



Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04/05/2022

Appeal Ref: APP/E0915/W/21/3283151

Land adjacent to Holme Meadow, Cumwhinton, Carlisle CA4 8DR

- 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 Mr Frank Lowe (Magnus Homes Ltd) against the decision of Carlisle City Council.
 - The application Ref 19/0871, dated 12 November 2019, was refused by notice dated 11 June 2021.
 - The development proposed is erection of 9 no. self / custom build dwellings and 5 no. market dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Magnus Homes Ltd against Carlisle City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would represent an unacceptable intrusion into the open countryside.

Reasons

4. Criterion 3 of Policy HO2 of the adopted Carlisle District Local Plan (CDLP) supports new housing development on the edge of settlements if the site is well contained within existing landscape features, is physically connected, and integrates with the settlement, and does not lead to an unacceptable intrusion into the open countryside. Policy HO2 does not explicitly define what would be an unacceptable intrusion into the open countryside. However, its supporting text states that development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland, or topography, physically and visibly connected to the village, **and** do not adversely impact on wider views in and out of the village.
5. The appeal site would be adjacent to the village in a sustainable location with facilities and services located in the village of Cumwhinton being within walking distance. It would also be physically connected to the settlement. It would to a large extent also be physically contained within existing landscape features i.e., the hedgerows. However, given the insubstantial nature of the hedgerow on the site's boundary facing Broomfallen Road, I do not consider the site to be physically well contained.

6. As highlighted in the Council's officer report this boundary to the appeal site provides a 'fairly deep separation' between the site and the adjacent dwellings. As a result, the site would be somewhat visually disconnected from the village by the row of high almost-mature trees on its boundary closest to the settlement.
7. In relation to any potential visual impact of the proposal particularly on views towards the settlement, according to the LPA officer report, the appeal site's outermost boundary in relation to the settlement has clusters of mature trees rather than a row of them. The submitted Landscape and Visual Assessment Statement (LVIA) also describes the landscape character of the appeal site as a grazed, grassland field with traditional hedgerows and scattered hedgerow trees. Consequently, I consider that the appeal site boundary furthest from its other boundary with the village not to be a fully effective visual barrier as evidenced by the photos from viewpoints 1 and 2 contained within the LVIA.
8. The LVIA also states that from Viewpoint 1 the change in view would be glimpsed views of the buildings through or in between existing trees and hedgerows and that the initial view would include views of the proposed buildings. Moreover, the report also states that while the magnitude of change and the sensitivity of the receptors at viewpoints 1 would be low it states that the resulting degree of significance would be slight/moderate after construction and negligible after the establishment of the proposed planting. As for Viewpoint 2 The initial view would include views of the proposed buildings and while the magnitude of change is judged to be low the sensitivity of receptors would be high with the degree of significance being moderate until the establishment of the proposed planting.
9. In addition, from both these viewpoints the LVIA states that the proposal would be mostly screened by the proposed landscaping/planting in summer months. Furthermore, according to the LVIA the proposed landscaping would also take approximately 10 years to mature and reach a height capable of screening the proposal when viewed from these locations.
10. As a result, I am not convinced that the site would be visually well contained by existing landscape features as the proposed housing would be at least partially visible from the two vantage points highlighted by the LVIA, particularly Viewpoint 2. I therefore consider that the proposal would thereby have an impact on wider views into the village when viewed from these directions particularly during winter months.
11. Consequently, while I acknowledge that the proposal would be in a sustainable location on the edge of an existing settlement and that it would be physically connected to this settlement, for the above reasons I consider that it would not be fully physically or visually contained thereby intruding on the views of the open rural landscape beyond the appeal site. As a result, in these regards, I find that the proposal would have an adverse visual impact.
12. I also note that the appeal site is not located within a designated landscape. However, this is not the same as the site and the landscape beyond it not having any visual value at all.
13. I therefore conclude that the proposed development would represent an unacceptable intrusion into the open countryside in conflict with criterion 3 of policy HO2 of the CDLP.

Other Matters

14. The appellant has submitted a draft s106 planning obligation agreement which would potentially ensure that the proposal would provide an element of self/custom-build housing to assist the Council in meeting their statutory duty in this regard. However, this is unsigned and unexecuted. As a result, I afford this matter no weight.
15. I also note that since the submission of this appeal the Council have granted planning permission for a development proposal like the appeal scheme. However, even so I have determined the appeal scheme before me on its own merits and this matter is not of sufficient weight to overcome or outweigh the harm I have identified above.

Conclusion

16. The proposal would not accord with the development plan when read as a whole. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR