



Appeal Decision

Site visit made on 23 January 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/K0940/W/23/3326990

Land at Haggs Lane, Cartmel, LA11 6HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs Katy White against the decision of Westmorland and Furness Council.
 - The application Ref SL/2023/0064, dated 23 January 2023, was refused by notice dated 4 May 2023.
 - The development proposed is planning permission in principle for one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second stage (technical details consent) is when the detailed proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted.
4. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on this matter during the course of the appeal. I have determined the appeal accordingly.

Main Issue

5. The main issue in this appeal is whether the site is a suitable location for housing having regard to the settlement hierarchy and access to local services and facilities.

Reasons

6. Policies CS1.1 and CS1.2 of the South Lakeland Local Development Framework; Core Strategy 2010 (CS), establish a strategy that seeks to concentrate the majority of housing and employment development towards larger defined settlements, where there is adequate service and infrastructure

¹ Paragraph: 012 Reference ID: 58-012-20180615.

capacity and the need to travel is minimised, as well as protecting the countryside.

7. Policy DM13 of the Development Management Policies; Development Plan Document 2019 (DPD) supersedes part of Policy CS1.2 setting out a revised positive approach to small-scale development on the edge of small villages and hamlets. It sets out 5 criteria that new housing development must meet in such locations. In summary, these include that the scale of the development is appropriate to the size of the settlement which must normally be a minimum of 10 dwellings, will integrate well and will maintain or enhance the vitality of the rural community including services within the settlement, or have good access to 1 or more other settlements with services.
8. This approach is consistent with paragraph 83 of the Framework which establishes that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Given that the proposed dwelling would be located close to existing dwellings, I am satisfied that it would not consist of the provision of an isolated home in the countryside for the purposes of paragraph 84 of the Framework. This does not however, negate the need to comply with Policy DM13 of the DPD, a matter to which I now turn.
9. The Courts have advised that it is for the decision-maker to reach a judgement about whether a site is within a village, and that it is a matter of the facts on the ground, as well as taking account of any policies². I have not been presented with a copy of any proposals maps which may identify the boundaries for the settlement of Cartmel or Grange-Over-Sands further afield. Nevertheless, the parties agree that the appeal site is located outside of the defined settlement boundary for Cartmel.
10. I observed that extensive parcels of agricultural land and woodland planting visually and physically divorce the main built-up area of Cartmel from sporadic housing development along Haggs Lane, such that I am satisfied that the appeal site does not form part of the settlement of Cartmel.
11. The parties dispute whether the appeal site can be considered to be within a cluster of 10 or more dwellings so as to constitute a settlement, as required by Policy DM13. The appellant contends that there is extensive and consolidated existing residential development taking a linear form along Haggs Lane. From my observations I find that the environs of the appeal site are not fundamentally built-up as suggested. There are a small number of dwellings on the opposite side of the road to the appeal site, that have developed organically over time. Some of these benefit from larger plots resulting in gaps between the built form of the dwellings which the appellant acknowledges are characteristic of the area³. As some of these gaps are wider than you may usually expect between detached dwellings in large plots and contain intervening features including for example woodland and agricultural land, I find them to be significant.
12. After the dwelling of Hillberry, the western side of Haggs Lane predominantly comprises mature tree and shrub/hedgerow planting, such that it has a largely leafy, verdant and undeveloped character. Although the dwellings of Brockshaws and its neighbour to the north are present, only their vehicular

² Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council (2015) EWCA Civ 195.

³ Paragraph 6.14 of the appellant's statement of case.

- accesses are overtly visible from within the street scene, such that they are not readily apparent, even in winter when not all of the vegetation is in leaf.
13. Reference is made to the use of the word 'normally' within Policy DM13 of the DPD in defining a small village or hamlet as comprising a recognised settlement of 10 or more dwellings. Based on my observations it is clear that the existing dwellings near to the appeal site are fewer than 10 and do not form a continuous cluster, so do not form a small village or hamlet. There is no compelling evidence before me to suggest that the indicated threshold of 10 dwellings should not be applied in this instance.
 14. The appellant further suggests that the proposal would amount to 'infilling' for which there is no specific definition within the Framework. It seems to me that infilling must occur when a gap between buildings is filled, such as when an otherwise built-up frontage is completed. The appellant acknowledges that there is a 30m gap between the appeal site and Hillberry to the south and a 70m gap to Brockshaws to the north, which I observed includes a band of woodland planting. The appeal site cannot therefore, be described as being contained by existing buildings, nor does it sit within a line of built-up development along Haggs Lane⁴. Any proposed dwelling would not visually relate to built development either side, nor a wider cluster of dwellings around the appeal site as perceived on the ground. Thus, no matter how it would be sited or designed at the technical details stage, it would not constitute infilling.
 15. Spatially and functionally, I do not consider the appeal site to be within a settlement. The proposed development would therefore result in intrusion and encroachment of built development into the countryside. Such harm would not be justified by the lack of windfall sites for housing development in Cartmel, had this been demonstrated.
 16. Whilst the Uplands Inn operates as a B&B, bar and restaurant nearby, there are no other services such as a shop, village hall or school that would meet the everyday needs of the future occupants of the proposed dwelling. Even if the bar and restaurant could be considered to meet such needs, Haggs Lane is a 60mph, unlit, winding rural road without a dedicated pedestrian footway or safe refuge points. It would not therefore be particularly pleasant or safe to walk even for a short distance to the restaurant, Cartmel or Grange-over-Sands. This would be the case especially after dark and if the future occupiers of the proposed dwelling had young children or mobility issues.
 17. The proposed dwelling may provide an opportunity for cycling but given the nature and speed of the road, it is likely to be limited to more experienced and confident road cyclists than families or commuters. Consequently, it would be of limited benefit overall.
 18. A bus service is said to operate between Cartmel and Grange-over-Sands. However, there is no bus stop within the vicinity of the appeal site such that future occupants would be required to walk into Cartmel to access the local service⁵. The general conditions of the appeal site and the safety issues identified for pedestrians as discussed above, are such that future occupiers of the proposed dwellings are more likely to be wholly reliant on the private car as a safer and more convenient mode of transport, particularly to access schools and supermarkets, as well as employment.

⁴ Paragraphs 6.2 and 6.7 of the appellant's statement of case respectively.

⁵ Paragraph 2.9 of the Council's statement of case.

19. The location of the appeal site a short drive from Cartmel, does not in my view make it well-located to services. Even if a greater dependency on car use could be accepted in rural locations, allowing further development in locations that lack good access to services for everyday needs, or to larger service centres by transport modes other than the private car, would nonetheless cumulatively increase the amount of less sustainable journeys made.
20. Whether or not the scale of the development would be limited to one dwelling, the appeal site would not be a suitable location for residential development having regard to the settlement hierarchy and access to local services and facilities. It would therefore conflict with Policies CS1.1 and CS1.2 of the CS and Policy DM13 of the DPD. Together these policies seek to direct housing to settlements where there are suitable services and sustainable transport networks. The proposal would also fail to comply with the aims of the Framework with regard to the provision of rural housing.

Other Matters

21. Reference is made to 2 previous planning permissions for residential development on the appeal site⁶. I have not been presented with the full details of these permissions including site location plans. Due to their age, the planning policy context has changed significantly with the adoption of the CS in 2010, the DPD in 2019 and the Framework in 2023. The appellant is also clear that the permissions have lapsed. They do not therefore, provide a realistic fallback position and do not carry any weight in the determination of the appeal.
22. I am referred to an appeal decision where the Inspector considered that a nearby community would benefit from economic and social support from future occupiers of a new dwelling, notwithstanding a reliance on a motor car⁷. This decision relates to a site in a different local authority area where there is a different policy context. The Inspector found in that case that the appeal site formed part of a settlement and the proposal amounted to infilling. Consequently, the circumstances are not comparable to those before me. The occupants of one dwelling would make only a limited social and economic contribution to the settlement of Cartmel and for the reasons given above, would be reliant on the use of a car to make such a contribution, contrary to the priorities within the Framework for pedestrian and cycle movement. This would therefore attract no more than limited weight in favour of the proposal.

Planning Balance and Conclusion

23. The limited economic and social benefits to the neighbouring settlement of Cartmel would not outweigh the harm arising from a development that would not be sited in a suitable location, with regard to the settlement hierarchy and access to local services and facilities by other modes of transport than the car.
24. The proposal conflicts with the development plan when considered as a whole and there are no other considerations to warrant taking a decision otherwise than in accordance with it. The appeal is dismissed.

M Clowes

INSPECTOR

⁶ Planning application reference 1.4.1 for a proposed bungalow, approved 8 July 1948 and planning application reference 1/4/5841 for a house and garage, approved 9 November 1966.

⁷ Appeal reference APP/C1570/W/19/3221623.