



Appeal Decision

Site Visit made on 19 October 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2021

Appeal Ref: APP/Z0923/W/21/3277303

Syke Whins Farm, Lowca, Whitehaven, Cumbria CA28 6QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr D Pitchford against the decision of Copeland Borough Council.
 - The application Ref 4/20/2466/PIP, dated 12 November 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described as application for permission in principle to erect new dwelling within the domestic curtilage of a dwelling outside a built up area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As explained in the Planning Practice Guidance (the PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.

Main Issues

3. The main issues are:
 - i) Whether the site is suitable for new residential development, having regard to its location; and
 - ii) The effect of the proposal on the character and appearance of the area.

Reasons

Whether the location is suitable for new residential development

4. The appeal site is to the rear of the appeal property. It is fenced off from the surrounding agricultural land and from the formal parts of the residential garden of Syke Whins. The appeal property is 1 of 3 dwellings in this location, in the form of a short terrace, with agricultural buildings and yard areas to the rear. The dwellings are accessed via a shared private road. The appeal site is in the countryside.
5. Policy ST2 of the Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies DPD Adopted December 2013 (the LP) sets

out the Council's spatial development strategy. It seeks to direct new housing to locations in accordance with the settlement hierarchy. Outside of the settlements, housing development is restricted to that with a need for the location such as agricultural worker and replacement dwellings and affordable housing. In this case, the proposal would not be in a settlement and it would not be of a type considered acceptable in the countryside.

6. The proposal would not be isolated from dwellings, but it would be remote from services and facilities. Future occupiers would need to travel to meet their basic daily needs. The site is roughly 1.6 miles from Lowca, which is a small rural settlement with limited services, and it appears to be slightly further from Harrington. The intervening rural roads are narrow with no footways or street lighting and subject to the national speed limit. It would not be a short or convenient walk by road to these settlements, particularly during inclement weather or hours of darkness. There are public rights of way in this area. However, while unsurfaced paths across farmed land offer opportunities for recreation, they do not provide convenient access to settlements.
7. Future occupiers could cycle to the closest settlements, but they would not routinely access shops, services and facilities this way. While there may be access to public transport in villages, the appeal site is not accessible by public transport. My attention has been drawn to the community facilities in the towns of Whitehaven and Workington. These settlements are within driving distance of the appeal site, but they are nevertheless remote from it and future occupiers would not access these towns by sustainable transport modes. Consequently, the need to travel would not be minimised in this location and future occupiers would be dependent on private car journeys.
8. There has been an increase in home-working during the coronavirus pandemic, but there would be no guarantee that future occupiers would work from home. Home delivery of food and groceries might reduce the number of vehicle movements originating in this location, but this would be offset by the increase in commercial delivery vehicles. Electric vehicles result in lower emissions than conventional internal combustion vehicles, thereby contributing to climate change mitigation. However, they are not carbon neutral and they do not provide a justification for a proposal that would increase vehicle movements.
9. The National Planning Policy Framework (the Framework) advises that rural housing should be located where it would enhance or maintain the vitality of rural communities. The historic dispersed and isolated patterns of rural development across Cumbria, and the large distances that existing rural residents travel, do not provide a justification for the proposal.
10. Therefore, the location is not suitable for new residential development, having regard to local and national planning policies. It would conflict with the locational strategy, development principles and rural housing aims of Policies ST1, ST2 and SS3 of the LP. These require, among other things, that development is focused in settlements unless there is a need for a countryside location, and that it minimises emissions and the need to travel. It would conflict with the Framework, including the sustainable development and transport objectives and the rural housing aims.

Character and appearance

11. The existing short residential terrace faces the shared private road and the highway. Together with the agricultural buildings to the rear, the group has the appearance of a small and dispersed farmstead group such as is characteristic of the surrounding open and sparsely developed countryside.
12. The proposal would be to the rear of the existing dwellings. The hardstanding along the side boundary of Syke Whins would be extended and formalised to create a dedicated access to the dwelling. The proposal would significantly increase the quantum and footprint of built development. Although set back from the road, the local topography is relatively flat and views of the proposal would be afforded from the surrounding area including footpaths.
13. Technical details would be dealt with at a later stage. Nevertheless, taking into account its wide separation from the existing dwellings and the access arrangements, the dwelling would not be visually well-related to nor part of the existing residential group. The increase in residential development and its visual encroachment into the countryside would have an urbanising effect that would be out of keeping with the character of a small rural farmstead.
14. Therefore, I conclude that the proposal would harm the rural character and appearance of the countryside. It would conflict with LP Policies ENV5 and DM10 which require, among other things, that development responds positively to its setting and enhances local distinctiveness and landscape value. It would conflict with the Framework including in relation to being sympathetic to the surrounding built environment and landscape setting and contributing to a strong sense of place.

