



Appeal Decision

Site visit made on 16 January 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/K0940/W/24/3350753

Open field known as The Grammar Field, between Croftside and Greenbank Lane, Cartmel LA11 7SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Lily Joyce against the decision of Westmorland and Furness Council.
 - The application reference is 2024/0104/FPA.
 - The development proposed is the construction of three bed dormer bungalow with separate garage and treatment plant.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Lily Joyce against Westmorland and Furness Council. Westmorland and Furness Council also made an application for costs against Mrs Lily Joyce. These applications are the subject of separate decisions.

Preliminary Matters

3. The plans before me provide two different red lines demarcating the application site, these are the Location Plan 2235A-PA01 Rev 0 and the Existing Site Layout 2235A-PA-03 Rev 0. Had I been minded to allow the appeal, then I would have sought clarification on the plan considered by the Council.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Both parties have had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus had regard to the latest version of the Framework in determining this appeal.

Main Issues

5. The main issues are (a) whether this is a suitable location for new housing, having regard to policies relating to the development strategy and the countryside, (b) whether the proposal would preserve or enhance the character or appearance of the Cartmel Conservation Area (CA), and (c) the effect of the proposed development upon highway safety, with particular regard to visibility.

Reasons

Suitability of location

6. The appeal site comprises grassland contained by a combination of stone walls and hedging. It has the physical appearance of a small field for grazing. There is no indication of any previous development. Small trees line the southern boundary which adjoins the car park and grounds of the Grammar Hotel. Two dwellings are located to the north, with open fields beyond and to the east, while to the west is the northern extent of Cartmel racecourse. The site appears as one of many fields comprising the wider rural landscape, which is interspersed with sporadic development, albeit the racecourse, which extends from Cartmel village, is clearly a landscape managed for sport and leisure, and is a departure from the wider pastoral character of the area.
7. Policy CS1.2 of the Council's Core Strategy¹ (CS) provides the development strategy for the area. Following Principal and Key Service Centres, it states that some development will be concentrated in designated Local Service Centres (LSC) throughout the rural hinterland. Cartmel is one such LSC. CS policy CS1.2 explicitly states that revised town and village development boundaries for Principal, Key, and Local Service Centres will be identified as part of the Allocations of Land DPD.
8. CS Policy CS1.2 goes on that a further percentage of housing will come forward within the network of smaller villages and hamlets. No development boundaries will be identified for these smaller villages and hamlets, but small-scale infilling and rounding off development will be permitted.
9. In the open countryside, CS Policy CS1.2 confirms that new development will be allowed exceptionally, where it has an essential requirement for a rural location, is needed to sustain existing businesses, provides for exceptional needs for affordable housing, is an appropriate extension of an existing building or involves the appropriate change of use of an existing building.
10. Policy DM13 of the Local Plan Development Management Policies² (DPD) deals specifically with new housing development in small villages and hamlets. It states that these comprise a recognised settlement of normally 10 or more dwellings, in contiguous clusters and without significant open areas between buildings but excluding groups of houses arising solely or mainly from barn conversions. The supporting text confirms that policy DM13 supersedes that part of CS policy CS1.2 relating to small scale infilling and rounding off.
11. An extract from the Council's Allocations of Land DPD shows the designated settlement boundary for Cartmel, which extends up to and includes the stables associated with the racecourse. This is some distance south of the appeal site and so the appeal site does not fall within the designated settlement boundary of Cartmel for the purposes of directing the location of new housing in accordance with the development strategy.

¹ South Lakeland Local Development Framework Core Strategy, dated October 2010.

² Local Plan Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), dated March 2019.

12. This same extract indicates that the designated settlement boundary and the CA boundary for Cartmel are not the same. This is not particularly unusual, because these boundaries are drawn up for different reasons. As such, the inclusion of the appeal site within the CA boundary cannot be taken as an automatic indication that the Council considers that those buildings around the appeal site fall within the village boundary. The application of CS policy CS1.2 in directing the location of new housing to LSC's relates to their designated settlement boundaries, and not the CA boundary.
13. The appellant suggests that Cartmel has a dispersed pattern of development, and highlights both the proximity of the appeal site to the services and facilities within Cartmel, as well as the comparative distance of the appeal site to other land allocated for housing within the village, concluding that the appeal site falls within the "extended" village. For the purposes of directing new housing in accordance with the development strategy for the area, CS Policy 1.2 defines the extent of LSC's by the defined settlement boundary. The policy does not require a judgement as to the extent of the village, based on its physical characteristics. Beyond the designated settlement limit, land is defined as the countryside.
14. Even if a judgement was required, the appeal site is detached from the village. When travelling north along Park View, the open fields to the north and south of the cemetery give a clear impression that the built form of the village has ended. While the racecourse extends further north and is clearly a managed landscape for sport and leisure, it is nevertheless largely open and it does not detract from the sense of no longer being within the village. As such, while the appeal site is close to the village, it is not within it, or even on its edge.
15. I have considered the allocation for housing at Haggs Lane. This allocation abuts existing housing along this lane, which provides continuous built development from Aynsome Road, a principal route through the eastern extent of the village, or the New Town as it is referred to in the Cartmel Conservation Area Character Appraisal (March 2009) (CCACA). As such, it does not hold a comparable position to the appeal site insofar as it relates to the village.
16. As Cartmel is a named LSC with a defined settlement boundary, it is not one of the small villages and hamlets of the development strategy without a defined settlement boundary to which DPD policy DM13 applies. The appeal site is adjacent to the Grammar Hotel and dwellings to the north. The appeal site itself forms an open space between these buildings. As such, these buildings in themselves do not comprise a recognised settlement of 10 or more dwellings, in a contiguous cluster, without significant open areas. Therefore, the proposal does not benefit from the support of DPD policy DM13.
17. Consequently, the appeal site falls to be considered as countryside. The evidence before me does not demonstrate that the appeal scheme meets any of the criteria set out by CS policy CS1.2 which would exceptionally support new housing in the countryside.
18. As such, having regard to policies of the development plan relating to the development strategy and the countryside, the appeal site would not be a suitable location for new housing. The proposal would conflict with CS policies CS1.1 and CS1.2, which seek to achieve a sustainable pattern of development. The proposal would not benefit from the support of DPD policy DM13. However, I have not

identified any conflict with DPD policies DM1 and DM2 in this regard, which provide general requirements for all new development and principles for achieving high quality design.

Conservation Area

19. The appeal site is within the Cartmel CA. The immediate landscape setting of the village is an important aspect of the conservation area's visual and historic interest. The CCACA explains that for this reason, parts are intentionally included in the CA boundary, especially on the northern and western edges where there are very distinctive views outwards from Priests Lane and Park View. The Conservation Area Map shows that the appeal site lies within a significantly sized area of largely open land extending to the north and west of the densely built-up village, containing the racecourse, Park Wood, some fields and the cemetery.
20. The CCACA also recognises that part of the significance of the CA is derived from the large number of buildings within it that are important architecturally or historically. It states that dwellinghouses of various forms and scales are present, while two or two and a half storeys dominate, symmetry across frontages is a noted pattern on many buildings, with double frontages more common than single or asymmetrical arrangements. It goes on, that dominant facing materials are render or roughcast, with a cream or white finish.
21. The appeal scheme would be located to the north of the Grammar Hotel and would be smaller than it. Therefore, when taking in those important views of the landscape setting of the CA from Park View or Priest Lane, it would be largely screened. Nevertheless, the appeal site is visible when approaching from the north and west and the proposal would erode the open and pastoral character of the appeal site and the positive contribution it presently makes to the significance of the CA in appreciating the rural setting of the village. The proposed tree planting to the eastern section of the site would potentially soften this impact, particularly in views from Greenbank Road, however the erosion of rural character would remain visible from Croftside.
22. The proposed dwelling would be positioned back from the road, set in a generous plot and so it would not appear prominent or break any skyline. It would incorporate external materials of slate, timber windows, and render with a colour finish of creamy white, which would be consistent with the predominant materials of Cartmel CA.
23. However, while the plan of the building appears to be relatively simple in form, the overall design of the proposed dwelling presents a level of complexity resulting from numerous design features, including both a dormer window and projecting gable to the front elevation, with differing ridge and eaves heights to the main part of the building, along with an overhang of the roof to the entrance door, a prominently positioned external stone chimney to the projecting gable, and windows of varying size and placement. As such, I cannot agree with the assertion that the proposal is a simple, traditionally proportioned building in terms of windows and door openings.
24. Those properties closest to the appeal site are of some age and varying design and I note the appellant's desire to avoid a pastiche. These neighbouring properties have themselves been subject to extension and modification. Nevertheless, where they present to public view, they include aspects of symmetry

