



Appeal Decision

Site visit made on 15 April 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 June 2025

Appeal Ref: APP/K0940/W/24/3357649

Old Hall, Crooklands, Milnthorpe, LA7 7NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
 - The appeal is made by Mr and Mrs Bates against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/0793/PIP.
 - The development proposed is stage 1 permission in principle application for the erection of a self-build dwelling within the curtilage of Old Hall.
-

Decision

1. The appeal is allowed and permission in principle is granted for the erection of a self-build dwelling within the curtilage of Old Hall at Old Hall, Crooklands, Milnthorpe LA7 7NP in accordance with the terms of the application, Ref 2024/0793/PIP.

Preliminary Matters

2. The proposal is for permission in principle. 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 ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 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. I have determined the appeal accordingly.
4. The application includes a proposed plan to demonstrate how the site might be developed. I have treated this information as illustrative.
5. The Appellant states that they intend to utilise the site as a self-build development. Section 2A(5) of the Act defines 'development permission' as both planning permission or permission in principle. The subsequent technical details consent should include a suitable legal mechanism for the delivery of the dwelling as a self-build, if they wish to develop the site in this way.

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

Main Issue

6. The main issue is whether the proposed development would be in a suitable location having regard to the policies in the South Lakeland Local Development Framework Core Strategy 2010 (CS), the Local Plan Development Management Policies 2019 (DMP) and the National Planning Policy Framework (the Framework)

Reasons

7. The appeal site is located between Crooklands and Endmoor within the grounds of Old Hall, a manor house set in extensive gardens. The application site comprises of part of the garden ground of Old Hall and includes an area of lawn, a tennis court, an outbuilding and private access track to the A65.
8. Old Hall is located within the attractive and gently rolling pastoral landscape, outside of any settlement boundary defined within the Local Plan. Based on the evidence before me, which includes my observations on the ground. Old Hall is part of a small village that comprises several properties which are connected without significant open areas between the buildings. The buildings are largely unified by the utilisation of a palette of traditional materials including local stone and slate. The majority of the properties in the group are accessed off a quiet narrow lane. However, their layout is informal and the principal elevation of several of the dwellings does not front the road.
9. The proposal is for planning permission in principle for the erection of a single dwelling within the grounds of Old Hall. The appeal site would utilise an existing access road to the A65, where a pedestrian footpath links the appeal site to Endmoor which is a short distance away and identified as a Local Service Centre.
10. Policy DM13 of the DMP defines when new small-scale housing development would be supported within or on the edge of small villages and hamlets. Criterion 5 of DM13 defines a hamlet or small village as a group of normally 10 or more dwellings, in contiguous clusters and without significant open areas between buildings.
11. Notwithstanding this, caselaw has established that whether a settlement is a village is a matter of planning judgement; and should be based on an assessment of the position on the ground and determined by the particular characteristics of the proposal, the site and its environment.
12. Based on my assessment detailed above, Old Hall is part of a small village, although there is some separation between the appeal site and Old Hall it would be possible for a dwelling to be positioned within the appeal site without a significant separation distance between the resultant dwelling and the other buildings within the cluster.
13. I note that there is no requirement under Policy DM13 for housing within a small village or hamlet to be accessed off the same road. As development within the group is not linear or defined by frontage development, I see no clear reason why the appeal development should be accessed off the same road.
14. Turning to the other criteria listed in Policy DM13, there no evidence before me that a dwelling could not be suitably designed to respect the form and character of the village. Further, a scheme for a single dwelling would add to the group and maintain its sense of community. Therefore, the proposal would accord with criteria

- 1 and 2. The appeal site is enclosed by mature trees and shrubs which would limit views of the development from the surrounding area. Part of the site is sloping but also part of it, including the area developed as tennis courts is flat. While it is acknowledged that a dwelling positioned on the higher points within the site may be prominent in some views; there is no substantive evidence before me to demonstrate that a dwelling could not be sensitively positioned and designed to ensure that it is contained within existing landscape features and integrated with the settlement. As the appeal site forms part of the garden of Old Hall, it would share a boundary with this property and a property to the north and would not lead to an intrusion into the open countryside.
15. The appeal site is connected to the settlement of Endmoor via a public footpath, which would be easily accessible by walking or cycling. Endmoor is identified by the Council as a Local Service Centre, and I note there are several services and facilities within the settlement including a bakery, pub and school. As such, the appeal site would accord with the requirements of criteria 4 which requires that new housing developments have good access to another settlement with services.
16. For the reasons detailed above the proposed development would be in a suitable location. Therefore, it would accord with Policies CS1.1 and CS1.2 of the CS and Policies DM1 and DM13 of the DMP which allow for the new small-scale infilling and rounding off development in villages and hamlets, to satisfy local need, where it is well located in relation to housing, jobs, other services and infrastructure.
17. Policy DM14 of the DMP relates to rural exception sites outside of Local Plan policy for development on the edge of small villages and hamlets. As detailed above the development is considered to be on the edge of a small village and therefore falls to be considered under Policy DM13 of the DMP and Policy DM14 is not determinative as part of my assessment in this instance.

Other Matters

18. My attention has been drawn to two examples of instances where the Inspector has dismissed appeals for single dwellings in the countryside. Full details of each appeal have not been provided and as such I cannot be certain that the circumstances were the same as the development before me.
19. Based on the information provided, the appeal for the use of a residential annexe at Rosslyn² was within a cluster of 6 dwellings. The appeal for planning permission in principle at Higgs Lane³ was within a group of properties where there was a significant separation distance between the dwellings. These gaps were interspaced with areas of agricultural land and woodland and the group did not comprise 10 or more dwellings in a contiguous cluster. In both of the instances provided the settlements did not accord with the definition of a small village or hamlet in Policy DM13 of the DMP. Notwithstanding this, in both instances the Inspector assessed the appeal sites were not within a small village or hamlet.

Conclusion

20. The PPG makes it clear that it is not possible for conditions to be attached to a grant of planning permission in principle, whose terms may only include the site location, the type and amount of development.

² APP/K0940/W/24/3350107

³ APP/K0940/W/23/3326990

21. For the reasons set out above, I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR