



Appeal Decision

Site visit made on 4 February 2021

by L Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2021

Appeal Ref: APP/E0915/W/20/3263334

Woodside Kennels, Woodside, Newby East, Carlisle, Cumbria, CA4 8RA

- 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 Rodney Peart against the decision of Carlisle City Council.
 - The application Ref 20/0213, dated 15 April 2020, was refused by notice dated 28 May 2020.
 - The development proposed is erection of a dwelling to replace kennels application no 13/1009 decided 7/3/2104 and replacement no 14/0443 decided 23/5/2014 to private kennels.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site is associated with a former farmstead. Amongst the buildings on site, are a traditional rendered farmhouse, with a pitched roof, chimneys at both gable ends and a two storey smaller side extension, with what appears to be converted agricultural buildings to the rear, as well as a number of other outbuildings, one of which I understand may not have the benefit of planning permission. Nonetheless, this is a matter which is not before me.
3. I am aware of the detailed history of the site, and that it is proposed that the house would be built on the base which had been constructed as part of the previously approved, but not completed kennel and ancillary building¹. However, in the interests of clarity, I have determined the appeal on the basis of the merits of an application for a new market dwelling.
4. After the refusal of the application, the appellant submitted amended plans. However, given that there would be a substantive difference in the roof form of the amended scheme, in the interests of fairness, I have not accepted the further plans.
5. The appeal proposal was refused for four reasons. However, the third and fourth reasons for refusal have now fallen away. It has been agreed by both parties that the demolition of the nearby kennels could be required by condition, and therefore, there would be no impact on the living conditions of future residents as a result of noise and disturbance from dogs barking.

¹ 14/0443

Similarly, the Council no longer considers that it could sustain an objection on highway safety grounds, and I have no reason to demur from this.

Main Issue

6. The main issues in this case are whether the proposed development would be consistent with the settlement strategy of the development plan, and the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

Location

7. The wider appeal site falls within open countryside, surrounded by open fields, set within a defined group of buildings associated with Woodside, which is a former farmstead. At the time of my site visit I noted a loose cluster of individual properties further south beyond the bend of the road, and Tyndle, which is on the same stretch of the C1010 as the appeal site but is physically separate.
8. I have been referred to the appeal site's relative proximity to Carlisle Airport, and the Golden Fleece Hotel, is on the approach road to Newby East and note that the site is around 4 miles from Brampton which I understand to be a market town with a number of amenities. I am also aware that there is a local Rambler bus that serves the rural area and that if required a bus could collect school children to attend the local primary and secondary school. However, any occupants of the proposed dwelling would be dependent on the private car for their day to day needs.
9. In my mind, there is no doubt, that the proposed development would lie within an isolated rural location, within the open countryside. As such Policy SP2 of the Carlisle District Local Plan 2015- 2030 (LP), which sets out the Council's settlement strategy, requires that there be a specific need for development in the open countryside.
10. It is no part of the appellant's case that the proposed development of the market dwelling would fall within any of the categories of development set out in Policy HO 6 of the LP. The proposed market dwelling is not for an essential rural worker, neither is it a replacement dwelling, nor the conversion of a building. Consequently, I conclude that the appeal proposal would be contrary to the Policies SP2 and HO6 of the LP which require development to accord with the settlement strategy and for any development for housing within the open countryside to accord with a number of criteria.

Character and appearance.

11. I consider that, in isolation, it would be possible through the use of conditions, to control materials and to provide a landscaping scheme to make the appeal proposal appear acceptable. I note an attempt has been made to articulate the front of the property through the use of varying roof heights, and a recessing of the secondary access to the garaging and cloakroom. However, the proposed dwelling's living accommodation would be of a similar height to Woodside, together with the attached cloakroom and garaging, and would appear substantially wider than the rendered element of Woodside.

12. Consequently, both due to its size and its physical proximity to Woodside, the proposed dwelling would appear to compete visually with the host property. Therefore, it would not read as being subservient to Woodside. As such, in my judgment, it would not be sensitive to, nor respond to the local context of the grouping of farmstead buildings. In coming to this conclusion, I note that the proposed development would be set back off the road and that the former stables are to be demolished.
13. I have carefully considered the impact of the proposed development in this particular isolated, and exposed location, taking the opportunity to view the wider site from the road and to drive past the site in both directions. I noted that the avenue of trees to the south of the site, would screen the site to some extent, as would the hedging at the front. Nonetheless, I conclude, given the open nature of the landscape, the scale and form of the proposed development, together with its relationship to Woodside, that the proposed development would result in adverse harm to the character and appearance of the lowland landscape. Consequently, the proposal would not accord with Policies SP6 and GI1 of the LP, which are consistent with the design policies of the Framework in relation to local distinctiveness, both in relation to the built environment and the wider landscape. Therefore, it would have an adverse impact on the character and appearance of the surrounding countryside.

Other matters

14. I have been referred to a number of developments which have been permitted by the Council. However, I do not have sufficient information to consider if they are comparable to the case before me. Additionally, I noted that there are some substantial properties nearby. However, neither of these matters leads me to a different conclusion other than that set out above.

Conclusion

15. For the reasons set out above, I conclude the appeal should be dismissed.

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INSPECTOR