Other Considerations

15. The appeal site is part of the grounds of Syke Whins. While residential gardens in urban areas are excluded from the Framework definition of previously developed land (PDL), the appeal site is not in a built up area and therefore it is PDL. The Framework states that it should not be assumed that the whole of the curtilage of the PDL should be developed.
16. The appellant's circumstances have changed and he wishes to live in a smaller property than Syke Whins, which is suitable to be occupied by a family. However, while he currently intends to occupy the proposal, there is little to suggest its occupancy would be restricted to local persons or those with a local connection. The personal preferences carry neutral weight in my assessment.

Planning Balance

17. The adverse impacts of the proposal relate to the unsatisfactory location of the development, its reliance on private car journeys and the harm to the character and appearance of the area. The proposal would not accord with the policies in the development plan.
18. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. The circumstances in which this may be engaged include where the policies which are most important for determining the application are out-of-date. Footnote 8 of the Framework sets out that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable

housing sites (5YHLS), or where the Housing Delivery Test (the HDT) indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years.

19. The Council states that it can demonstrate a 5YHLS. This is not established in a recently adopted plan or subsequent annual position statement. However, the Planning Practice Guidance sets out that the supply can also be demonstrated in an annual monitoring report. The published HDT measurements indicate that the housing requirement has been exceeded. In the absence of contrary evidence, I am satisfied that the Council can demonstrate a 5YHLS.
20. On the basis of the evidence before me, the most important policies for determining the application are LP Policies ST1, ST2, SS3, ENV5 and DM10. The Framework advises that due weight should be given to existing policies according to their degree of consistency with the Framework.
21. Policy ST1 sets out strategic development principles in relation to economic, social and environmental sustainability, the protection of valued assets, and the creation of quality places. These accord with the aims of the Framework and I attach full weight to the policy.
22. Policy ST2 B seeks to locate development in the settlement boundaries. Policy ST2 C is restrictive and it sets out types of development that are acceptable outside of the settlements. The overall strategy for the pattern of development aims to support town centres, to help sustain local services and facilities and to support rural housing that meets local needs. This approach is consistent with the Framework, including the sustainable development objectives. However, the Council cannot deliver a sufficient supply of homes within the defined settlement boundaries. Therefore, Policies ST2 B and ST2 C are out-of-date.
23. Policy SS3 aims to deliver a balanced mix of housing that meets the needs of local people. This is consistent with the Framework, including in relation to the housing needs for different groups in the community being reflected in planning policies and rural exception sites that provide affordable housing to meet local needs. The relevant provisions of Policies ENV5 and DM10 chime with the policies in the Framework which recognise the intrinsic character and beauty of the countryside and the need for development to be sympathetic to the surrounding built environment and landscape setting. Based on their degree of consistency with the Framework, these policies attract full weight.
24. Therefore, when read as a whole the basket of most important policies in this case is not out-of-date. On this basis, the presumption in favour of sustainable development would not be engaged and it would not apply.
25. As the relevant parts of Policy ST2 are out-of-date, I cannot attach full weight to the conflict with this policy. Although there is little before me in relation to the number or location of the deliverable sites outside the settlement boundaries, the Council can demonstrate a 5YHLS without the appeal site. Consequently, and taking into account that the principles of Policy ST2 are consistent with the Framework, I attach modest weight to the conflict with the spatial housing strategy. Even taking into account the small scale of the proposal, the increased use and reliance on private vehicles is a matter that attracts significant negative weight. The conflict arising from the harm to the character and appearance of the area carries moderate negative weight.

26. The housing supply position does not preclude further housing to meet the government's objective of significantly boosting the supply of homes. The market dwelling would not address the needs of a group in the community with specific requirements. It would make a minimal contribution to the overall supply of housing. The economic benefits during construction, and the economic and social benefits from the occupation of 1 dwelling, would be limited. Consequently, these considerations carry limited positive weight.
27. The Framework gives substantial weight to using suitable brownfield land in settlements for homes rather than land in the countryside. It recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, it identifies that the most suitable and sustainable locations for homes will be those that provide the necessary infrastructure and facilities, that limit the need to travel and that offer a genuine choice of transport modes. It also requires development to contribute to sense of place and to be sympathetic to its surroundings.
28. Therefore, I conclude that the benefits are not sufficient to outweigh the harms that I have found and they do not indicate that the decision should be made otherwise than in accordance with the development plan. Even if the presumption in favour of sustainable development applied, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

29. For the reasons set out above, I conclude that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh that conflict.
30. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR