
Appeal Decision

Site visit made on 21 June 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2023

Appeal Ref: APP/E0915/W/22/3312251

**Old Mothers Meadow, Land opp. Irthing Mill, Irthington, Carlisle, Cumbria
CA6 4NS**

- 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 Andrew Thomson against the decision of Carlisle City Council.
 - The application Ref: 21/0758 dated 23 July 2021, was refused by notice dated 1 June 2022.
 - The development is described as a material change of use of land to use as residential caravan site for one Gypsy family with 3 caravans, including no more than one static caravan, including laying of hardstanding, fencing, access improvements and erection of amenity building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission was granted on appeal¹ for a residential caravan site for one Gypsy family on the site. The development that is for my consideration differs from that approved scheme by way of an enlargement of the site to the rear to include a larger amenity building. This results in trees and a hedgerow not being provided in the manner which is shown on the layout plan for the approved scheme. The development has been implemented, apart from the amenity building in the enlarged site. It is therefore partially retrospective. This is also reflected in the description of development given in the Council's decision notice and set out on the appeal form. I have considered the appeal on this basis.
3. The matter of dispute between the main parties concerns the proposed enlargement of the site, the larger amenity building, and the effect on the trees and hedgerow. This is in relation to character and appearance matters. The acceptability of the site as a suitable location for a Gypsy site for the appellant is not in dispute between the main parties. It was also established by the Inspector in deciding on the previous appeal. As a consequence, I have not considered this matter further.
4. The application and appeal documentation spells the appellant's name in two different ways. I have used 'Thomson', as this is the spelling set out on the

¹ Appeal ref: APP/E0915/W/20//3248748

application form and was used in the previous appeal, including in a personal planning condition.

Main Issue

5. Based on the above, the main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site forms a triangular area of land with a roadside frontage. The front part of the site contains a static caravan, an outbuilding, kennels and external lighting. At the time of my site visit, there was also one touring caravan. The site is enclosed by decorative close boarded fencing with brick walls and piers around the gated access. The predominant surfacing is loose stone gravel. The site is crossed by a low voltage power line.
7. The rear of the site, beyond the fencing and an adjacent strip of immature planting, has a distinctly different character. It forms part of a larger open field and paddock that is accessed through the site to the front. The boundary between the rear of the site and the remainder of the larger field and paddock is unenclosed. The boundary with land to the south is enclosed by further vegetation and post and wire fencing.
8. The site is found in a pleasant countryside location which ably demonstrates many of the key characteristics of the Landscape Character Area (LCA) (Type 8b) of the Cumbria Landscape Character Guidance and Toolkit that I have been referred to. It is a broad river valley location, with rising and undulating land to the south and west. Open fields and hedgerows predominate, along with trees. Built development outside of relatively small settlements is occasional. Apart from the development on the front part of the site, there are two such properties on the opposite side of the road, both of a period nature with associated rural-like outbuildings. A Public Right of Way (PRoW) runs westward from close to the site on rising land through open fields.
9. The rear part of the site where the proposed amenity building would be located shares much in character with the countryside. Thus, it is noticeably different in character from the front part of the site because it is not developed. The boundary enclosure closely delineates the front part of the site in this regard. The proposed enlargement of the site to take in the area to the rear to accommodate the proposed amenity building would extend development onto land within the countryside where there is currently none. As a result, it would lessen and adversely affect the open attributes of the rural landscape character.
10. Moreover, the proposed amenity building would be of some scale because of the level of accommodation that it would contain. As such, it would also appear as an incongruous feature that would reinforce the loss of landscape character. This would amount to an undue level of visual harm in the countryside and a distinct loss of openness. A container in an adjacent field has not changed the open rural character of the area to the extent that it would justify the proposed amenity building in character terms. With regard to the properties that are near opposite the site, they are themselves rural in character and fit more comfortably in these surroundings, unlike the effect that would arise from the proposed amenity building.

11. The elevated form of the landscape to the south and west would exacerbate that the proposed amenity building would be out of keeping. From the rising level of the road to the south, it would be perceived as an extension to the existing site into open countryside. From the PRoW, it would also be seen as an advancement of the site into the countryside and therefore increase the prominence of the development as a whole, even if it would be seen against the backdrop of the front part of the site. Levels of usage of the PRoW does not change that it allows users the benefit of a ready appreciation of the character of the countryside location. This would be diminished by way of the imposition of the proposed amenity building.
12. Under the Planning Policy for Traveller Sites (PPTS), it is not intended that sites are to be entirely screened or hidden. It is also true to say that Traveller sites will have inevitable visual consequences due to their characteristic features. The PPTS also anticipates the development of such sites in countryside settings. However, none of this negates the need to consider character and appearance issues and while the potential for landscaping needs also to be considered, with the loss of the land to the increased size of the site and the scale of the proposed amenity building, I am not persuaded this could make the harm not unacceptable. The use of a landscaping planning condition would not therefore be reasonable, based on the evidence before me, without having the potential to nullify a permission.
13. I conclude that the development would have an unacceptable effect on the character and appearance of the area. Accordingly, it would not comply with Policy GI1 of the Council's Carlisle District Local Plan 2015-2030 (2016) (Local plan) which considers that all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development, and that proposals for development will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit with regards to particular LCA key characteristics, local distinctiveness and capacity for change.
14. The development would also not comply with criterion 5 of Policy HO11 of the Local Plan which concerns Gypsy, Traveller and Travelling Showpeople provision and sets out that a site is to be well planned to be contained within existing landscape features, or can be appropriately landscaped to minimise any impact on the surrounding area.

Other Matters

15. The appellant has stated that where the amenity building would be located under the approved scheme lies within a building restriction on each side of the power line. There is not though substantive evidence which establishes that an amenity building could not simply be sited outside of the restriction area within the front part of the site and even if it transpires that the restriction area would require the site to be enlarged as is proposed, this does not sufficiently justify the scale of the proposed amenity building. The appellant acknowledges that it would be larger than what was previously proposed. It would have a markedly spacious layout for such a building in particular as the social gathering areas would extend from the day room, into a not insignificantly sized entrance area and through into a dining area.
16. While I recognise the need for a reasonable level of living space and domestic facilities, caravan limitations and design guidance for Gypsy and Traveller sites,

albeit now withdrawn, this does not convincingly explain why such a sized building is needed. The cultural need for certain facilities to be provided separately from the caravan also does not warrant the level of accommodation proposed.

17. In addition, the occupation of the site is limited through planning condition on the approved scheme to the appellant, Mrs Louisa Thomson and resident dependants. With this restriction on occupancy, it is also not evident why an amenity building on this scale is required to meet the day to day needs for one Gypsy family.
18. The approved scheme was allowed on the basis of the need and lack of alternative sites, along with the appellant's personal circumstances. Irrespective of my decision, the site would still be in Gypsy and Traveller use, and so it is not the case that such considerations outweigh the harm on character and appearance grounds that I have identified. That the proposal would not be in conflict with the remaining criteria of Policy HO11 does not change that it would be in conflict with criterion 5. This is where my concerns arise with respect to the Local Plan, along with Policy GI1.
19. The same applies as regards where support has been expressed for the proposal and that the site is not constrained in other ways. I have also been referred to appeal decisions on different sites, but deciding on the effect on character and appearance is dependent on the particular consideration of a site and its surroundings. None of these matters alter my conclusion.

Conclusion

20. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm that would be caused by the development. For the reasons that I have set out, it conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR