



Appeal Decision

Site visit made on 9 October 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9 December 2024

Appeal Ref: APP/Q9495/W/24/3346411

Land at Penruddock, Penrith, Cumbria CA11 0RD

- 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 & Mrs Miller against the decision of the Lake District National Park Authority.
 - The application Ref 7/2023/3166, dated 17 October 2023, was refused by notice dated 19 December 2023.
 - The development proposed is the erection of 2 residential units to include associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved¹. An illustrative site plan shows the intended access arrangements and dwelling footprints but these and other reserved matters would need to be determined in due course. The appeal has been considered on this basis.

Main Issue

3. The main issue is whether the proposal should be permitted having regard to the spatial strategy for the area, the settlement form of Penruddock and the effect on the character and appearance of the area.

Reasons

4. The proposal is for two detached dwellings in the north-western corner of a grass field on the southern side of the approach road from the A66 to the village. The frontage of a similar field immediately to the west is currently being developed with three detached dwellings granted permission in 2018². These are adjacent to Kohima, the first bungalow in the village on the southern side of the road, and opposite McCVe's, the first bungalow on the northern side. Of the three, one is being fitted out, the footings are in place for another and the third, adjacent to the appeal site, has not yet been started.
5. Penruddock is classified as a 'village' by Policy 02 of the Lake District Local Plan 2021 (the LDLP) where development will be required to strengthen community viability & resilience and sustain and enhance existing local service provision.

¹ According to the application form although the Council's planning report suggests access details are included.

² Reference 7/2018/3095

In Penruddock this includes a primary school, public house and church. LDLP Policy 15 allows new housing for permanent occupation by persons with a local connection and the appellant's intention is to provide self-build plots to eligible persons, the same approach as the adjacent plots. The occupancy restriction would be secured by condition. However, Hutton Parish Council note there are 11 houses currently in the process of construction in the village with a further 10 'in the planning system'. The nature of these dwellings is not reported, but in the absence of a local housing needs survey the need for further self-build plots for detached houses at this time has not been clearly established³.

6. In any event, two criteria in Policy 02 are of particular relevance to this case, namely that proposals in villages should (i) be within or relate well to the form of the settlement, and to existing buildings within the settlement, and (ii) proposals should protect, maintain or enhance local distinctiveness, character and landscape setting. These are the primary tests as to whether the proposal complies with the spatial strategy in the LDLP.
7. Penruddock is a relatively small village which comprises scattered pockets of mostly frontage development along a handful of roads. There are no culs-de-sac or housing estates. The proposal, two detached dwellings fronting onto the road, would maintain this type of layout. However, the new dwellings would extend the village along the approach road towards the A66, adding to the three detached dwellings being built next to Kohima. These already extend beyond McCVe's on the northern side of the road. The result would be the consolidation of a line of ribbon development along one side of the road and encroachment of the village further into its attractive rural surroundings. The visual benefit of removing the dilapidated shed on the site would be minimal in this context. Although there are two large agricultural buildings to the north-east, these are some distance away. Extending development along one side of the road so far beyond the last dwelling on the other would not relate well to the current form of the settlement and consequently would conflict with Policy 02 criterion (i) above.
8. Whilst next to the three dwellings under construction, the proposal would breach a hedgerow field boundary and introduce housing into the adjacent unspoilt field to the east. This hedgerow currently forms the eastern limit of the line of house plots and represents a defensible boundary for the village. The proposal, by contrast, would occupy the corner of another field with the boundaries of the two plots needing to be marked out by new fencing and/or hedging which would appear a raw feature in the landscape for some time until fully established. The new dwellings would be accessed by a shared driveway requiring removal of a section of roadside dry-stone wall and lowering further sections to provide the necessary visibility splays, both of which would harm the appearance of the wall as a feature in the rural landscape. The current limit to planned development also reflects the local topography with the road from the A66 rising gently up to the appeal site before dropping down towards the village. The new dwellings would therefore lie on higher ground than those to the west⁴, increasing their prominence in the local landscape. Although the tree covered embankment along the road from the A66 screens views of the appeal site until it is reached, the rural character of the approach to the village would be unduly eroded. Taken together the factors in this paragraph mean

³ Indeed, it is not clear that the third plot to the west has yet been sold to an eligible purchaser.

⁴ Apart from Plot 3 the other side of the hedge which is about the same height.

the proposal would not protect, maintain or enhance local distinctiveness, character or landscape setting, thus it would conflict with Policy 02 criterion (ii) set out above.

9. For these reasons the proposal would conflict with the spatial strategy for the area, not relating well to the settlement form of the village and significantly harming local distinctiveness, character and landscape setting. The proposal thus conflicts with LDLP Policy 02 and also the requirement in LDLP Policy 06 for new development to reinforce the importance of local character. It follows that the proposal also conflicts with LDLP Policies 01 and 05 which seek to conserve and enhance the extraordinary harmony and beauty of the Lake District landscape by ensuring the highest level of protection is given to the landscape and the maintenance of local distinctiveness.

Conclusion

10. The proposal would provide two additional self-build family dwellings which would have economic and social benefits for the village. However, these benefits are outweighed by the lack of compliance with the spatial strategy for the area together with the harm that would result to its character and appearance and the associated conflict with the development plan.
11. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR