



Appeal Decision

Site visit made on 1 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/H0928/W/22/3299828

Land adjacent to Mattinson House, Great Salkeld, Penrith, Cumbria, CA11 9NA

- 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 and Mrs M Robinson against the decision of Eden District Council.
 - The application Ref 21/0802, dated 1 September 2021, was refused by notice dated 4 April 2022.
 - The development proposed is outline application for residential development (re-submission of 20/0837)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved to be determined at a later stage. Elevational details and an indicative site layout were submitted. The appellants' documentation confirms that the plans are indicative and for information only. I have determined the appeal on the basis that layout and appearance are reserved matters for subsequent determination, as well as those other matters reserved as set out on the application form.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the supply of employment land within the area;
 - Whether the site is a suitable location for residential development, having regard to the local development strategy for the area; and
 - The effect of the proposed development on the character and appearance of the site and the Great Salkeld Conservation Area.

Reasons

Employment Land

4. The proposal involves the re-development of land which was previously used in connection with a joinery workshop business in the village of Great Salkeld. Policy EC2 of the Eden Local Plan 2014 – 2032 (the Local Plan) sets out the Council's approach to the protection of employment sites to encourage the future economic growth of the area. Planning permission for non-employment

uses on non-allocated sites will only be given for alternative uses if there is no strong economic case for the retention of the site for employment use.

5. Thus, in order to determine the viability for employment, a development appraisal is required which should clearly demonstrate why redevelopment for employment purposes is not commercially viable and identify abnormal and other costs which would prevent an appropriate employment scheme coming forward in the plan period. The supporting text states that an appraisal should accompany such a proposal. It does not, however, specifically require active marketing of the site as part of that appraisal.
6. Whilst I have been provided with information relating to the amount of employment land available in the district, I have been given little indication as to the demand for employment sites nor whether this represents an adequate supply of sites across the plan period. I therefore have little evidence before me to demonstrate whether or not an economic case exists to support the redevelopment of the site for non-employment purposes. I accept that there is support in the National Planning Policy Framework (the Framework) for development on previously developed land and the proposed residential use would not compromise existing neighbouring land uses. However, the absence of a compelling development appraisal weighs heavily against the proposed development.
7. The site has not been in active use for some years as an employment site and therefore has not contributed to the economy of the district for some time. The site is also located close to residential development. However, the policy specifically states that sites which were last in employment use are subject to the policy requirements. Furthermore, I have no evidence that the last or possible future use of the land for employment purposes would cause any adverse effects on the living conditions of neighbouring occupiers.
8. Whilst the appellants sought pre-application advice, it appears that the detailed requirements of this policy were not drawn to their attention. Whilst this is unfortunate, the policy requirement is in place and the Local Plan is a publicly available document. Advice provided at the pre-application stage is given without prejudice and cannot predetermine the outcome of a subsequent application, which must take account of all material factors.
9. I note that the appellants feel that the Council's approach to the application of Local Plan Policy EC2 has not been consistent with their approach elsewhere in the district. I have little substantive evidence to support this claim. In any event, I have determined the appeal on the basis of the evidence before me.
10. Therefore, for the reasons set out, on the basis of the evidence provided, the proposed development would unacceptably reduce the supply of employment land in the area. It has also not been adequately demonstrated that the appeal site is no longer suitable or viable for employment use. The proposal therefore conflicts with the requirements of policy EC2 of the Local Plan which seeks to protect employment sites across the district.

Suitability of the Location

11. The appeal site is situated in the village of Great Salkeld. The appeal site has most recently been in use as a joinery workshop and associated dwelling, although it has not been in use for some considerable time. Whilst the site is

predominantly previously developed land it also incorporates a portion of an agricultural field to the rear of the property known as 'Thorn Croft'.

12. Local Plan Policies LS1 and HS2 provides the Council's locational strategy to guide new development across the district. Together they set out a hierarchical approach to development, identifying Great Salkeld as a 'smaller village and hamlet', towards the lower end of the settlement hierarchy. In such locations the policies permit development of an appropriate scale that would reflect the existing built form of the settlement subject to specific criteria.
13. Policy LS1 goes on to state that development must be of a high-quality design and will be restricted to infill sites or rounding off development. Rounding-off is described in Local Plan Policy LS1 as '*a modest extension beyond the limit of the settlement to a logical, defensible boundary*', whereas infill sites are those '*which fill a modest gap between existing buildings within the settlement*'. The Council's Housing Supplementary Planning Document (April 2020) describes a defensible boundary as a '*long standing and enclosing landscape or topographical feature such as, but not limited to, a road, wood, river, or a railway line, which would prevent the further extension of development*".
14. The proposed development would not extend southwards beyond the building line and garden area of the Old Rectory. However, the proposal would be separated from that property by the garden of the intervening house. Neither would the site be viewed in the context of the Old Rectory due to intervening development and vegetation and a bend in the road.
15. The majority of the development would be on land which is currently occupied by buildings including an existing dwelling. However, the outline nature of the proposed development, despite indicative plans showing how the development could be laid out, means that there is a degree of uncertainty attached to the position and quantum of development which could be accommodated within the site.
16. To constitute the 'rounding off' of a village the Local Plan definition states that this should be to a defensible boundary. Approximately half of the southern boundary of the site is made up of an arbitrary line across the field. Neither could the proposal be considered, as a whole, to constitute an infill site. Whilst the indicative plan shows one dwelling in the gap between two pairs of semi-detached houses, the majority of the development would be to the rear of this gap, and therefore not infill between existing development.
17. The Council's Housing Supplementary Planning Document April 2020 (SPD) does offer support for backland development in non-linear villages where this form of development already exists. From my observations, I consider Great Salkeld to be such a settlement. However, the outline nature of the application means I cannot be certain that the backland element of the proposal would be restricted to two dwellings as set out in the SPD.
18. In this context, therefore, I do not consider that the proposed development would amount to either the rounding-off of the settlement, or limited infill within the settlement as development would extend beyond the part of the site which is currently occupied by the buildings and associated hardstanding into the open countryside into the agricultural field to the rear of 'Thorn Croft'.
19. Consequently therefore, the site is not a suitable location for residential development with regards to the local development strategy. As a