and simplicity, which contributes positively to the appearance of the area. In contrast, the overly complicated appearance of the proposal would not provide a positive response to the architectural quality or historic interest of buildings within the CA. Even though it would not be in the closer grained urban centre, it would not reinforce local distinctiveness or sense of place, and so it would fail to provide a high-quality building that would preserve or enhance the appearance of the CA.

25. To conclude on this second issue, the proposal would not preserve or enhance the character or appearance of Cartmel CA. The proposal would conflict with CS policies CS1.1, CS8.2, and CS8.10, DPD policies DM1 and DM2, as well as policies AC1 and AC2 of the Neighbourhood Plan³ which collectively require that the location and design of development, protects, conserve and enhances the special qualities and local distinctiveness of settlement character, local identity and sense of place, and safeguard the essential character and appearance of those buildings and sites that make a positive contribution to the special architectural or historic interest of the area.
26. Given the scale of the proposed development, the harm to the significance of the CA would be 'less than substantial'. LP policy DM3 and paragraph 215 of the Framework require that less than substantial harm is balanced against any public benefits. I will return to this matter below.

Highway Safety

27. Croftside is subject to the National Speed Limit. The plans provided indicate that utilisation of the existing access with some modification to walls/hedges could achieve visibility splays in both directions of 2.4m x 36m. The appeal documents include a traffic survey undertaken over a 7-day period which indicates that traffic volumes were low. The 85th percentile speed is indicated at 28mph, which is the speed at or below which 85 percent of the drivers will operate with open roads and favourable conditions. The appellant has established the proposed visibility splays based on advice in Manual for Streets⁴ (MfS).
28. While MfS focuses on lightly-trafficked residential streets, it confirms that many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. The evidence before me suggests that Croftside is a lightly trafficked rural lane and so its application would seem reasonable. As such, the proposed visibility splays would provide sufficient intervisibility for safe access and egress at the site.
29. Consequently, the proposal would not have a harmful effect upon highway safety. As such, I find no conflict with CS policy CS10.2, or DPD policies DM1 and DM2, which collectively require that proposals provide for safe and convenient access for all. Nor have I found any direct conflict with CS policy CS1.1 in this regard, which concerns sustainable development principles.

Public Benefits

30. Albeit not within the Cartmel settlement boundary, the appeal site is within a reasonable walk of the village and so the proposal would utilise the land and increase housing supply and choice within this rural community, while future residents would provide support for its services and facilities, which has attracted

³ Allithwaite and Cartmel Neighbourhood Development Plan 2022/2032 (April 2024)

⁴ Manual for Streets (2007).

local support. These services and facilities would be accessible to future residents by means other than the private car, albeit the lack of footway and lighting may be a discouragement for walking. I note the intentions to incorporate accessibility and energy efficiency measures, and renewable energy sources within the proposal, while the proposed planting of native trees and hedging and bat boxes would deliver a net gain in biodiversity. Given the scale of the proposed development, the benefits to be brought about by the provision of a new dwelling attract modest weight in support of the proposal.

