



Appeal Decision

Site visit made on 20 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/E0915/W/22/3293490

Land adjacent to Forestgate, Blackbank, Longtown CA6 5LQ

- 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 John Wilson against the decision of Carlisle City Council.
 - The application Ref 21/0617, dated 18 June 2021, was refused by notice dated 4 October 2021.
 - The development proposed is outline application for single dwelling (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline form with all matters reserved for subsequent consideration. Although I note that the appellant states that the proposal is for a substantial detached two-storey property with a double garage, no indicative plans have been submitted. I have determined the appeal accordingly.

Main Issue

3. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

4. The appeal site is located on the edge of a group of around twelve houses and bungalows set on either side of an un-named lane off the A6071 between Gretna and Longtown. Carlisle District Local Plan (2015-2030) (CDLP) Policy HO2 gives support for new housing on unallocated sites within or on the edge of villages within the rural area provided they would not prejudice the delivery of the CDLP's spatial strategy and subject to a range of criteria. The Council's spatial strategy is set out in Policy SP2 of the CDLP. Villages are defined in the CDLP as "a group of houses, other buildings and open spaces which can include businesses and community uses such as a village hall and village green, church or primary school".
5. Given the number and proximity of the dwellings here I consider that it amounts to a settlement capable of being described as a village in accordance with the definition in the CDLP. The proposal would, however, be situated on the edge of that settlement in the open countryside.

6. The proposal would be appropriate to the scale of the settlement, in that it would be for one house. It would be contained within the landscape feature of the forest block which surrounds the site on two sides and by built development on the other two, thereby would be physically connected with the settlement. It would also be compatible with adjacent land users. It would, nevertheless, result in a form of development that would encroach into the countryside beyond the north-eastern edge of the settlement on this side of the lane. Whilst the proposal may "round off" the settlement as the appellant argues, there is no imperative for this in CDLP Policy HO2 nor within the National Planning Policy Framework (the 'Framework').
7. Furthermore, the settlement has no services and is detached from other settlements in the area. Future occupants of the proposal would therefore be reliant on services from other settlements. Longtown is approximately 3km and Gretna approximately 2.2km from the appeal site. Both towns provide community facilities including shops, schools, public houses, churches, health facilities and other essential services and are accessible via the A6071. The busy nature of which would not be an attractive route for either walking or cycling on a regular basis and given the distances involved would be impractical to do so. Moreover, whilst the lane on which the appeal site is located is effectively a cu-de-sac, it serves a substantial number of dwellings over and above those within the group containing the appeal site and is narrow with no footpaths or streetlighting.
8. There are bus stops on the A6071 close to the junction with the un-named lane. These are some distance from the appeal site which would not encourage their use. No evidence has been presented to me of the frequency of buses on this route. It is therefore likely that, taking this and the above into account, future occupiers of the proposed dwelling would be heavily reliant on the use of private motor vehicles to access services. This is the least sustainable travel option.
9. Whilst I recognise that the proposal would be located close to MOD Longtown which could offer employment opportunities for future occupiers there is no guarantee that this would be the case. CDLP Policy SP2 promotes the development of surplus land at MOD Longtown for development and whilst the policy refers to excellent road and rail links this in the context of development relating to freight transport for which the site is promoted in the policy. I have not been presented with any evidence that the proposal would enhance or maintain the vitality of the rural economy and community.
10. No case has been made in respect of the provisions of CDLP Policy HO6 in terms of providing housing for an essential rural worker. The proposal is not for the construction of a replacement dwelling or dwellings nor does it involve the conversion of existing buildings. Therefore, there is no support for the proposal from CDLP Policy HO6.
11. Accordingly, the appeal site is not an appropriate location for housing, having had regard to the development plan and national planning policy. The principle of the proposed development would therefore be unacceptable. The proposal would, accordingly, conflict with CDLP Policies SP2, HO2 and HO6 which, amongst other things, aim to encourage sustainable patterns of development. The proposal would also fail to comply with the aims of the Framework in this respect.

Other Matters

12. The site is not the subject of landscape, ecological or historical designation and is not liable to flooding being in Flood Zone 1 and benefitting from an existing drain which discharges into a nearby watercourse. These are however neutral matters and weigh neither in support of nor against the proposal, and do not therefore alter my conclusion on the main issue.
13. The appellant has alleged that the Council has an inconsistent approach to the application of Policy HO2 in relation to rural settlements across the district. I do not have the full details of the examples which have been cited, and therefore I am unable to conclude whether there are any direct parallels with the case before me and other locations. I have, in any event, determined the appeal on the evidence before me. The existence of other developments in locations elsewhere which may be similar to the appeal site is not a reason to allow otherwise unacceptable development in this case.
14. It is unclear what the authorised use of the site is. However, it is not for me, under a section 78 appeal to determine whether the present use of the site is lawful. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome.

Planning Balance

15. The Council do not dispute the appellant's claim that they are unable to demonstrate the supply of housing sites as required by the Framework. If this were to be the case, I would be taken, with regard to the specific circumstances of the appeal, to paragraph 11d) (ii) which explains that the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The principle of the proposed development would be unacceptable and would be contrary to the aims of the Framework in seeking to promote sustainable patterns of new development. I ascribe this matter substantial weight. The appeal scheme would provide a single dwelling which would make a positive albeit limited contribution to the housing undersupply. The scale of the proposals would also limit the wider benefits associated therewith. These benefits would therefore attract limited weight. To the extent that, in the case of the proposed development, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

17. There are no other material considerations, including the Framework and worth of sufficient weight, that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. The appeal should therefore be dismissed.

Katherine Robbie

INSPECTOR