consequence, it would conflict with Policies LS1 and HS2 of the Local Plan, which sets out the locational strategy for the district and seeks to ensure that new development is appropriate to its local context.

Character and Appearance

20. Great Salkeld is a small village with development clustered around a triangular shaped green and St Cuthbert's church, beyond which houses stretch along the main road. The village is generally made up of farmsteads and traditional rural dwellings. There are some exceptions to this including some more modern dwellings close to the appeal site. I also observed several small developments of dwellings forming cul-de-sacs and courtyards off the main road. Nevertheless, the village retains a traditional rural feel and appearance.
21. The site is located within the Great Salkeld Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
22. The significance of the CA is derived, in part, from its historical development connected with agricultural activity in the Eden Valley. The appeal site lies off the triangular shaped green, which forms the historic core of the village. Mattinson House itself is a mid-19th century dwelling. The immediate context of the appeal site is, however, heavily influenced by more modern 20th century development.
23. However, the Council consider Mattinson House to be a non-designated heritage asset. From my observations and from the evidence before me, Mattinson House is a cottage typical of its age with traditional features common to its locality and as such contributes positively to the character and appearance of the CA. Whilst the building is in a poor state of repair its loss would have a negative impact on the character and appearance of the CA. The character and appearance of the CA would not be preserved or enhanced as a result. I have not been presented with any public benefits which would outweigh the harm that would be caused by the loss of the asset.
24. Therefore, the loss of the non-designated heritage asset would lead me to conclude that there would be harm the character and appearance of the site or the CA as a result of the proposal. It would therefore be in conflict with Local Plan policies DEV5 and ENV2 which together require new development to show a clear understanding of the form and character of the district's built and natural environment and to conserve and enhance distinctive elements of landscape character. It would also conflict with Local Plan policy ENV10 which is concerned with the conservation and enhancement of the historic environment in the area.

Other Matters

25. I note that the proposed development would be in close proximity to a range of services and facilities on offer within the village, and in nearby settlements. Furthermore, the proposal would make a limited contribution to housing supply in a location where the supply of sites is constrained. However, these matters do not outweigh the harm I have found in relation to the main issues and the resulting conflict with the development plan.

26. I have also noted that the Council have not raised concerns in respect of the effect of the proposed development on highway safety or flooding. From what I saw when I visited the site, I have no reason to reach a different conclusion on either of these matters. Lack of harm is, however, not a benefit of the proposal.
27. My attention has been drawn to a number of other recent residential developments in the village and elsewhere in the district. I do not have the full details of these before me. However, I can see that proposal at Midtown Farm, Clifton¹ was a full application for a single dwelling. Similarly, the application for 4 dwellings at Town Head Farm² was made in full. Both these permissions were granted prior to the adoption of the Local Plan and therefore the policy context has changed. As such, they are not directly comparable to the appeal proposal which has been considered on its own merits and against the provisions of the current development plan.
28. I have also had my attention drawn to an outline application for dwellings at Hunter Hall Farm³. I do not have the full details of this case before me. Nevertheless, it does not appear to be directly comparable with the appeal before me. Accordingly, it does not persuade me to reach an alternative conclusion in this case.
29. I note that the proposal would provide housing for people with a genuine connection to the area. However, I have no mechanism before me, for example a Section 106 agreement, by which this could be secured. Even if I were to agree that the proposal meets the provisions of Paragraph 57 of the Framework and this factor could carry some weight in support of the proposal, I have no mechanism by which to consider the matter further.
30. The site is located close to the River Eden Special Area of Conservation (SAC) where nutrient neutrality has recently been identified as a threat to integrity of the SAC. As the appeal fails in respect of the main issues, it is not necessary for me to consider this matter further.

Conclusion

31. For the reasons given above, having had regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR

¹ LPA reference: 18/0466

² LPA reference: 17/0211

³ LPA reference: 19/0243