



Appeal Decision

Site visit made on 2 February 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/H0928/W/23/3316714

Salkeld Road, Penrith CA11 8SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Pallister against Eden District Council.
 - The application Ref 22/0591, is dated 2 August 2022.
 - The development proposed is construction of dwelling with amended access, landscaping, energy infrastructure and drainage system.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While I note the evidence regarding a decision notice, as it appears to have been issued after the appeal was submitted, the appeal proceeds on the basis of non-determination.
3. The National Planning Policy Framework (Framework) was revised in December 2023. The parts of the Framework most relevant to this appeal have remained substantially unchanged from the previous version. Therefore, the parties have not been prejudiced by my assessment of the scheme based on the revised Framework.

Main Issues

4. The main issues are:
 - whether the proposed dwelling would comply with development plan housing policy; and
 - whether the proposal would meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the National Planning Policy Framework (Framework).

Reasons

Development plan

5. Policy LS1 of the Eden Local Plan 2014 – 2032 (LP) sets out the settlement hierarchy for the district and provides a number of circumstances where development in other rural areas would be acceptable. As the proposal is for a market dwelling in the countryside, it would not accord with the circumstances set out in the policy. However, the Policy goes on to say that evidence will

need to be given as to why the scheme's benefits to the locality are such that it justifies an exception to policy. Therefore, whether the proposal would accord with this Policy is dependent on my finding on paragraph 84e of the Framework.

Paragraph 84e of the Framework

6. The Appellant has proposed the scheme on the basis of paragraph 84(e) of the Framework which permits isolated homes in the countryside as long as, among other things, the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
7. The proposed dwelling, known as Quadrant House, would consist of a cluster of four rectangular buildings set around a courtyard. The layout, massing, proportions and materials were informed by local farmsteads.
8. The majority of the site slopes gently down towards the southwest and the southwestern part of the site slopes down significantly to the south and the boundary with Penrith Golf Course. The proposed dwelling would be sited on the part of the land that slopes gently. The 'Utility Barn', 'Office Barn', and 'House Barn' would be step down roughly 600m from one another in response to the site ground levels.
9. The buildings would be laid out such that the internal spaces would have a direct relationship with their respective external spaces that would reflect the functions of the internal areas. The buildings would be accessed from the courtyard as well from a footpath from Salkeld Road. The vehicular access would be via a new access from the northern part of the site that would enter the site then turn towards the proposed buildings. The four buildings would have clear and distinct functions and relationships with one another.
10. The layout of the site and proposed buildings has been informed by local farmsteads, and the location of the House Barn on the southern part of the site would aid with privacy at ground floor. In addition, the main rooms of the House Barn have been orientated to the south and west to benefit from solar gain. Overheating would be prevented by external shades and internal blinds.
11. I recognise that these are sound design principles. However, there is little substantial evidence before me to indicate that the layout of the buildings as set out above would be exceptional compared with the common design of farmsteads. Accordingly, this aspect of the design would not constitute exceptional design.
12. The form and massing of the proposed buildings would be fairly conventional, reflecting that of local farmsteads. The design includes rectangular plan forms and pitched or barrel vaulted roofs and a hierarchy of building sizes to reflect their function. A number of design details are included in the proposed buildings that have been drawn from a study of local farmsteads. These include stone end gables with randomly placed through-stones and narrow stone slit openings. Other details include deep reveals, kneeler stones and larger quoin stones as well as single full height openings in the main elevation of the House Barn.

