

PLANNING APPEAL DECISIONS

Lead Officer: Tony Pomfret – Development Services Manager

To inform Members of a recent appeal decision in respect of an outline application for one dwelling, Scallow Farm, Lamplugh

Recommendation: That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Outline planning permission to erect a dwelling was refused on 10 January 2007 for the following reason:-

“In the absence of a demonstrable local need the proposed dwelling constitutes non-essential development in the countryside and, as such, is contrary to Policies HSG 5 and HSG 11 of the adopted Copeland Local Plan 2001-2016.”

1.2 A subsequent appeal has been DISMISSED. A copy of the Inspector's decision letter is appended to this report.

Contact Officer: Tony Pomfret, Development Services Manager

Background Papers: A copy of the Inspector's decision letter is appended



Appeal Decision

Site visit made on 3rd December 2007

by Alison Roland BSc DipTP MRTPI

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

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Decision date:
27 December 2007

Appeal Ref: APP/Z0923/A/07/2052146

Scallow Farm, Lamplugh, Cumbria, CA14 4SF.

- 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 James Robinson against the decision of Copeland Borough Council.
- The undated application Ref: 4/06/2813/O, was refused by notice dated 10 January 2007.
- The development proposed is a house.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this appeal is whether, in the light of the development plan, there is a demonstrable local or functional need for the proposed dwelling and whether the chosen siting is suitable.

Reasons

3. Policy HSG 11 allows for affordable dwellings to meet a proven local need subject to meeting four criteria. The first requires that sites are within or immediately adjoining a village and well related to its physical form. However, the appeal site is remote from the village of Lamplugh to the extent that it bears no physical relationship with it whatsoever. The appellant refers to proximity to the main farmhouse, but even that is sited a considerable distance away from the appeal site to the extent that the proposed dwelling would appear as isolated and sporadic development in the open countryside. I appreciate the chosen site is in a dip and partially concealed from the road. However, lack of visibility is not a factor I can attribute significant weight, because it could be repeated all too often.
4. In relation to the second criterion of HSG 11 the appellant refers to having been born and raised in the area and maintaining social ties with the village and to the extent this is undisputed by the parties, I have no reason to question it either. However, the Policy also requires the demonstration of genuine difficulties in finding an otherwise acceptable site. Bearing in mind the thrust behind national guidance at Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS 7), as well as Policies HSG 5 and HSG 11 to resist unjustified houses in the countryside, it seems to me that applications submitted under this guise need to be examined with particular care. In this respect, I have limited information concerning the appellant's attempts to secure accommodation within the village other than

a general statement about searching for properties. For instance, it is unclear how long the appellant has persisted with his search, the geographical extent of the search area and whether any houses have been available to purchase or rent and at what price relative to income. The main farmhouse also appeared to me to be a sizeable dwelling, but there is no suggestion that consideration has been given to the option of extending and/or subdividing it in some way. On the available evidence, I cannot be sure therefore, that the proposed dwelling is genuinely required to meet a local need.

5. Moreover, the third criterion to HSG 11 requires compliance with the sequential approach advocated by DEV 4 and this is repeated in HSG 5. Essentially, this gives priority to re-using existing buildings and other previously developed sites with green field sites being a last option. As an open agricultural field there is no question the appeal site is green field and on the limited information before me, I cannot be sure that there are no suitable previously developed sites available.
6. In addition, there is no planning obligation to ensure the proposed dwelling would remain available to meet local needs in perpetuity as required by criterion 4 of HSG 11 and also Policy HSG 5. Under certain circumstances, conditions can be imposed to control occupancy. However, whilst the application is in outline, the Design and Access Statement suggests a dwelling of substantial proportions. Because of this and bearing in mind its siting remote from any settlement, I am not satisfied that an occupancy condition would ensure it would remain available or affordable to meet local needs after the appellants circumstances ceased to prevail.
7. I appreciate that the proposal would allow the appellant to assist his parents in running the smallholding, but other than the general convenience offered by residing close by, there is no suggestion that the dwelling is essential for its day to day functional operation. I am also mindful that the proposal would make it easier to assist with the care of the appellant's parents, but such circumstances are by no means unique and in my view, are of insufficient weight to outweigh the strong policy objections to the proposal.
8. Overall, although there is evidence of local ties, I am not persuaded on the available evidence that the appellant has demonstrated a genuine need for a dwelling. Further, I consider that the chosen green field location remote from the village is not sustainable and does not follow the sequential approach advocated by the plan. The proposal would thus conflict with Policies HSG 5 and HSG 11 of the Local Plan, together with the advice at PPS 7.
9. I am mindful of the Government's objective to increase the supply of housing nationally. However, this is not inconsistent with the Local Plan which exists as a mechanism to ensure that it is directed to the most appropriate and sustainable locations.

ALISON ROLAND

INSPECTOR
