals A and B would not be situated on an 'infill site'. Plot 2, included under appeal A only would not be bound to the north east by any buildings and as a result, it could also not be considered an infill site. The dwellings associated with both schemes would make incursions into the countryside which would be detrimental to its character and that of the village.
11. To conclude on this matter, neither the proposals under appeal A or B would comprise infill development and they would therefore fail to accord with Policies LS1 and HS2 of the ELP, the provisions of which are set out above.

¹ Eden Local Plan 2014-2032 Supplementary Planning Document Housing

Rounding off

12. SPD guidance states that to be considered 'rounding off' a site must be enclosed by existing built development and a strong physical feature forming a defensible boundary.
13. A large area of garden land/paddock would remain to the north west of the sites associated with both appeals A and B. There is no defensible boundary that can be utilised on these parts of the development sites. To my mind the requirement for a defensible boundary is rooted in the desire that development on the edge of a village such as Great Strickland should be constrained by a definitive end point to protect its character and that of the surrounding countryside, which would be harmed as a result of the incursions of these proposals.
14. While the tapering of the paddock to the north west would make further development more complicated, and while any such application would be subject to consideration in its own right, it would not in itself form a feature that would prevent further development in its own right. While a new hedgerow is proposed to the northwest boundary of plot 1 under appeal B, SPD guidance is clear that it is not acceptable to propose the creation of new defensible boundaries as part of a development.
15. While my attention has been drawn to an appeal outcome elsewhere in the district (Ref: APP/H0928/W/19/3239768), based on the information available to me, that appeal site shared a different context and the inspector considered that a steep rise in land levels would hinder ability to develop beyond the application site. That situation is not reflective of the appeal site and therefore I have afforded this matter limited weight.
16. To conclude on this matter, for the reasons above, neither of the schemes associated with either appeal A or B could be considered to comprise of 'rounding off' and they would therefore fail to accord with Policies LS1 and HS2 of the ELP, the provisions of which are set out above.

Planning Balance

17. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004).
18. The appellant contends in relation to appeal A that the Council has been under delivering in relation to its obligations to provide self-build plots under the self-build act and that as a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of The National Planning Policy Framework (the Framework) is relevant to the determination of this appeal. A unilateral undertaking has been submitted detailing that the dwellings under appeal A would be constructed as self-build/custom build dwellings.
19. However, even in the event that it were the case that the claimed lack of provision for self-build plots meant that the tilted balance was engaged, development plan Policies LS1 and HS2 have clear aims in protecting the character of the smaller villages and surrounding countryside within the district.

20. In relation to this appeal, these development plan policies have relevance and can be afforded significant weight as they have conformity with the National Planning Policy Framework. This is concerned with similar matters and advises at Paragraph 170 that planning decisions should contribute to and enhance the local environment by amongst other things, recognising the intrinsic character and beauty of the countryside, which would be harmed as a result of the proposals.
21. The adverse impacts of granting permission for appeal A would therefore significantly and demonstrably outweigh the benefits. The proposal would not therefore in any event benefit from the presumption in favour of sustainable development and there would be no material considerations which would indicate that a decision should be taken otherwise than in accordance with the development plan.

Other matters

22. I acknowledge that the provision of new local occupancy housing would have associated economic and social benefits and that the provision of self-build plots is supported by government policy. However, the harm associated with the proposals would outweigh such benefits. I have considered other planning appeals put before me by the appellant, however there is nothing to indicate that the sites to which these relate share the same characteristics as that before me, and I therefore afford them limited weight. In any event, each appeal is determined on its own merits.

Conclusion

23. For the reasons set out above, I conclude that both appeal A and B should be dismissed.

T J Burnham

INSPECTOR