13. Together the buildings would appear as a modern interpretation of a farmstead cluster. However, there is little in the design that would elevate it above the appearance of common-place barn or farmstead conversions. Accordingly, the proposed buildings would not constitute exceptional design.
14. Proposed construction techniques include cut and fill of the land to accommodate all the excavated material on the site. In addition, the building structure would include cross-laminated timber, pre-fabricated timber panels, foaming concrete in recycled steel framing, and the foundation slab would be formed above a recycled foamed glass layer. These techniques would aid the sustainability of the scheme. However, there is little evidence to indicate that the design of the buildings would be substantially above the ordinary to constitute truly outstanding. Therefore, the scheme would not help to raise standards of design more generally in rural areas.
15. Sustainability measures include a wind turbine, ground source boreholes, rainwater harvesting, reed beds and pond for foul water treatment and photovoltaic roof panels. The drainage strategy is to use gravity to move rainwater away from the buildings to on-site locations where rainwater will penetrate the ground. While these measures are commendable, they mitigate the effect of the proposal and do not constitute outstanding design.
16. The existing site consists of grazing pastureland and lies in a prominent location on Penrith Sandstone ridge north of Penrith and Beacon Plantation which consists of a forest of coniferous trees. The site is separated from Penrith by a golf course. Beacon Plantation also extends along the southeastern boundary of the site. The wider area to the north and west consists of pastureland and agricultural fields such that the area has an open rural feel.
17. The site lies within Landscape Type 10, Sandstone Ridge as defined in the Cumbria Landscape Character Assessment (LCA). The site and adjoining land is typical of this landscape type which is dominated by improved farmland along the lower parts of the ridge. The area also displays a prominent north south ridge, conifer plantation blocks and mixed woodland, and open expansive long distance views. As I observed during my site visit, the wider area to the north and west consists of pastureland and agricultural fields such that the area has an open rural feel.
18. Although the scheme has been informed by local farmsteads, the site would be residential. Therefore, despite the agricultural character of some design elements of the building, the scheme overall would introduce a dwelling to an undeveloped site along with long driveway, gardens and domestic paraphernalia. As such, the proposal would result in the site having an urbanised and residential character.
19. Given the single and two-storey height of the buildings and their traditional form and materials, the buildings would not appear unduly prominent in long distance views from the west. As the buildings would be sited on the gently sloping part of the site, and the two-storey building would be sited to the south of the collection of buildings, the scheme would not appear dominant from views from the north.
20. As stated in the Landscape and Visual Impact Assessment, some views would be partially screened by landform, stone walls and vegetation. However, where visible, such as from Greengill Lane and Penrith Golf Course, the dwelling

would appear on the skyline as an isolated property. As the building would not be of exceptional design, it would not overcome the adverse effect on the open rural character of the area.

21. In addition, whilst there are farmsteads in the wider area, the LCA states that isolated farmsteads and dwellings usually nestle in dips and hollows away from the ridge tops. Moreover, the LCA seeks to avoid developments in exposed skyline locations. Accordingly, a dwelling in this prominent location would not be in keeping with the open rural character of the area. As such, the proposal would not be sensitive to the defining characteristics of the local area.
22. The landscaping scheme includes a number of gardens reflecting the adjacent spaces in function. In addition, woodland planting and wildflower meadows would soften the edge the existing band of conifer woodland to the east of the site. The scheme would introduce new habitats to the site and improve existing habitats through the proposed woodland planting and wildflower meadows. The biodiversity of the site would be significantly increased as a result. I also note that the scheme would seek to achieve Passive House Certification.
23. However, the proposed buildings would nonetheless appear as a collection of traditional rural buildings, rather than buildings of exceptional design. Accordingly, while the woodland planting would help to soften the appearance of the coniferous trees and the biodiversity value of the site would be increased, the scheme overall would not significantly enhance its immediate setting.
24. Consequently, the proposal would not meet the policy exception for new dwellings in the countryside as set out in paragraph 84e of the Framework. Therefore, the proposal would conflict with LP Policy DEV5 which seeks, among other things, to protect and where possible enhance the district's distinctive rural landscape.
25. Accordingly, this matter does not justify an exception to LP Policy LS1.

Other Matters

26. The site lies within the within the River Eden Nutrient Neutrality catchment and I note evidence regarding nutrient neutrality. However, given my findings above, this matter has not altered my overall decision.
27. I note the support of the scheme by the Design Review Panel. While I have taken into account their comments, for the reasons given above, they have not altered my overall decision.

Conclusion

28. The proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR