
Appeal Decision

Site visit made on 16 December 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2021

Appeal Ref: APP/H0928/W/20/3258847

Oaklea, Crackenthorpe, Appleby-in-Westmorland, Cumbria CA16 6AF

- 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 Miss Lesley Kelly against the decision of Eden District Council.
 - The application Ref 17/0962, dated 26 March 2018, was refused by notice dated 12 June 2020.
 - The development proposed is described on the application form as 'we propose to build two new units for ourselves and our family' (sic).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission, with all matters reserved for future consideration. An indicative site location plan was submitted with the application and I have taken this into account only in so far as determining the acceptability, in land use principle terms, of erecting up-to two dwellings on the site.
3. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived unfairness given the length of time it took to determine the application since it was first submitted and also the fact that a new Development Plan was adopted in the intervening period. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

4. The main issue is whether the proposal amounts to an acceptable form of modest infill or rounding off development having regard to the development plan for the area and, if not, whether there are other material considerations which outweigh any identified conflict with the development plan for the area when considered as a whole.

Reasons

5. Policy LS1 of the adopted Eden Local Plan 2014-2032 (ELP) sets out a locational strategy for new development in the district using a settlement hierarchy. It places Crackenthorpe within the Smaller Village and Hamlet category where new housing development will be permitted on greenfield sites only. It also states that all development in locations within this category should be of a high-quality design and restricted to infill sites, which fill a modest gap between existing buildings

within the settlement, rounding off development which provides a modest extension beyond the limit of the settlement to a logical, defensible boundary or the re-use of traditional rural buildings and structures subject to specific criteria.

6. Policy HS2 of the ELP sets out the more detailed requirements for the provision of housing in Smaller Villages and Hamlets stating that permission will be given for housing of an appropriate scale, which reflects the built form of adjoining and neighbouring development to the site and the service function of the settlement subject to meeting a number of criteria, including that development is restricted to infilling and rounding off of the current village settlement pattern.
7. The adopted Housing Supplementary Planning Document 2020 (SPD) specifies that in most cases modest infill development within Smaller Villages and Hamlets is development that would fill a gap in an otherwise continuous built frontage of not more than two dwellings. It also states that the proposals should be assessed in the context of the character of the settlement they are in.
8. I consider that infill development is normally associated with the completion of an otherwise substantial built up frontage of several buildings. The red line boundary on the indicative site location plan shows that the proposal would be situated within the back gardens of the existing dwellings 'Oaklea' and 'Acorn Cottage' which are a pair of two-storey semi-detached dwellings fronting onto the road. There is a gap to the side of 'Oaklea' with some outbuildings towards this side boundary the side elevation of which faces the road. Beyond these is a gap with another large building beyond it, the side elevation of which also faces onto the road. The houses on the same side of the road as the appeal site and at this end of the village, follow a relatively linear pattern of development with all of them fronting onto the road, even though some are slightly set back more than others.
9. Given its location beyond the rear building line of the dwellings 'Oaklea' and 'Acorn Cottage' and the other buildings fronting onto the road, the indicative proposal would not form part of this built-up frontage nor fill a gap within it. Consequently, I find that it would not represent infill development. Moreover, its location also means that it would not modestly extend the limit of the linear pattern of the settlement on this side of the road to a logical, defensible boundary. I therefore also find that it would not represent rounding off development either. Accordingly, I conclude that the proposal would conflict with Policies LS1 and HS2 of the ELP and with the SPD.

Other Matter

10. I note the appellant's point with regards to neighbouring properties in the village recently being granted planning permission for residential development. However, I do not have the details of these cases before me or the circumstances which led to those decisions being taken. In any event I have determined the appeal scheme on its own merits. The existence of other residential development proposals in the locality does not alter or outweigh my findings in respect of the main issue above.

Conclusion

11. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR