
Appeal Decision

Site visit made on 18 October 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2023

Appeal Ref: APP/E0915/W/22/3300088

Rose Cottage, Laversdale Lane End, Laversdale, Carlisle CA6 4PS

- 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 & Mrs Armstrong against the decision of Carlisle City Council.
- The application Ref 21/1137, dated 9 December 2021, was refused by notice dated 8 April 2022.
- The development proposed is the change of use of self-contained annexe to a dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of self-contained annexe to a dwelling at Rose Cottage, Laversdale Lane End, Laversdale, Carlisle CA6 4PS in accordance with the terms of the application, Ref 21/1137, dated 9 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan, DRG NO 2015/6/2/003.

Application for Costs

2. An application for costs was made by Mr and Mrs Armstrong against Carlisle City Council. This application is the subject of a separate decision.

Main Issue

3. Whether the appeal site represents a suitable location for housing having regard to local and national planning policy.

Reasons

4. The appeal site is located adjacent to a cluster of built development in the open countryside. The site includes a detached, single storey annexe to Rose Cottage. Permission was previously granted for the erection of the self-contained annexe with a condition attached which restricted the occupation of the annexe to purposes ancillary to the residential use of Rose Cottage. Rather than seeking permission to remove this condition, a new permission is sought for a change of use to a self-contained dwelling.
5. Policy HO6 of the Carlisle District Local Plan 2015-2030 (the CDLP) sets out the circumstances in which new housing would be allowed in the open countryside. However, this policy concerns new housing. The appeal building is of a substantial size and has already got all the facilities required for day-to-day

- private domestic existence. Therefore, this proposal relates to an existing dwelling rather than a new house thus this policy is not of direct relevance to this proposal.
6. Policy SP2 of the CDLP sets out principles for strategic growth and distribution within the district. Principle 8 of this policy states that within the open countryside, development will be assessed against the need to be in the location specified.
 7. The supportive text of Policy SP2 notes that this approach is necessary to ensure that sustainable patterns of development prevail and that importantly unnecessary and unjustified encroachment into and urbanisation of the District's countryside and fine landscapes is avoided, in keeping with the objectives of national policy. As noted, the building already exists thus the proposal does not result in harm to the character or appearance of the countryside.
 8. The nub of rural housing policy is at paragraph 79 of the National Planning Policy Framework (the Framework), which places an emphasis for housing to be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
 9. The appeal site is located far from everyday shops and services. The surrounding highways are also poorly lit and lack pavements along long stretches. Traffic speed limits along them are high. As such, walking or cycling to facilities would be an unattractive option, particularly in winter months and inclement weather. Whilst future residents may support shops and services in surrounding areas, they would rely heavily on private vehicles to do so given the distances and routes involved.
 10. Therefore, the proposal would conflict with the broad aims of encouraging sustainable patterns of development as set out in Policy SP2 of the CDLP.
 11. However, the existing annexe is of a generous size and already has all the facilities required for independent day-to-day living. It has a large, separate garden area and place to park vehicles. Despite the occupancy restriction on the original permission, it seems to me that it could nevertheless realistically be occupied entirely independently from Rose Cottage, albeit by a related family. The high reliance on private vehicles to access the nearest shops and facilities would therefore be similar, regardless of whether the occupiers are related to the occupiers of Rose Cottage or not.
 12. Even if an unfettered occupation may result in more vehicle movements, as any co-dependent journeys for all manner of activities which may currently occur with the occupants of Rose Cottage would cease, I consider that any additional journeys would be very few given the size of the annexe and the ability for a family to occupy it.
 13. Therefore, although the appeal site is not well located in terms of its accessibility to local facilities and services and would likely necessitate the use of a private vehicle, the differences would be very small compared to existing

circumstances. Thus, any harm arising by virtue of additional vehicular movements by unrelated occupants would be very limited.

14. These matters weigh very significantly in the development's favour. As such, they would outweigh the proposal's conflict with Policy SP2 of the CDLP and provide sufficient justification to allow development other than in accordance with the terms of the development plan.

Other Matters

15. My attention has been drawn to decisions at Farndale although the information provided is scant. Based on what is before me however, it seems that the history and context of that example is complex and thus I am unable to fully ascertain whether the circumstances are directly comparable. Additionally, the matter as to whether a two-bedroom dwelling may be capable of being an annexe to a larger property is not the primary concern within this appeal.
16. The main parties consider that paragraph 80 d) of the Framework is of relevance to this proposal. This makes it clear that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would involve the subdivision of an existing residential building.
17. The Framework does not define what is meant by isolated, however, the courts have held that the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement and that this will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.
18. Having regard to the context of the site and the immediate locality, although the appeal site is within a rural, countryside location and is far from shops and services, it is physically close to various residential properties and a vehicle services and repairs business. Given the group of dwellings, presence of the business and the proximity of the appeal site to this cluster of built form, I consider that the immediate locality amounts to a settlement.
19. As such, the proposal would not be isolated in terms of its physical context, thus the exceptional circumstances test at paragraph 80 of the Framework is not relevant in this instance. Accordingly, the implications of the Wiltshire judgment¹ and the updated wording within the Framework, with regards to 'building' rather than 'dwelling', is not a matter for me within the context of this appeal.
20. The appeal site lies within the catchment area of the River Eden Special Area of Conservation (SAC). As the proposal is for a change of use only, and has previously been occupied, there would be no likely significant effect on the conservation objectives of the SAC, alone or in combination with other plans or projects. This is a neutral matter.

Conditions

21. The Council has suggested attaching conditions specifying the time limit and the approved plans. In the interests of certainty and proper planning, a condition specifying the time limit is necessary. The submitted plans show

¹ Wiltshire Council v SSHCLG & Mr W Howse [2020] EWHC 954 (Admin)

various alterations to the access and boundaries however permission is sought for a change of use only. Therefore, a condition specifying the plans is not necessary however I have specified the location plan in the interests of certainty.

Conclusion

22. For the above reasons, and having taken all other relevant matters into account, the material considerations in favour of the proposal justify taking a decision which is not in accordance with the development plan. Having had regard to the development plan taken as a whole and to the approach in the Framework, I therefore conclude that the appeal should be allowed.

H Ellison

INSPECTOR