31. The proposal represents a custom build development for the appellant, who has family connections in the village, who will provide support in retirement, and so the proposal is not intended as a holiday home. Evidence shows the appellant is on the Self and Custom Build Register. The appellant suggests that the proposal would meet an identified local need and that this could be controlled by condition. However, I have not been provided with any formal criteria used by the Council to establish that this the case.
32. There is support nationally to increase the supply of custom and self-build plots and there is a duty to have regard to the register of those seeking to acquire such plots, as well as to give enough suitable development permissions to meet the identified demand.
33. However, information in the appellant's Design and Access Statement suggests that the Council has granted permission for an equivalent number of self-build plots as that on the register for the previous three years. Those registering can express a locational preference, and the appellant suggests that no plots have been approved in the Cartmel area since the appellant joined the register. Nevertheless, the Planning Practice Guidance⁵ (PPG) states that relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their *area* (emphasis added).
34. Further, DPD policy DM12 specifically addresses self and custom build housing and sets out where such proposals would be considered positively. For reasons set out above, the proposal would not be within the Local Service Centre of Cartmel and it would not be within or on the edge of any other small village or hamlet in accordance with DPD policy DM13. Nor is the proposal on a rural exception site. As such, the proposal does not comply with the locational requirements of DPD policy DM12 and so it does not benefit from its support. I have not been provided with any detailed evidence to suggest that a sufficient amount of custom and self-build plots cannot be made available in accordance with this policy. These matters limit the weight I can give to this benefit.

Other Matters

35. The Grammar Hotel (formerly the Grammar School) is grade II listed. Its significance is derived in large part from its architectural quality. The hotel has a terrace and garden to the front, bound by a high wall, and a parking area to the rear bound by trees and planting. The submissions suggests that historically the appeal site formed a garden of the grammar school and then the Lower Allithwaite Cartmel Practical Instruction Centre, albeit the appeal site was severed in

⁵ Paragraph: 023 Reference ID: 57-023-201760728

ownership terms from the building when it was subsequently used as a hotel. It has since been used for sheep grazing.

36. While there is a former association between the appeal site and the listed building, which assists in appreciating the historical role of the Grammar Hotel and its social significance, this appreciation is not easily understood from the physical appearance of the appeal site today. It appears physically separate from the hotel grounds, with a clearly defined boundary and separate use. The houses to the north form part of the listed building's wider setting and development of the appeal site for a single dwelling would not detract from the appreciation of the Grammar Hotel in its present setting. The Council's Conservation Officer has not concluded that there would be any harm to the setting of this listed building and from the available evidence, I have no reason to disagree.
37. Reference has also been made to the Priory Church of St Mary which is grade I listed and lies within Cartmel village, over 500m to the south of the appeal site. This is a public building of some stature and so the surroundings in which this asset is experienced are wide reaching. Nevertheless, the appeal site is modestly sized and sits between buildings to its north and south, with approach roads to the village running north/south also. As such, the proposed development would not be likely to intrude on any views towards the Priory in terms of appreciating the church in its setting, or in views from it. As such, the setting of this building would be preserved also.
38. Reference is made to Tanley as locally listed. I have been provided with only limited information regarding this property as a non-designated heritage asset. There is no evidence to suggest that there would be any harm to its significance, nor have my own observations suggested any.
39. It is indicated that the proposed package treatment plant, would meet the General Binding Rules, and drainage would be SUDS compliant. Provision is made for recycling and refuse. The proposal would meet the Nationally Described Space Standards. These are neutral matters that do not weigh either for or against the appeal scheme.
40. The appellant refers to the age of the development plan, particularly the CS. However, relevant policies of a development plan are not out of date simply because of their age. I have not been presented with any evidence which leads me to conclude that the relevant policies of the development plan are inconsistent with the Framework, or that the Council does not have a 5 year supply of deliverable housing sites, or that housing delivery is substantially below the requirement over the previous three years.

Heritage and Planning Balance

41. While I have found that the proposal would be acceptable in highway safety terms, for the reasons outlined above, the location of the proposal would conflict with the Council's development strategy for the area, which seeks to achieve a sustainable pattern of development.
42. Additionally, the proposal would fail to preserve or enhance the character or appearance of the CA, causing less than substantial harm to its significance as a heritage asset. Paragraph 212 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage

asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

43. The modest public benefits of the proposal would not outweigh the identified harm. As such, the harm identified has not been justified and therefore the proposal would also conflict with DPD policy DM3, which requires that proposals safeguard, and where appropriate enhance, all heritage assets and their setting in a manner appropriate to their significance.

Conclusion

44. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook

INSPECTOR