



Appeal Decision

Site Visit made on 12 July 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/E0915/W/21/3271830

Cringles Farm, Cumwhinton, Carlisle CA4 8DL

- 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 Mssrs Steven, Richard and Andrew Stamper against the decision of Carlisle City Council.
- The application Ref 20/0602, dated 3 September 2020, was refused by notice dated 16 December 2020.
- The development proposed is described as: 'development of three two storey dwellings'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on trees.

Reasons

Character and Appearance

4. The appeal site is an agricultural field on the north side of the C1040 road lying roughly between the dwelling of Tanglewood and a farmhouse and converted buildings, comprising Cringles Farm. The area in the vicinity of the appeal site forms part of the approach to the settlement from the west which is undeveloped in character to both sides of the road. Further to the east, beyond the site, a consistent pattern of development emerges along the C1040 of predominantly detached dwellings positioned along the road. A new housing development is under construction on the opposite side of the road to Tanglewood and this adds to the more developed feel to the east of the appeal site.
5. The boundary of the appeal site with the highway verge is demarcated by a high hedge that is set forward of a post and rail fence which skirts the

- perimeter of the field. Although less dense in places, the hedge is reasonably substantial and extends along the roadside boundary to a much smaller parcel of land that separates the site from the garden of Tanglewood. This hedge then merges with the front boundary hedge of Tanglewood to form a consistent boundary for some length along this side of the highway.
6. There are a number of mature trees, some of which are very large, growing behind the boundary hedge and extending a considerable distance into the appeal site. These are growing close together in places, which together with the consistent hedge line form an attractive wooded approach to the settlement that contributes significantly to the rural character and appearance of the area and the setting of the village. The northern half of the site is less wooded but still includes trees growing along the boundary. The majority of trees on the site have been protected by a Tree Preservation Order ('TPO').
 7. The proposed three dwellings would be served by two new accesses from the C1040. Plots A and B would be provided with a shared access, whilst Plot C, to the east of the two aforementioned plots, would be provided with a single access. I note the proposed widths of the accesses are to be a minimum of 7.2 metres and 4.5 metres respectively, the creation of which would involve removing substantial areas of hedge. In addition, it is proposed to remove four trees, including two that are protected by the TPO, to allow for creation of the accesses.
 8. Furthermore, the plans show a 90 x 2.4 metres visibility splay. I note that the Highway Authority has suggested that 60 x 2.4 metres would be appropriate. However, notwithstanding this, the plan indicates that the hedge, as well as several of the trees, lies partly within the visibility splay. As such, on the basis of the evidence provided, I cannot be certain that additional portions of the hedge or branches of the trees would not need to be removed to facilitate the visibility splay, or whether the hedge would need reducing to a much lower height to allow views over it.
 9. As such, owing to the position, substantial widths and extent of the accesses, alongside the proposed loss of sections of the hedge and trees, the proposal would urbanise this setting and significantly detract from the attractive wooded approach to the settlement referred to above. The proposed access roads would therefore represent a discordant form of development that would be at odds with the rural character and appearance of the area and lead to an unacceptable intrusion into open countryside contrary to Criterion 3 of Policy HO2 of the Carlisle District Local Plan 2015-2030 (2016) ('the Local Plan').
 10. With regard to the further provisions of Criterion 3 of Policy HO2, even if I were to conclude that the proposal was physically connected to, and integrated well with the settlement, this would be a neutral finding and consequently would not outweigh the harm and conflict with that policy that I have found above.

Effect on Trees

11. The appeal site is well wooded with the majority of trees protected by a TPO. An Arboricultural Survey, Implication Assessment and Tree Protection Report ('the Tree Report') has been submitted in support of the proposals. The Tree Report was informed by an indicative layout plan which shows the location of the proposed properties including access and driveways.

12. The Tree Report states that potentially damaging activities are proposed in the Root Protection Areas ('RPAs') of the protected trees and the hedge and that this can have negative impacts on their roots. The Tree Report proposes a variety of construction methods in order to minimise damage to roots and limit works within the RPA through the use of a 'no dig strategy', introduction of a cellular paving grid system and fencing off of a 'construction exclusion zone'. It is also proposed to carry out works to the trees, such as five metre crown lifts to the trees overhanging the proposed accesses, prior to the development commencing.
13. The Council have provided a Tree Assessment that advises that the proposed development would not fit well within the site, given the presence of the trees. Concerns are expressed that the driveways are constructed through the RPAs. The Tree Assessment argues that the trees will dominate the front gardens of the proposed dwellings and there will be pressure to remove them by future occupiers.
14. Whilst the appellant has argued that they have planned the layout of the houses around the trees, this proposal is made in outline with all matters aside from access reserved. Therefore, the size of the plots, exact location of houses, habitable room windows and gardens are as yet unknown. As a result, there is an absence of convincing evidence that the proposed dwellings, driveways and access can be constructed within close proximity of the trees. There is therefore considerable doubt in my mind as to whether the development can be adequately constructed without harming the trees.
15. Furthermore, the trees are located to the south of the likely position of the proposed dwellings and consequently, given the significant height of some of the trees, have potential to cause considerable overshadowing of the plots. Given the amount and location of the trees to be retained and the lack of evidence regarding potential for overshadowing, I am not convinced that future occupiers would not be adversely affected by overshadowing effects that could result in pressure to remove trees. I note that prospective buyers of the proposed properties would be aware of the existing trees however, their effect on everyday living conditions may not be fully appreciated, particularly as the trees grow over time.
16. A minimal number of trees are to be removed with those identified as requiring removal being of low or moderate amenity value. Larger trees on the site would remain, retaining the group value of the trees, and additional planting and maintenance of trees on the site is also proposed. These matters however, do not outweigh the harm I have identified above. Whilst the appellant argues that removing the trees proposed would improve the chances of survival of the remaining trees, I have not been provided with any evidence to support this assertion. Furthermore, such benefits would nevertheless be outweighed by the harm to the trees I have found above.
17. On the evidence that is before me, I am not convinced that the proposed development could be constructed without causing harm to the trees. The proposed development would therefore be contrary to Policies GI1, GI6 and Criterion 2 of Policy SP6 of the Local Plan which, amongst other things, seek to ensure proposals for new development protect landscape character and successfully integrate existing trees and hedges into development proposals where they contribute positively to a locality.

Other Matters

18. Whilst I acknowledge that the appellants' family have looked after these trees for many years and that they value them, I have found that the proposal would amount to harm to the character and appearance of the area. Furthermore, I am not convinced the development as proposed could be carried out without causing harm to the trees.
19. The appellant advises that there is a need for self-build plots in the locality and I note the Council's support for such proposals. However, the modest benefits arising from the provision of three self-build properties would be greatly outweighed by the harm to the character and appearance of the area and the trees that I have found above.
20. The proposed housing is intended to provide homes for the three sons of the occupiers of the main farmhouse at Cringles Farm. I accept that the proposal would be beneficial in this respect. However, this is essentially a personal benefit as opposed to the public harm to the character and appearance of the area and the trees that would arise from the proposal. Nonetheless, the proposal would boost the supply and choice of housing in the area. However, that contribution would be modest and carries limited weight in support of the appeal. Economic benefits would also arise from the associated construction works and occupation of the new houses. Nevertheless, together these would be relatively minor benefits that would not outweigh the harm that I have found above.

Conclusion

21. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR